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MATERIALS

Congress of the United States
House of Representatives
Washington, DC 20515

June 2, 2016

The Honorable Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, MD 21401

Dear Governor Hogan:

I am writing to request an update on your initiative to examine barriers faced by Maryland citizens with criminal records. As you may recall, I wrote to you in December 2015 to commend your December 16, 2015 announcement that you would convene a multi-agency working group to examine and recommend changes to regulations and laws that create unnecessary collateral consequences for formerly incarcerated individuals.

As we are coming up on the six-month anniversary of your announcement, I had hoped that the group's work would be well underway. However, based on the last information I was able to receive from your office at the beginning of April 2016, members of the collateral consequences working group had not yet been designated. I understood that you planned to ramp up your work on this effort once the legislative session ended, but since April, my office has not heard of further progress. This is why I am writing you now to request an update on the progress of this working group and to urge you to make this effort a top priority.

On the federal level, I have been working hard to reform our reentry policies. For example, in September 2015, I introduced the bipartisan Fair Chance Act (H.R. 3470), which would delay questions about applicants' criminal histories until later in the federal hiring process, and I have cosponsored other bills that break down barriers facing those with criminal records. I have also written to the Obama Administration on the issue. In April I co-led 50 of my House colleagues in sending a letter to the President urging him to take executive action to solidify fair chance hiring policies through federal regulations.

I have been so pleased to see President Obama's Administration make significant progress on reentry issues these past several months. Not only did the Administration recognize the first-ever National Reentry Week, but it backed up that announcement with action. Among other developments, the U.S. Department of Housing and Urban Development issued new guidance

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The Honorable Larry Hogan

June 2, 2016

Page 2

that protects those with criminal records from unfair housing discrimination.¹ The U.S. Office of Personnel Management published a proposed rule to solidify fair chance hiring policies for tens of thousands of jobs in the competitive service and career senior executive service.² The U.S. Department of Education has also urged colleges and universities to remove barriers that prevent those with criminal records from pursuing higher education.³

It is because of this remarkable progress at the federal level that I have had such high hopes for what can be done in Maryland. As I have mentioned in the past, according to the American Bar Association's National Inventory of the Collateral Consequences of Conviction, Maryland has at least 1,000 provisions that create "legal sanctions and restrictions imposed upon people because of their criminal record."⁴ Especially after your announcement in December, I have been encouraged that our state is poised to do what President Obama's Administration has done: examine the laws and regulations on the books, and determine where they can be improved to reduce recidivism, benefit public safety, and help those individuals returning to our communities.

I truly hope that the lack of new information on your collateral consequences working group does not mean a lack of progress behind the scenes. I respectfully request an update on your efforts since your announcement in December, as well as a proposed timeline for your actions moving forward. I am sure you would agree that our communities and their residents cannot afford to wait any longer.

Thank you again for your attention to this very important initiative.

Sincerely,



Elijah E. Cummings
Member of Congress

¹ U.S. Department of Housing and Urban Development, *Office of General Counsel Guidance on Application of Fair Housing Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions* (Apr. 4, 2016).

² U.S. Office of Personnel Management, *Recruitment, Selection, and Placement (General) and Suitability*, 81 Fed. Reg. 26173 (May 2, 2016) (proposed rule).

³ U.S. Department of Education, *Beyond the Box Resource Guide* (May 9, 2016).

⁴ American Bar Association, *National Inventory of the Collateral Consequences of Conviction* (online at: www.abacollateralconsequences.org/) (accessed June 1, 2016).