



## **House Bill 392**

Evidence - Interception of Oral Communications - Fair Housing Testing  
House Judiciary Committees  
Hearing on February 4, 2025

**Position: FAVORABLE**

*MLA submits its written and oral testimony on HB392 at the request of Delegate Sandy Bartlett.*

Maryland Legal Aid (MLA) is a nonprofit law firm that provides free legal services to the State's low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland's 24 jurisdictions and handle a range of fundamental civil legal matters, including housing, family law, public benefits, bankruptcy and other debt collection matters, and criminal record expungements. MLA supports this bill and urges a favorable report.

MLA clients often live in low-income communities throughout our state and have significant challenges finding affordable housing. Low-income communities also suffer the legacy impacts of discrimination that is well-documented and was often enshrined in public policy throughout much of our history. In fact, Baltimore shamefully led the nation by passing the first segregation laws in the country that separated residents into Black and white neighborhoods by law. Regrettably and yet inescapably, our clients continue to experience and suffer harms due to discrimination. This is particularly true in housing where housing and zoning policies and practices such as redlining have denied people full and fair access to housing.

To ably and adequately enforce civil rights laws in today's environment, one must be able to prove discrimination with credible evidence by either showing discriminatory treatment or that a policy or practice has a discriminatory effect. It is very difficult for an individual on their own to determine whether they have been denied housing due to discrimination, let alone to prove that they have suffered discrimination in their efforts to obtain housing. That is why any effective program to combat discrimination in the housing market and ensure fair housing requires the use of fair housing testing. It is through testing that independent third-party testers can investigate and prove that similarly situated people were treated differently and illegally denied housing because they are part of a protected class. It is critical for the court to hear directly these recordings to be able to judge the credibility of the claims and ultimately determine whether there has been discrimination.

I was engaged in such enforcement when I was a Deputy Assistant Attorney General in the Civil Rights Division of the Justice Department overseeing the enforcement of our fair housing and fair lending laws during the first term of the Obama Administration. The Civil Rights Division at that time was able to bring meaningful and historic discrimination cases based on both intentional and disparate impact discrimination. Those enforcement actions yielded both monetary relief to victims and, significantly, injunctive relief to make sure defendants changed their discriminatory practices and policies. However, many of those actions would have been impossible to prove without the independent evidence generated through fair housing testing programs that could be presented in court.

From my current vantage point leading MLA, we are on the ground everyday representing low-income and vulnerable Marylanders throughout our state in housing matters, our largest area of practice, in the very communities that were harmed by decades of discriminatory policies and practices. Regrettably, such discrimination continues today and we believe it is in all our interest to ensure a free and fair housing market for all Marylanders. Providing this exception which will give lawyers this vital tool is essential to creating such a market.

MLA supports this limited exception and urges the Maryland General Assembly to take this important step toward creating a more equitable society where all may live and thrive free of discrimination. Maryland Legal Aid urges a favorable report.

Respectfully submitted,  
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