



February 7, 2024

House Bill 392

Evidence – Wiretapping and Electronic Surveillance – Fair Housing Testing

House Judiciary Committee

Position: FAVORABLE

Anne Arundel County **SUPPORTS** House Bill 392 – Evidence – Wiretapping and Electronic Surveillance – Fair Housing Testing

This Bill will significantly enhance efforts to combat unlawful housing discrimination by removing the two-party consent requirement for recording conversations for fair housing testers. Fair housing testing is the best tool for uncovering unlawful housing discrimination, yet Maryland remains at a significant disadvantage compared to most other states, which do not have a two-party consent requirement. As a result, fair housing testers in other states are able to record their interactions with housing providers, something that this Bill would permit.

Housing discrimination increases residential segregation, the racial wealth gap, the homeownership gap, and the gap in intergenerational income mobility, while decreasing access to opportunity. Even with local and state laws to prevent housing discrimination, housing discrimination complaints have been increasing and increased in 2021 to the highest number in at least 25 years. Fair housing testing, when fully utilized to be most effective, addresses both the difficulty in identifying and the difficulty in proving discrimination, as people who have been discriminated against often do not know the discrimination has occurred, may not complain for a variety of reasons, and the difficulty of proving the validity of the complaint without objective evidence.

Given the significant problems created by housing discrimination and the growing number of complaints of housing discrimination, every tool available to investigate and enforce compliance with fair housing laws should be employed. Permitting the recording of fair housing tests without requiring the consent of the subject of the test would allow fair housing testing to be used to its full potential. For all of these reasons, I respectfully request a **FAVORABLE** report on House Bill 392.

A handwritten signature in blue ink, appearing to read "Steuart Pittman".

Steuart Pittman
County Executive