



Empowerment. Integration. Equality.

1500 Union Ave., Suite 2000, Baltimore, MD 21211

Phone: 410-727-6352 | Fax: 410-727-6389

www.DisabilityRightsMD.org

Disability Rights Maryland

House Judiciary

February 7, 2024

HB 392 – Evidence - Wiretapping and Electronic Surveillance - Fair Housing Testing

POSITION: SUPPORT

Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) 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** SB 57 as an effective measure to support fair housing enforcement in Maryland. SB 57 allows for the collection of communications by fair housing testing and enforcement organizations if the communications are made to obtain evidence of a fair housing violation under federal, state, or local law. The collection of communications as evidence of fair housing violations by a fair housing enforcement organization or agency would support 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.

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 53.26% of complaints made to federal, state, and local agencies.¹ Other reports reinforce the continued discrimination faced by people with disabilities in housing.² The consequence of housing discrimination for people with disabilities frequently means continued residency in segregated and expensive facilities, unsafe living environments, or even homelessness.

SB 57 should not be misconstrued as a *carte blanche* to collect communications from housing providers. The statute applies only to qualified Fair Housing Initiative Programs designated by the United States Department of Housing and Urban Development and other qualified fair housing enforcement organizations. The collection of communications is only part of the investigatory tools used by fair housing organizations and agencies. Organizations and agencies rely on numerous fact-finding and investigative tools to identify systemic fair housing violations, including complaints from victims of housing discrimination. Like other enforcement agencies, FHIPs and qualified fair housing enforcement agencies follow the facts and evidence in their

¹ NATIONAL FAIR HOUSING ALLIANCE, ADVANCING A BLUEPRINT FOR EQUITY: 2023 FAIR HOUSING TRENDS REPORT. In FY 2023, 48% of all housing cases received by the Maryland Commission on Civil Rights alleged disability discrimination. MARYLAND STATE COMMISSION ON CIVIL RIGHTS, 2023 ANNUAL REPORT, available at https://mccr.maryland.gov/Documents/publications/MCCR_Annual%20report%202023.pdf

² EQUAL RIGHTS CENTER, DISCONNECTED: HOUSING DISCRIMINATION AGAINST THE DEAF AND HARD OF HEARING (2012), available at <https://delldhub.gacec.delaware.gov/pdf/Disconnected.pdf>; UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF POLICY DEVELOPMENT AND RESEARCH, RENTAL HOUSING DISCRIMINATION ON THE BASIS OF MENTAL DISABILITIES: RESULTS OF A PILOT TEST, <https://www.huduser.gov/portal/sites/default/files/pdf/MentalDisabilities-FinalPaper.pdf>



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enforcement efforts. Therefore, the collection of communications can be equally incriminating or exculpatory for housing providers.

For the above-stated reasons, DRM **supports** SB 57.

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

David A. Prater
Managing Attorney
Disability Rights Maryland
1500 Union Ave.
Suite 2000
Baltimore, MD 21211
davidp@disabilityrightsmd.org
443-692-2500