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BILL NO.: **HB 392**

TITLE: Evidence – Wiretapping and Electronic Surveillance – Fair Housing Testing

SPONSOR: Delegate Stewart

COMMITTEE: Judiciary

POSITION: **SUPPORT**

DATE: February 7, 2024

Baltimore County **SUPPORTS** House Bill 392 – Evidence – Wiretapping and Electronic Surveillance – Fair Housing Testing. This legislation would make it lawful for a person to intercept a wire, oral, or electronic communication if the person is working as a fair housing tester for a fair housing testing program operated by the federal government, the State, a local government, or a nonprofit civil rights organization.

This legislation would provide a public benefit by helping to proactively combat housing discrimination and its discriminatory effects by allowing fair housing testers to record their conversations and interactions with housing professionals engaged in providing rental housing, mortgage lending and home sales services. The County is currently contracted with a non-profit housing organization that performs these types of fair housing testing activities, and passage of this legislation would help enhance and support that effort. At this time, fair housing testers are not considered law enforcement, and because Maryland is one of eleven states that requires two party consent, this type of interception is currently prohibited. Thirty-nine other states already have laws that permit recoding of fair housing testing activities. This legislation would allow Baltimore County to better enforce federal, state and local fair housing laws as a key tool for ensuring equity, fairness and transparency, and our legal federal and state obligation to affirmatively further fair housing.

Accordingly, Baltimore County urges a **FAVORABLE** report on HB 392 from the House Judiciary Committee For more information, please contact Jenn Aiosa, Director of Government Affairs at jaiosa@baltimorecountymd.gov.