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DATE: February 4, 2025

BILL NO.: House Bill 392

TITLE: Evidence - Interception of Oral Communications - Fair Housing Testing

COMMITTEE: House Judiciary Committee

Letter of Support

Description of Bill:

House Bill 392 would allow those from federal, state, and local fair housing testing programs – in addition to nonprofit civil rights organizations – to intercept, and use as evidence, oral communications when investigating a fair housing violation.

Background and Analysis:

State and federal fair housing legislation makes it illegal to discriminate against someone based on race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, disability, source of income, or military status. While unfair housing practices still occur in Maryland, current privacy laws prohibit important evidence against these anti-discrimination cases from being used.

Maryland is one of eleven “two-person consent” states, deeming ineligible any evidence recorded without all parties consenting to the recording. For the purposes of gaining evidence against fair housing violations, two-person consent harms the ability for fair housing testers to be able to collect oral communications as evidence against these violations, as much of their investigations are conducted posing as potential renters or buyers.

Allowing fair housing testers from credible fair housing programs – as is laid out in House Bill 392 – to record conversations in service of the enforcement of federal and state anti-discrimination laws, will greatly improve the efficacy of these investigations and provide better enforcement of our fair housing laws.

Under House Bill 392, Maryland continues to be a “two-person consent” state, protecting the privacy of the vast majority of Marylanders, while allowing for the exception of fair housing testers to collect oral communications as evidence against unfair housing practices.

DHCD Position

The Maryland Department of Housing and Community Development respectfully requests a **favorable** report on HB 392.

