

DISABILITY RIGHTS MARYLAND

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

Hearing before the House Judiciary Committee, February 4, 2025

POSITION: SUPPORT (Favorable)

Disability Rights Maryland (DRM) is the federally designated Protection and Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be part of their communities and live in safe, affordable, and accessible housing.

DRM supports HB 392 as an effective measure to support fair housing enforcement in Maryland. It would authorize the collection of communications by fair housing testing programs and enforcement organizations if the communications are made to obtain evidence of a fair housing violation under federal, state, or local law. The proposed legislation is narrowly tailored to address a specific need and sets stringent requirements for those who would be authorized to intercept communications.

The Maryland State Commission on Civil Rights states in its 2024 Annual Report, “although there was an increase in the number of housing discrimination inquiries made in FY2024, MCCR remains concerned that its typical annual caseload of housing discrimination cases is an inappropriately low level of reporting based on the State’s population of 6 million residents.” [MCCR Annual Report \(FY2024\).pdf](#), p.24 (last reviewed 1/31/25).

Establishing a limited exemption authorizing fair housing testing programs and enforcement organizations to intercept oral communications would strengthen potential discrimination cases which could in turn encourage those experiencing discrimination to file complaints with MCCR. Such additional and reliable evidence would support MCCR’s investigations of housing discrimination and likely increase positive outcomes for tenants.

The enforcement of federal, state, and local fair housing laws is critically important for persons with disabilities. Individuals with disabilities continue to face disproportionately high levels of discrimination in housing. Disability discrimination complaints make up 52.61% of complaints made to federal, state, and local agencies as compiled by the National Fair Housing Alliance in its 2024 Fair Housing Trends Report.¹ Other reports reinforce the continued discrimination faced by people with disabilities in housing. The consequence of housing discrimination for people with disabilities frequently means continued residency in segregated facilities or nursing homes, unsafe living environments, or even homelessness.

HB 392 should not be misconstrued as a *carte blanche* to collect communications from housing providers. The statute applies only to qualified Fair Housing Initiative Programs (FHIP) designated by the United States Department of Housing and Urban Development and other qualified fair housing enforcement organizations. The collection of oral communications is only part of the investigatory tools used by fair housing organizations and agencies. They rely on numerous fact-finding and investigative tools to identify systemic fair housing violations, including complaints from those experiencing housing discrimination. Like other enforcement

¹ [2024-Fair-Housing-Trends-Report-FINAL_07.2024.pdf](#) (last reviewed 1/31/25). In FY 2024, approximately 44% of all housing cases received by the Maryland Commission on Civil Rights alleged disability discrimination. See MCCR Annual Report link above.

agencies, FHIPs and qualified fair housing enforcement agencies follow the facts and evidence in their enforcement efforts.

However, the legal interception of oral communications as evidence of fair housing violations would strengthen Maryland's policy of fair housing for all by allowing for the collection of the strongest possible evidence for the enforcement of Maryland's fair housing law.

For the above-stated reasons, DRM **supports** HB 392.

Please do not hesitate to contact me at the information below with any questions regarding this testimony.

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