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February 4, 2025

COMMITTEE: House Judiciary Committee

BILL: HB 392 – Evidence – Interception of Oral Communications – Fair Housing Testing

POSITION: Support

The Horizon Foundation is the largest independent health philanthropy in Maryland. We are committed to a Howard County free from systemic inequities, where all people can live abundant and healthy lives.

The Foundation is pleased to support HB 392 – Evidence – Interception of Oral Communications – Fair Housing Testing. This bill would better enable fair housing organizations to test and enforce anti-discrimination laws in our state.

Fair housing testers are individuals employed through federal fair housing testing programs to pose as prospective renters or homeowners. Their job is to determine whether housing providers are committing fair housing violations, such as refusing to take valid housing vouchers or other acts of housing discrimination prohibited by law. Under current Maryland law, it is illegal for a person to intercept or procure a wire, oral or electronic communication. Maryland is also one of only 11 states that requires all parties' consent to record communications. This effectively inhibits fair housing testers in Maryland from gathering needed evidence of providers who may be discriminating against prospective tenants or buyers based on protected characteristics, such as race or disability. This bill would amend that law to allow fair housing testers to record those communications with housing providers and use it as evidence to enforce housing justice and anti-discrimination laws.

During the Horizon Foundation's most recent strategic planning process that involved extensive community engagement, residents cited obtaining safe, affordable and high-quality housing as one of the biggest barriers to their ability to live a healthy and abundant life. We also know that the history of housing discrimination in this country is extensive, and its legacy continues to stand in the way of many communities of color and low-income families from achieving stability, good health and intergenerational wealth. In order to reduce these systemic barriers and make progress towards housing justice, we must be able to enforce fair housing and anti-discrimination laws.

Laws and practices remain in place that hold many of our friends and neighbors back and lead to poorer health outcomes and fewer opportunities for housing stability and social mobility. But

we believe health is a fundamental right and that everyone deserves a fair opportunity to attain it at the highest level. For this reason, the Foundation **SUPPORTS HB 392** and urges a **FAVORABLE** report.

Thank you for your consideration.