



Committee: Joint
Committee Review: At a future date
Staff: Christine Wellons, Legislative Attorney
Purpose: To receive testimony – no vote expected
Keywords: #HousingJustice

AGENDA ITEM #8
January 12, 2021
Public Hearing

SUBJECT

Bill 49-20, Human Rights and Civil Liberties – Discrimination in Rental Housing – Fair Criminal History and Credit Screenings

Lead Sponsors: Councilmembers Glass and Katz
Co-Sponsors: Councilmembers Jawando, Rice, Navarro and Riemer

EXPECTED ATTENDEES

Public speakers

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; Public Hearing

DESCRIPTION/ISSUE

Bill 49-20 would:

- prohibit a landlord from raising a stated rent in certain circumstances;
- require a rental application to contain certain information about record checks conducted by a housing provider;
- prohibit certain inquiries regarding criminal histories in rental housing applications;
- prohibit consideration of certain arrests and convictions in rental housing decisions; and
- generally amend the law regarding discrimination in housing and landlord-tenant affairs.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report	Pages 1
Bill 49-20	©1
Legislative Request Report	©9
Economic Impact statement	©10
Racial Equity and Social Justice Impact statement	©17

Alternative format requests for people with disabilities. If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at adacompliance@montgomerycountymd.gov

M E M O R A N D U M

January 7, 2021

TO: County Council

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Bill 49-20, Human Rights and Civil Liberties – Discrimination in Rental Housing – Fair Criminal History and Credit Screenings

PURPOSE: Public Hearing – no Council votes required

Bill 49-20, Human Rights and Civil Liberties – Discrimination in Rental Housing – Fair Criminal History and Credit Screenings, sponsored by Lead Sponsors Councilmembers Glass and Katz, and Co-Sponsors Councilmembers Jawando, Rice, Navarro and Riemer, was introduced on December 8, 2020.¹ A joint Public Safety/Planning, Housing and Economic Development Committee worksession is tentatively scheduled for February 4, 2021.

Bill 49-20 would:

- prohibit a landlord from raising a stated rent in certain circumstances;
- require a rental application to contain certain information about record checks conducted by a housing provider;
- prohibit certain inquiries regarding criminal histories in rental housing applications;
- prohibit consideration of certain arrests and convictions in rental housing decisions; and
- generally amend the law regarding discrimination in housing and landlord-tenant affairs.

BACKGROUND

The purpose of the bill is to mitigate discrimination and other impediments to permanent housing, especially for homeless individuals who might have histories of certain low-level misdemeanors such as a first conviction for disorderly conduct.

SPECIFICS OF THE BILL

The bill would bring “ban the box” requirements – which are familiar in the employment law context – into rental housing in the County. The bill would accomplish several objectives.

First, it would prohibit a landlord from conducting a criminal record check of a prospective tenant until after a conditional offer of housing has been made to the prospective tenant.

Second, the bill would prohibit inquiring into, or making housing decisions based upon, certain arrests or misdemeanors. Specifically, a landlord would not inquire into or consider whether:

- (1) the applicant has been arrested for, or has an arrest record for, a matter that did not result in a conviction; or
- (2) the applicant has an arrest record or a conviction record for, or otherwise has been accused of:
 - (A) trespass under §§ 6-402 or 6-403 of the Criminal Law Article of the Maryland Code;
 - (B) theft as a misdemeanor under § 7-104 of the Criminal Law Article of the Maryland Code;
 - (C) a refusal or failure to leave public buildings or grounds under § 6-409 of the Criminal Article of the Maryland Code;
 - (D) indecent exposure under § 11-107 of the Criminal Article of the Maryland Code;
 - (E) public urination under § 32-17-A of this Code;
 - (F) an open container violation under § 10-125 of the Criminal Law Article of the Maryland Code;
 - (G) possession of marijuana as a misdemeanor or civil violation under Title 5 of the Criminal Article of the Maryland Code;
 - (H) a first conviction of disturbance of the peace or disorderly conduct under § 10-201 of the Criminal Law Article of the Maryland Code;
 - (I) a vehicle law violation under the Transportation Article of the Maryland Code;
 - (J) except as provided in subsection (g), a conviction of a misdemeanor if at least 2 years have passed since:
 - (i) the date of the conviction; and
 - (ii) the date that any period of incarceration for the misdemeanor ended; or
 - (K) a matter for which records:
 - (i) are confidential under § 3-8A-27 of the Courts and Judicial Proceedings Article of the Maryland Code; or
 - (ii) have been expunged under §§ 10-101 – 10-110 of the Criminal Procedure Article of the Maryland Code.

The bill would expressly clarify, however, that a landlord may inquire into and consider a prospective tenant's sex offender registry status, as well as any sex offense arrests or convictions.

Third, the bill would require a landlord who denies housing based upon an applicant's criminal background to inform the applicant in writing and give the applicant 7 days in which to provide additional information. A violation of the "ban the box" requirements in rental housing would be subject to enforcement by the Office of Human Rights under Chapter 27 of the Code.

Lastly, the bill would prohibit a landlord from increasing rent that is included on a completed rental application within 7 calendar days of the application. This provision of the bill would be enforced by the Department of Housing and Community Affairs.

<u>This packet contains:</u>	<u>Circle #</u>
Bill 49-20	1
Legislative Request Report	9
Economic Impact Statement	10
Racial Equity and Social Justice Impact statement	17

F:\LAW\BILLS\2049 Landlord Tenant Criminal History Checks\PH Memo.Docx

Bill No. 49-20
Concerning: Human Rights and Civil Liberties – Discrimination in Rental Housing – Fair Criminal History and Credit Screenings
Revised: 11/20/2020 Draft No. 6
Introduced: December 8, 2020
Expires: Jun 28, 2022
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Glass and Katz
Co-Sponsors: Councilmembers Jawando, Rice, Navarro and Riemer

AN ACT to:

- (1) prohibit a landlord from raising a stated rent in certain circumstances;
- (2) require a rental application to contain certain information about record checks conducted by a housing provider;
- (3) prohibit certain inquiries regarding criminal histories in rental housing applications;
- (4) prohibit consideration of certain arrests and convictions in rental housing decisions; and
- (5) generally amend the law regarding discrimination in housing and landlord-tenant affairs.

By amending

Montgomery County Code
Chapter 27, Human Rights and Civil Liberties
Sections 27-14

By adding

Montgomery County Code
Chapter 27, Human Rights and Civil Liberties
Section 27-15A

By amending

Montgomery County Code
Chapter 29, Landlord-Tenant Affairs
Section 29-28

The County Council for Montgomery County, Maryland approves the following Act:

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

1 **Sec. 1. Sections 27-14 and 29-28 are amended, and Section 27-15A is**
 2 **added, as follows:**

3 **27-14. Applicability of division.**

4 (a) This division does not apply to:

5 (1) The rental or leasing of a part of a dwelling in which the owner is
 6 residing; provided, that the dwelling must continue to be used by
 7 the owner thereof as a bona fide residence for [himself or herself]
 8 the owner and any member of [his or her] the owner's family;
 9 provided further, that the dwelling does not contain more than
 10 two (2) rental or leasing units.

11 (2) The rental or leasing of a dwelling by any religious corporation,
 12 association, or society to a person of a particular religion whose
 13 rental or leasing therein is connected with the carrying on by such
 14 corporation, association, or society of its purely religious
 15 activities.

16 * * *

17 (d) The prohibitions in this division against discriminating because of
 18 source of income do not prohibit:

19 (1) (A) a commercially reasonable verification of a source and
 20 amount of income, or

21 (B) a commercially reasonable evaluation of the stability,
 22 security, and creditworthiness of any source of income; or

23 (2) (A) except as provided in Section 27-15A, the eviction of or
 24 refusal to rent to any person because of that person or a
 25 family member's drug-related criminal activity or violent
 26 criminal activity, or

27 (B) the refusal to consider income derived from any criminal
 28 activity.

29 * * *

30 **27-15A. Fair criminal history and credit screenings in rental housing.**

31 (a) *Definitions.* As used in this Section:

32 *Applicant* means a person who applies to lease or rent housing in the
 33 County. *Applicant* includes any person who resides or will reside with a
 34 person who applies to lease or rent housing in the County.

35 *Arrest record* means information indicating that a person has been
 36 apprehended, detained, taken into custody, held for investigation, or
 37 otherwise restrained by a law enforcement agency or military authority
 38 due to an accusation or suspicion that the person committed a crime.

39 *Conditional offer* means an offer of housing conditioned solely on:

- 40 (1) the results of an inquiry into the applicant's criminal record; or
 41 (2) another contingency expressly communicated to the applicant at
 42 the time of the offer.

43 *Conviction record* means information regarding a sentence arising from
 44 a verdict or plea of guilty or *nolo contendere*, including a sentence of
 45 incarceration, a fine, a suspended sentence, and a sentence of probation.

46 *Criminal record report* means a record of a person's arrest and
 47 conviction history obtained from any source.

48 *Housing provider* means any person, individual, proprietorship,
 49 partnership, joint venture, corporation, limited liability company, trust,
 50 association, or other entity offering to sell, rent, or provide housing in
 51 the County. *Housing provider* includes the County government, but
 52 does not include the United States, any State, or any other local

53 government. *Housing provider* does not include a lessor of property
 54 under Section 27-14(a) or a lessor of an accessory dwelling unit.

55 *Inquiry* or *inquire* means any direct or indirect conduct intended to
 56 gather information, using any mode of communication. *Inquiry* or
 57 *inquire* does not include a question about an applicant's conviction
 58 record or arrest record when the existence of the record is disclosed by
 59 the applicant voluntarily and not in response to a question.

60 (b) *Transparency of criminal history and credit requirements in rental*
 61 *applications.*

62 (1) A housing provider must disclose in any rental application:

63 (A) the processes the provider uses to inquire into the criminal
 64 history and credit history of an applicant; and

65 (B) requirements of the provider regarding an applicant's
 66 credit history, arrest history, and conviction history.

67 (2) The housing provider must not alter the processes and
 68 requirements under paragraph (1) for an applicant whose
 69 application is pending.

70 (c) *Criminal records inquiry on application.* A housing provider must not
 71 require an applicant to disclose on a rental application the existence or
 72 details of the applicant's arrest record or conviction record.

73 (d) *Preliminary inquiry into criminal record.* A housing provider must not,
 74 at any time before the extension of a conditional offer to the applicant:

75 (1) require the applicant to disclose whether the applicant has an
 76 arrest record or conviction record, or otherwise has been accused
 77 of a crime;

78 (2) conduct a criminal record check regarding the applicant; or

79 (3) inquire of the applicant or others about whether the applicant has
80 an arrest record or conviction record or otherwise has been
81 accused of a crime.

82 (e) Prohibition against inquiry into certain criminal records. A housing
83 provider must not at any time require an applicant to disclose, conduct a
84 criminal record check solely to determine, or otherwise inquire of the
85 applicant or others, whether:

86 (1) the applicant has been arrested for, or has an arrest record for, a
87 matter that did not result in a conviction; or

88 (2) the applicant has an arrest record or a conviction record for, or
89 otherwise has been accused of:

90 (A) trespass under §§ 6-402 or 6-403 of the Criminal Law
91 Article of the Maryland Code;

92 (B) theft as a misdemeanor under § 7-104 of the Criminal Law
93 Article of the Maryland Code;

94 (C) a refusal or failure to leave public buildings or grounds
95 under § 6-409 of the Criminal Article of the Maryland
96 Code;

97 (D) indecent exposure under § 11-107 of the Criminal Article
98 of the Maryland Code;

99 (E) public urination under § 32-17-A of this Code;

100 (F) an open container violation under § 10-125 of the Criminal
101 Law Article of the Maryland Code;

102 (G) possession of marijuana as a misdemeanor or civil
103 violation under Title 5 of the Criminal Article of the
104 Maryland Code;

- 105 (H) a first conviction of disturbance of the peace or disorderly
 106 conduct under § 10-201 of the Criminal Law Article of the
 107 Maryland Code;
- 108 (I) a vehicle law violation under the Transportation Article of
 109 the Maryland Code;
- 110 (J) except as provided in subsection (g), a conviction of a
 111 misdemeanor if at least 2 years have passed since:
- 112 (i) the date of the conviction; and
 113 (ii) the date that any period of incarceration for the
 114 misdemeanor ended; or
- 115 (K) a matter for which records:
- 116 (i) are confidential under § 3-8A-27 of the Courts and
 117 Judicial Proceedings Article of the Maryland Code;
 118 or
- 119 (ii) have been expunged under §§ 10-101 – 10-110 of
 120 the Criminal Procedure Article of the Maryland
 121 Code.
- 122 (f) Consideration of Certain Records Prohibited. Except as provided in
 123 subsection (g), a housing provider must not base a rental decision upon
 124 any item in an arrest record or a conviction record described under
 125 subsection (e).
- 126 (g) Consideration of Sex Crimes Permitted. A landlord may:
- 127 (1) inquire into an arrest record or conviction record for:
- 128 (A) a crime of a sexual nature under Title 3 of the Criminal
 129 Law Article of the Maryland Code; or

130 (B) a violation of Sections 11-102, 11-103, 11-104, 11-305, or
 131 of Title 2, Subtitle 3, of the Criminal Law Article of the
 132 Maryland Code;

133 (2) inquire into an applicant's presence on a sex offender registry;
 134 and

135 (3) base a rental decision upon an arrest record or conviction record
 136 under paragraph (1) of this subsection, or upon an applicant's
 137 presence on a sex offender registry.

138 (h) *Rescission of a conditional offer based on criminal record.*

139 (1) If a housing provider intends to rescind a conditional offer based
 140 on an item or items in the applicant's arrest record or conviction
 141 record, before rescinding the conditional offer the provider must:

142 (A) provide the applicant with a copy of any criminal record
 143 report;

144 (B) notify the applicant of the intention to rescind the
 145 conditional offer and the items that are the basis for the
 146 intention to rescind the conditional offer; and

147 (C) delay rescinding the conditional offer for 7 days to permit
 148 the applicant to give the housing provider notice of
 149 inaccuracy of an item or items on which the intention to
 150 rescind the conditional offer is based.

151 (2) If a housing provider decides to rescind a conditional offer based
 152 upon the arrest record or conviction record of an applicant, the
 153 provider must notify the applicant of the rescission of the
 154 conditional offer in writing.

155 (i) *Retaliation. A housing provider must not:*

156 (1) retaliate against any person for:

- 157 (A) lawfully opposing any violation of this Section; or
- 158 (B) filing a complaint, testifying, assisting, or participating in
- 159 any manner in an investigation, proceeding, or hearing
- 160 under this Section; or

161 (2) obstruct or prevent enforcement or compliance with this Section.

162 (j) A person aggrieved by an alleged violation of this Section may file a

163 complaint with the Director of the Officer of Human Rights under

164 Section 27-7.

165 (j) The County Executive:

166 (1) may adopt Method (2) regulations to implement the provisions of

167 this Section; and

168 (2) must endeavor to inform prospective applicants and housing

169 providers of their rights and responsibilities under this Section.

170 (k) Exemption. The prohibitions and requirements of this Section do not

171 apply if the inquiries prohibited by this Article are expressly required by

172 an applicable federal or State law or regulation.

173 **Sec. 29-28. Leasing requirements generally.**

174 * * *

175 (h) Rental applications. A rental application must comply with the

176 requirements of Section 27-15A.

177 (i) A landlord must not increase the rent included on a completed rental

178 application:

179 (1) within 7 calendar days of the application; or

180 (2) based upon any discriminatory purpose prohibited under Chapter

181 27, including the source of income of the prospective tenant.

182 **Sec. 2. Short Title.** This Act may be referred to as the Housing Justice Act.

LEGISLATIVE REQUEST REPORT

Bill 49-20

Human Rights and Civil Liberties – Discrimination in Rental Housing – Fair Criminal History and Credit Screenings

DESCRIPTION:	Bill 49-20 would: <ul style="list-style-type: none">• prohibit a landlord from raising a stated rent in certain circumstances;• require a rental application to contain certain information about record checks conducted by a housing provider;• prohibit certain inquiries regarding criminal histories in rental housing applications;• prohibit consideration of certain arrests and convictions in rental housing decisions; and• generally amend the law regarding discrimination in housing and landlord-tenant affairs.
PROBLEM:	Discriminatory rental housing practices, especially as applied to homeless individuals.
GOALS AND OBJECTIVES:	Establish “ban the box” requirements related to criminal histories of rental applicants.
COORDINATION:	OHR, DHCA
FISCAL IMPACT:	Office of Management and Budget
ECONOMIC IMPACT:	Office of Legislative Oversight
EVALUATION:	
EXPERIENCE ELSEWHERE:	City of Detroit
SOURCE OF INFORMATION:	Christine Wellons, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	Chapter 27 applies in most municipalities, including Gaithersburg and Rockville
PENALTIES:	Enforcement under Chapter 27 and Chapter 29

Economic Impact Statement

Office of Legislative Oversight

BILL 49-20

Human Rights and Civil Liberties – Discrimination in Rental Housing – Fair Criminal History and Credit Screenings

SUMMARY

The Office of Legislative Oversight (OLO) expects Bill 49-20 to provide a modest, targeted benefit to a small number of formerly homeless individuals who, in the process of seeking housing, are the victims of discrimination that is or may be the result of past arrests or convictions. OLO expects that the impact of Bill 49-20 would be a modest increase in costs for a broad set of housing providers who might incur costs related to changes to processes, training materials, or training curricula.

BACKGROUND

Bill 49-20 was introduced on December 8, 2020. The purpose of bill 49-20 is to mitigate housing discrimination and other impediments to permanent housing for certain individuals with past histories of arrests and convictions. Specifically, the bill would:

- prohibit a landlord from raising a stated rent in certain circumstances;
- require a rental application to contain certain information about record checks conducted by a housing provider;
- prohibit certain inquiries regarding criminal histories in rental housing applications;
- prohibit consideration of certain arrests and convictions in rental housing decisions; and
- generally amend the law regarding discrimination in housing and landlord-tenant affairs.¹

A criminal record, or history of encounters with law enforcement and the judicial process, can present challenges to individuals and their households during the search for housing. The universe of affected individuals includes not only those who were convicted and incarcerated, but also those who were convicted and not incarcerated, those who pled guilty or nolo contendere to misdemeanor offenses, and those who were arrested but were not subsequently convicted.

The U.S. Department of Housing and Urban Development summarized the problem in the 2016 guidance from the Office of the General Counsel on the application of Fair Housing Act standards to the use of criminal records by providers of housing²:

“When individuals are released from prisons and jails, their ability to access safe, secure and affordable housing is critical to their successful reentry to society. Yet many formerly incarcerated individuals who were convicted but not incarcerated, encounter significant barriers to securing housing, including public and other federally subsidized housing because of their criminal history. In some cases, even individuals who were arrested but not convicted face difficulty in securing housing based on their prior arrest.”

¹ Montgomery County Council, Bill 49-20, Human Rights and Civil Liberties – Discrimination in Rental Housing – Fair Criminal History and Credit Screenings, Introduced on December 8, 2020, Montgomery County, Maryland.

² U.S. Department of Housing and Urban Development, *Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions*, April 4, 2016.

Economic Impact Statement

Office of Legislative Oversight

The scale of the problem is difficult to quantify using federal data.³ That said, the number of individuals who could potentially be affected by discrimination based on arrest or conviction records is substantial.

- By some estimates, more than one-half of all Americans has had at least one family member incarcerated.⁴
- In 2016, 91 million Americans (roughly two-fifths of the adult population of the United States) were included in the Interstate Identification Index, the Federal Bureau of Investigation (FBI) database used to determine whether someone has a criminal record. The number of individual offenders in the Maryland database of criminal history was more than 1.6 million in 2016, or more than a quarter of the total population of the State.⁵

A recent New York University Brennan Center study resulted in new estimates of some of the affected sub-populations: 7.7 million formerly imprisoned individuals nationwide; 12.1 million with felony convictions who were not sentenced to imprisonment; and 46.8 million convicted of misdemeanors.⁶

For many of these individuals, the existence of such records limits economic opportunities and negatively affects outcomes throughout their lives. For example, according to the Brennan Center's study:

- The impact of having been imprisoned is a 52% reduction in earnings;
- The impact of a previous felony conviction that did not result in imprisonment is a 22% reduction in earnings; and
- The impact of a previous misdemeanor conviction is a 16% reduction in earnings.

While these outcomes relate to earnings from employment, rather than the economic effects of housing discrimination, they illustrate the magnitude of the economic challenges facing individuals whose histories include past encounters with the criminal justice system.

Past studies of housing discrimination have generally focused on racial discrimination and have more commonly examined the for-sale market rather than the for-rent market. Many such studies illustrate that minorities are steered towards predominantly minority neighborhoods. Authors of one recent study⁷ outlined the potential effects of such steering:

"If housing market discrimination constrains a household's choice set during a search, then discriminatory behavior will impact the likelihood that minority households locate in disadvantaged neighborhoods. A large body of evidence suggests that such constraints could impact labor market outcomes, educational attainment, criminal activity, physical safety and environmental health."

The research is less clear on whether such steering occurs in the rental market, or whether the same dynamic is at play when the discrimination is primarily based on arrest or conviction rather than on race. Given that minorities are disproportionately affected by encounters with the judicial system, and that the negative outcomes associated with housing discrimination stem from a constrained set of location choices, the statement is probably also true for those who

³ See, e.g., Dr. Nicholas Eberstadt, "America's Invisible Felon Population: A Blind Spot in US National Statistics, Statement before the Joint Economic Committee on the Economic Impacts of the 2020 Census and Business Uses of Federal Data, 2019.

⁴ FWD.us, *Every Second: The Impact of the Incarceration Crisis on America's Families*, 2019, <https://everysecond.fwd.us/downloads/EverySecond.FWD.us.pdf>.

⁵ Becki Goggins and Dennis DeBacco, *Survey of State Criminal History Information Systems: A Criminal Justice Information Policy Report, 2016*. U.S. Department of Justice, Bureau of Justice Statistics, February 2018, Table 20, <https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf>

⁶ Terry-Ann Craigie, Ames Grawert, and Cameron Kimble, *Conviction, Imprisonment, and Lost Earnings*. Brennan Center for Justice at New York University School of Law, 2020.

⁷ Peter Christensen and Christopher Timmins, "Sorting or Steering: Experimental Evidence on the Economic Effects of Housing Discrimination," Working Paper 24826, National Bureau of Economic Research, October 2019.

Economic Impact Statement

Office of Legislative Oversight

have difficulty finding rental housing as a result of discrimination based on a history of arrests or convictions. The housing choices for such individuals are more likely to be in locations that are generally farther from jobs, not served by high quality schools, and that are less safe and less healthy than the housing options that would be available to a similar individual without a criminal background or history.

Bill 49-20 would prohibit a landlord from conducting a criminal record or background check of a prospective tenant until after a conditional offer of housing has been made to the prospective tenant. The bill would also prohibit inquiring into - or making decisions about - whether to rent to an individual based on a history that includes certain arrests or misdemeanors. Specifically, a landlord would not inquire into or consider whether the applicant has been arrested for a matter that did not result in conviction, or whether an applicant has an arrest record or a conviction record or has been accused of violations of several specific provisions of Maryland law.

METHODOLOGIES, ASSUMPTIONS, AND UNCERTAINTIES

OLO did not use any methodologies in this analysis. OLO assumes that the universe of County residents who have records of previous encounters with law enforcement or the judicial system is relatively large and consistent with the best available national statistics. OLO further assumes that a significant number of homeless individuals have previously been arrested or convicted of crimes. OLO cannot make any assumptions regarding the number of County or regional residents who have been arrested for or convicted of the specific Maryland crimes identified in Bill 49-20.

Uncertainties largely stem from the fact that there is so little information available regarding the number of individuals with arrest and conviction records, the geographic and socio-economic characteristics of those individuals, how frequently those individuals encounter housing discrimination generally, and how frequently housing discrimination is primarily based on arrest and conviction records rather than other characteristics (such as race, credit history, etc.).

Dr. Nicholas Eberstadt, author of *Men Without Work: America's Invisible Crisis*, provided insights regarding this “blind spot in U.S. National Statistics” in his 2019 testimony⁸ to the Joint Economic Committee:

“What do we know about this huge contingent of people? Almost nothing. Age, sex, ethnicity, living arrangement, family situation, income, educational profile, health status, and all the rest of the data the US federal statistical system collects for our national population cannot be cross-referenced by arrest status...”

For those with past felony or misdemeanor convictions, the impact on economic outcomes is even larger than it is for those with only arrest records. However, as with arrest records, the quality of the data has been a barrier to developing a better understanding of the problems faced by this population.

Furthermore, even the most current and relevant studies lack the granularity that would be necessary to estimate or quantify the potential impacts of local legislation. For example, while the 2016 *Survey of State Criminal History Information Systems* included the number of records in Maryland’s database, those records relate to Maryland criminal records and not Maryland residency.

This legislation, in contrast, affects the population of potential Montgomery County renters, and many of the provisions in the legislation relate to violations of specific Maryland laws. Of course, even many of the renters with criminal records or histories may have been arrested for or convicted of violating the laws of other states, rather than simply the laws of

⁸ Dr. Nicholas Eberstadt, *America's Invisible Felon Population: A Blind Spot in US National Statistics*. Statement before the Joint Economic Committee on the Economic Impacts of the 2020 Census and Business Uses of Federal Data, 2019.

Economic Impact Statement

Office of Legislative Oversight

Maryland. Similarly, many of those who have previously encountered Maryland's judicial system may in fact reside in other States.

There is also overlap between the provisions of Bill 49-20 and existing laws. State and Federal law prohibit housing discrimination against members of a protected class.⁹ This overlap makes it difficult to estimate the effect on economic outcomes for affected individuals, and difficult to estimate the effect of the legislation on the practices and policies of real estate providers.¹⁰

An additional source of uncertainty is the degree to which the "ban the box" approach will affect outcomes. It remains unclear whether the "ban the box" approach will result in improved outcomes for the intended beneficiaries of such laws rather than merely changing the policies and practices of housing providers.¹¹

VARIABLES

The following variables could affect the economic impacts of the proposed legislation:

- The number of housing providers who reside in the County;
- Profit margins for housing providers who reside in the County;

⁹ See 42 U.S.C. §3601 *et seq.* and Maryland Code Annotated §20-702 *et seq.*

¹⁰ The overlap is illustrated by the existing guidance from HUD regarding the application of the Fair Housing Act to the use of arrest and conviction records in housing. The U.S. Fair Housing Act prohibits housing discrimination in the sale, rental, or financing of dwellings and in other housing related activities on the basis of race, color, religion, sex, disability, familial status, or national origin.¹⁰ A decision not to rent to an individual on the basis of a past arrest or conviction may constitute a violation of the Fair Housing Act under certain circumstances. The following steps are involved in analyzing whether a policy or practice violates the Fair Housing Act:

- Step #1: In evaluating whether a housing provider is using criminal history in a manner that violates the Act, the first step is for the plaintiff to prove that the policy has a discriminatory effect. This burden is satisfied by proving that the practice actually or predictably results in a disparate impact on a group of persons because of their race or national origin.
- Step #2: Subsequently, the burden shifts to the housing provider to prove that the policy is necessary to achieve a substantial, legitimate, nondiscriminatory interest of the provider. To prove this, the housing provider must not only provide evidence proving that such an interest exists but must also show that the challenged policy actually achieves that interest.
- Step #3: Finally, if a housing provider is able to prove that its criminal history policy or practice is necessary to achieve its substantial, legitimate, nondiscriminatory interest, then the burden shifts back to the plaintiff who must show that such interest could be served by a different practice that has a less discriminatory effect.

Furthermore, housing discrimination against protected classes is also prohibited under Maryland law. Article ** of the Maryland Annotated Code makes it illegal to discriminate on the bases of race, color, religion, marital status, physical or mental disability, national origin, sex, or familial status. The Maryland Commission on Human Relations investigates and conciliates some housing discrimination complaints, while the Real Estate Commission enforces other relevant provisions of Maryland law.

¹¹ It is not yet clear to what extent "ban the box" laws positively affect economic outcomes. See, e.g., Christina Plerhoples Stacy and Mychal Cohen, *Ban the Box and Racial Discrimination: A Review of the Evidence and Policy Recommendations*, Urban Institute, 2017. Plerhoples and Cohen conclude that while "ban the box" laws do increase callback rates for job applicants with arrest or conviction records, they do not increase the rate at which those individuals are hired. The authors summarize the research thusly: "[R]ecent research has concluded that ban the box also reduces the likelihood that employers call back or hire young black and Latino men...These findings suggest that when information about a person's criminal history is not present, employers may make hiring decisions based on their perception of the likelihood that the applicant has a criminal history. Racism, harmful stereotypes, and disparities in contact with the justice system may heavily skew perceptions against young men of color."

Economic Impact Statement

Office of Legislative Oversight

- The costs to business organizations associated with changing business processes and training materials for real estate professionals in order to ensure future compliance with the law;
- The cost of economic disruptions caused by being denied rental housing due to discrimination;
- The universe of re-housing options available to homeless individuals in the County; and
- The extent to which arrest and conviction records are used as a pretext, rather than as a basis, for making decisions regarding whether to rent to a particular applicant.

IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Businesses, Non-Profits, Other Private Organization

OLO believes that Bill 49-20 will have a small, negative economic impact on some private organizations in the County in the form of additional costs and changes to processes.¹² Rental housing managers, leasing agents, and landlords will need to modify some lease forms and business practices. It is also possible that the legislation will generate a need for some changes to continuing education curricula or training program literature for housing providers. The costs associated with those potential outcomes is modest and would be near-term in nature.

Housing providers currently face tort liability in certain circumstances when the criminal behavior of residents imperils other residents and may be subject to legal risks associated with potential tort liability if their property is deemed a public nuisance or danger to the neighborhood. To the extent that such liability exists, the costs associated with that liability would be of an ongoing nature. This legislation, and any resulting change to the practices of housing providers regarding criminal background checks, *may* result in additional legal risk for housing providers. State legislation could clarify the circumstances under which an aggrieved or injured party could bring a cause of action against a landlord who is making a good faith effort to balance their duty to their residents and their obligation to comply with local law.

Residents

OLO is not able to quantify the economic impact on individuals for several reasons. It is not possible to quantify the incidence or prevalence of discriminatory pre-leasing practices, nor is it possible to quantify the extent to which a change in local law would reduce the frequency at which discriminatory practices occur. Furthermore, in the absence of research that separates the effects of housing discrimination from other forms of discrimination, it is not possible to estimate the potential long-term cost to individuals that is associated with being the victim of housing discrimination. As such, OLO cannot quantify the extent to which the prohibitions in Bill 49-20 will mitigate the negative economic outcomes associated with these specific discriminatory practices.

That said, OLO believes that the legislation will have a positive, targeted impact on the economic well-being of a small number of individuals or households. The magnitude of that impact could be substantial for the limited universe of individuals who otherwise might have been subjected to housing discrimination based on a history that includes past arrests or convictions.

¹² For the Council's priority indicators, see Montgomery County Council, Bill 10-19 Legislative Branch – Economic Impact Statements – Amendments, Enacted on July 30, 2019, Montgomery County, Maryland, 3.

Economic Impact Statement

Office of Legislative Oversight

While it is not possible to accurately estimate how many County residents are potentially affected, the Brennan Center study provides a basis for some order-of-magnitude illustrations. That study found that 7.7 million living Americans had been imprisoned, 12.1 million had been convicted of felonies but not imprisoned, and 46.8 million had been convicted of misdemeanors. If those individuals were distributed proportionately on the basis of population, the Montgomery County figures would be roughly:

- 25,000 formerly imprisoned individuals
- 39,000 individuals with felony convictions who have not been imprisoned
- 150,000 individuals with misdemeanor convictions

Together, those groups would constitute 20% of the County's population. The bill's sponsors intend for the legislation to specifically address the challenges faced by homeless individuals. According to the most recent "point-in-time" count, the homeless population of the County in 2019 was 647 individuals (including 441 individuals and an additional 206 people who belong to 61 family units).¹³ While it is not clear what percentage of those individuals have previously been arrested or convicted, it is safe to assume that the number is high.¹⁴

It is difficult to provide an accurate estimate of the portion of those individuals who might be the subject of housing discrimination of any kind during a year, though recent experience indicates that a relatively small number of such cases are reported to the Office of Human Rights.¹⁵

QUESTIONS FOR CONSIDERATION

OLO recommends clarifying whether the Office of Human Rights needs additional legislative authority to investigate claims of housing discrimination on the basis of arrest or conviction records, or whether the Office simply needs new screening criteria for determining whether such claims fall within their existing jurisdiction, or new policies related to pursuing cases of housing discrimination on the basis of arrest or conviction records when the victim is a member of a protected class.

WORKS CITED

Christensen, Peter and Christopher Timmins. "Sorting or Steering: Experimental Evidence on the Economic Effects of Housing Discrimination." Working Paper 24826. National Bureau of Economic Research. October 2019.

Craigie, Terry-Ann, Ames Grawert, and Cameron Kimble. *Conviction, Imprisonment, and Lost Earnings*. Brennan Center for Justice at New York University School of Law. 2020.

Eberstadt, Dr. Nicholas. *America's Invisible Felon Population: A Blind Spot in US National Statistics*. Statement before the Joint Economic Committee on the Economic Impacts of the 2020 Census and Business Uses of Federal Data. 2019.

¹³ Montgomery County's point-in-time survey is conducted annually. The most recent point-in-time survey for which data is available was conducted on January 23, 2019. For more information see <https://www.montgomerycountymd.gov/homelessness/numbers.html>

¹⁴ For example, in 2011, the Men's Shelter of Charlotte (North Carolina) surveyed its clients in an effort to ascertain to what extent those clients had previously experienced arrests and convictions. In that survey, 75 of 96 men surveyed responded that they had been arrested at least once (78.1%). Forty respondents had spent time in either State or Federal prison.

http://www.mensshelterofcharlotte.org/wp-content/uploads/2014/01/Criminal_History_2011.pdf

¹⁵ In response to our inquiry, the County's Office of Human Rights indicated that they have 44 current claims of housing discrimination of any kind against members of protected classes.

Economic Impact Statement

Office of Legislative Oversight

FWD.us. Every Second: The Impact of the Incarceration Crisis on America's Families. 2019.

<https://everysecond.fwd.us/downloads/EverySecond.FWD.us.pdf>.

Goggins, Becki and Dennis DeBacco. *Survey of State Criminal History Information Systems: A Criminal Justice Information Policy Report, 2016*. U.S. Department of Justice. Bureau of Justice Statistics. February 2018. Table 20, <https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf>.

Montgomery County Council. Bill 10-19, Legislative Branch – Economic Impact Statements – Amendments. Enacted on July 30, 2019. Montgomery County, Maryland.

U.S. Department of Housing and Urban Development. *Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions*. April 4, 2016.

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

Jacob Sesker, contractor for OLO, prepared this report with contributions from Stephen Roblin (OLO).

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 49-20: HUMAN RIGHTS AND CIVIL LIBERTIES – DISCRIMINATION IN RENTAL HOUSING – FAIR CRIMINAL HISTORY AND CREDIT SCREENINGS

SUMMARY

The Office of Legislative Oversight (OLO) expects Bill 49-20 to narrow racial and social disparities in access to affordable housing by race and ethnicity.

BACKGROUND

The primary goal of Bill 49-20 is to reduce bias against homeless persons in the rental housing market; the secondary goal is to reduce bias against justice-involved persons in the same market. The potential for bias against homeless and justice-involved persons is especially pronounced in the affordable housing market where demand exceeds supply, particularly for individuals with extremely low incomes.¹

As noted by the Job Opportunities Task Force, “a criminal record is acquired upon arrest, whether or not a person is ever convicted of a crime. Anything that occurs after arrest is documented on an individual’s criminal record, and in Maryland, will remain publicly visible until the charges and dispositions are expunged. Mere acquisition of a criminal record, even if an individual is released immediately after arrest, charges are dropped and the individual is never found guilty of a crime, triggers numerous collateral consequences.”²

An estimated 4 out of 5 private landlords utilize background checks to screen out applicants with criminal records.³ This practice disadvantages the formerly homeless due to the criminalization of homelessness where people without housing are punished for doing things in public that every person has to do, such as sleep or rest.⁴ The use of automated criminal background checks among rental applicants also over identifies the number of justice-involved persons due to records that reflect arrests and dropped charges rather than convictions and flawed screening reports that misidentify individual criminal records.⁵

The criminalization of homelessness places formerly homeless individuals at risk for experiencing the collateral consequences of criminal convictions in accessing housing and other benefits.⁶ Collateral consequences refer to social and economic barriers for justice-involved individuals that deny or restrict benefits otherwise available to others. For example, federal law bans access to public housing for certain types of convictions and grants discretion to local housing authorities to deny housing based on any criminal activity.

It is estimated that more than 1.5 million Marylanders, roughly 25%, have a criminal record.⁷ Thus the collateral consequences of having a criminal record in accessing rental housing may affect a significant proportion of County residents beyond individuals impacted by homelessness.



RESJ Impact Statement

Bill 49-20

Bill 49-20 would prohibit landlords from seeking information about applicants' arrest and conviction records prior to making a conditional offer. It would also prohibit the consideration of an applicant's criminal record for the following offenses when making an official offer for housing:

- Arrests for matters that did not result in a conviction
- Convictions of theft as a misdemeanor
- Convictions for trespass orders
- Convictions for refusal to leave public buildings or grounds
- Convictions for indecent exposure
- Convictions for public urination
- Convictions for open container violations
- Convictions for possession of marijuana as a misdemeanor or civil violation
- First conviction for disturbing the peace or disorderly conduct
- Vehicle law violations
- Conviction of a misdemeanor if at least two years have passed

Toward these ends, Bill 49-20 also:

- Prohibits a landlord from raising a quoted rent in certain circumstances;
- Requires a rental application to contain certain information about record checks conducted by housing providers;
- Generally amends the law regarding discrimination in housing and landlord-tenant affairs;
- Requires the Executive to inform prospective applicants and housing providers of their rights and responsibilities; and
- Requires alleged violations to be filed with the Office of Human Rights for enforcement.

The bill would clarify, however, that a landlord may inquire information and consider a prospective tenant's sex offender registry status, as well as sex offense arrests or convictions. The bill would also require a landlord who denies housing based on an applicant's criminal background to inform the applicant in writing and to give the applicant seven days to provide additional information.

DEMOGRAPHIC DATA

Understanding the potential impact of Bill 49-20 on racial equity and social justice requires understanding the demographics of persons who have experienced homelessness in Montgomery County. According to recent data Black residents are three- to four-times more likely than their population share to experience homelessness. Whereas, African Americans accounted for 19% of County residents in 2017:

- Black families with children accounted for 83% of homeless families in the County in 2018;⁸ and
- Black residents accounted for 64% of homeless persons in the County in 2019.⁹

RESJ Impact Statement

Bill 49-20

Understanding the RESJ impact of Bill 49-20 also requires understanding the demographics of justice-involved persons. Disaggregated data for arrests and/or convictions among the offenses prohibited from consideration in rental applications under this bill are not currently tracked. Yet data on arrests and traffic stops suggests that Black and Latinx residents are over-represented among justice-involved persons. For example:

- Black and Latinx persons each accounted for 19 – 20% of County residents in 2017 but accounted for 44% and 26% of arrests by the Montgomery County Police Department.¹⁰
- Approximately 38% of Black men and 25% of Latinx men in the County experienced a traffic stop by MCPD in 2019 compared to 17% of White men.

Finally, understanding the RESJ impact of Bill 49-20 requires understanding the demographics of persons most in need of affordable housing. Latinx and Black households are especially in need of affordable housing in Montgomery County compared to White and Asian households. For example:

- A majority of Black and Latinx households in the County (55% and 62%) expended more than 30% of their income on rents in 2017 compared to a minority of Asian and White households (43% and 45%).¹¹
- At the end of May 2020 in the Washington Metropolitan Area, 40% of Latinx residents and 24% of Black residents had not paid their last month's rent vs. less than 5% of Asian and White residents.¹²

ANTICIPATED RESJ IMPACTS

OLO anticipates that the implementation of Bill 49-20 will narrow racial and ethnic disparities in housing within the County because Black and Latinx residents are over-represented, both, among homeless and justice-involved persons who are impacted by collateral consequences and among those in need of affordable housing. More specifically:

- Black residents are over-represented among homeless individuals and families.
- Black and Latinx residents, and men in particular, are over-represented among justice-involved persons based on arrest rates and traffic stops. Some research has shown that homeless people of color are more likely to have an incarceration history than White homeless individuals.¹³
- Latinx and Black residents are over-represented among housing-insecure residents based on access to affordable housing and recent rental payment histories.

The discriminatory enforcement of having a criminal record also suggests that Black and Latinx residents will benefit disproportionately from this bill. For example, a study examining private District of Columbia-area housing providers when considering applicants with similar criminal backgrounds found that potential White tenants experienced preferential treatment 47% of the time.¹⁴ White applicants received more sympathetic reactions when disclosing their criminal record and were more often encouraged to apply, despite their criminal records, than Black applicants.¹⁵ The same study also found that property agents imposed tougher criminal records screening criteria and sometimes higher fees on Black applicants than White applicants.¹⁶

RESJ Impact Statement

Bill 49-20

Black and Latinx residents are also more likely to benefit from the exclusion of inaccurate tenant screenings that unfairly flag them as having criminal histories that would be reduced under this bill. Tenants and consumer attorneys note that errors can have an outside effect on people with common names that often include communities of color who have fewer unique last names. For example, the New York Times notes that more than 12 million Latinx persons in the U.S. share just 26 surnames according to the Census.¹⁷

METHODOLOGIES, ASSUMPTIONS AND UNCERTAINTIES

This RESJ impact statement and OLO's analysis relies on several sources of information. They include:

- How Automated Background Checks Freeze Out Renters, New York Times, May 28, 2020¹⁸
- Racial Equity Profile, Montgomery County, Office of Legislative Oversight, 2019¹⁹
- Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities: Brief Before the U.S. Commission on Civil Rights, Briefing Report, June 2019²⁰
- Housing for Criminal Justice Involved Individuals in the District of Columbia, Criminal Justice Coordinating Council, 2019²¹
- The Criminalization of Poverty: How to Break the Cycle through Policy Reform in Maryland, Job Opportunities Task Force, January 2018²²
- Housing Not Handcuffs Fact Sheet: The Top Five Ways Criminalization of Homelessness Harms Communities (National Law Center on Homelessness and Poverty)²³
- Collateral Consequences of Criminal Convictions Judicial Bench Book, American Bar Association²⁴

RECOMMENDED AMENDMENTS

The County's Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.²⁵ This RESJ statement, however, does not offer recommended amendments because the Bill 49-20 as currently drafted aligns well with its intended goals of reducing racial and social disparities in housing.

COMMUNITY ENGAGEMENT

The bill's sponsors engaged in a number of conversations with County government and community-based stakeholders to develop this bill, including meetings with representatives from:

- Montgomery County Department of Health and Human Services
- Montgomery County Office of Human Rights
- Montgomery County Department of Housing and Community Affairs
- Interfaith Works
- Montgomery County Coalition for the Homeless
- AOBA
- Montgomery Housing Alliance

RESJ Impact Statement

Bill 49-20

CAVEATS

Two caveats to this statement should be noted. First, estimating the impact of legislation on racial and social inequities in Montgomery County is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ statement is intended to inform the legislative process rather than to determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

OLO staffer Dr. Elaine Bonner-Tompkins drafted this RESJ impact statement with assistance from Dr. Theo Holt.

¹ According to the U.S. Commission on Civil Rights June 2019 briefing report, *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities* - the National Low Income Housing Coalition estimates that only 35 affordable rental units exist for every 100 "extremely low-income" households. (<https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf>)

² The *Criminalization of Poverty: How to Break the Cycle through Policy Reform in Maryland*, Job Opportunities Task Force, January 2018 (https://jotf.org/wp-content/uploads/2018/08/cop-report-013018_final.pdf)

³ Ibid.

⁴ See *Housing Not Handcuffs Fact Sheet: The Top Five Ways Criminalization of Homelessness Harms Communities* by the National Law Center on Homelessness and Poverty (<https://nlchp.org/wp-content/uploads/2018/10/criminalization-one-pager.pdf>)

⁵ See the *Criminalization of Poverty* and <https://www.nytimes.com/2020/05/28/business/renters-background-checks.html>

⁶ See *Collateral Consequences of Criminal Convictions Judicial Bench Book*, American Bar Association (<https://www.ncjrs.gov/pdffiles1/nij/grants/251583.pdf>)

⁷ *The Criminalization of Poverty: How to Break the Cycle through Policy Reform in Maryland*, Job Opportunities Task Force, January 2018

⁸ <https://www.nccf-cares.org/wp-content/uploads/2019/03/InvisibleAndHomeless.pdf>

⁹ https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200210/20200210_PHEHHS1.pdf

¹⁰ Jupiter Independent Research Group "Racial Equity Profile Montgomery County," Montgomery County Office of Legislative Oversight, July 2019. <https://www.montgomerycountymd.gov/OLO/Resources/Files/2019%20Reports/RevisedOLO2019-7.pdf>

¹¹ Ibid.

¹² <https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/COVID-19Recovery-Evictions.pdf>

¹³ *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*

¹⁴ Equal Rights Center study cited in *Collateral Consequences*

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ <https://www.nytimes.com/2020/05/28/business/renters-background-checks.html>

¹⁸ Ibid.

¹⁹ <https://www.montgomerycountymd.gov/OLO/Resources/Files/2019%20Reports/RevisedOLO2019-7.pdf>

²⁰ <https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf>

²¹ <https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/Housing%20for%20criminal%20justice%202020.pdf>

²² https://jotf.org/wp-content/uploads/2018/08/cop-report-013018_final.pdf

²³ <https://nlchp.org/wp-content/uploads/2018/10/criminalization-one-pager.pdf>

²⁴ <https://www.ncjrs.gov/pdffiles1/nij/grants/251583.pdf>

²⁵ Montgomery County Council, Bill No. 27-29 Racial Equity and Social Justice, Effective on March 2, 2020, Montgomery County, Maryland. <https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/RacialEquity/Bill27-19.pdf>.