



Bill No: HB 392— Evidence – Wiretapping and Electronic Surveillance
– Fair Housing Testing

Committee: Judiciary

Date: 2/7/2024

Position: Unfavorable

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George’s Counties.

House Bill 392 allows an individual to intercept a wire, oral, or electronic communication as long as the individual serves as a fair housing tester for a program administered by the federal, state, or local government or nonprofit civil rights organization. The purpose of interception must be to obtain fair housing violations under existing statutes.

Under Maryland’s Wiretap Act, it is unlawfully to record any wire, oral, or electronic communications without the permission of all parties involved and one is a party to the conversation. This bill will create privacy concerns for AOBA members and its residents. If an individual representing a nonprofit organization intercepts a communication from a housing provider, they can inadvertently come across sensitive or confidential information on a resident that should not be disclosed to a third party without the knowledge or consent of a housing provider.

For these reasons, AOBA requests an unfavorable report on HB 392. For further information, contact Ryan Washington, AOBA’s Government Affairs Manager, at 202-770-7713 or email rwashington@aoba-metro.org.