



100 North Charles Street, 2nd floor
Baltimore, Maryland 21201

410-223-2222
www.brhp.org

February 4, 2025

Judiciary Committee
Maryland House of Delegates
100 Taylor House Office Building
Annapolis, Maryland 21401

**RE: Baltimore Regional Housing Partnership Support for HB 392, Evidence -
Interception of Oral Communications - Fair Housing Testing**

Dear Chair Clippinger, Vice Chair Bartlett and Honorable Members of the House Judiciary Committee:

On behalf of the Baltimore Regional Housing Partnership (BRHP), thank you for the opportunity to submit testimony in support of HB 392, which seeks to authorize fair housing testers to legally capture oral communications under specific conditions.

BRHP is a non-profit organization that expands housing choices for low-income families who have historically been excluded from housing in well-resourced neighborhoods by helping them access and transition successfully to safe, healthy, and economically vibrant communities. As the Regional Administrator for the Baltimore Housing Mobility Program, BRHP currently provides over 4,300 low-income families rental assistance in the form of Housing Choice Vouchers coupled with counseling support for families as they move from areas of concentrated poverty to areas of opportunity in Baltimore City and the five surrounding counties.

As administrators of a rental assistance program, we consistently hear from participants about persistent fair housing discrimination, despite Maryland's anti-discrimination laws. Proving such discrimination, however, often remains a significant challenge. HB 392 offers an essential tool for addressing this issue by allowing fair housing testers to gather evidence of covert housing discrimination, which continues to undermine access to safe and equitable housing in Maryland.

Fair housing testers are trained individuals who pose as prospective renters or buyers to detect violations of fair housing laws. By visiting properties, making inquiries, and documenting interactions, testers uncover whether housing providers are in compliance with the law or engaging in discriminatory practices based on protected characteristics, such as race, disability, or source of income.

Currently, Maryland is one of only 11 states requiring all parties' consent to record conversations. This restriction hampers the effectiveness of fair housing tests, as testers cannot record their interactions without the consent of housing providers—who are often the potential violators. Recording conversations is particularly critical in cases where verbal discrimination may otherwise go unverified. HB 392 would create a limited exception to Maryland's all-party consent rule, permitting one-party consent for recording conversations when the recorder is a participant in the conversation as a fair housing tester for a fair testing program. This aligns Maryland with the majority of states and strengthens the tools available to expose and address discriminatory practices while encouraging property managers to prioritize fair housing training and ensure compliance with legal standards.

Housing discrimination perpetuates residential segregation and limits housing choice. By equipping testers with the ability to gather credible evidence, HB 392 supports Maryland's efforts to combat these disparities and promote fair housing for all residents. For these reasons, I respectfully urge the Committee to give HB 392 a favorable report and thank you for considering this important legislation.

Sincerely,

Adria Crutchfield
Executive Director