

## Testimony in Favor of HB0762

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Honorable Members

Please accept this written testimony in support of HB0762 which will prohibit the name of a home buyer on a residential contract of sale during the negotiation period in support of Fair Housing.

We have had many innovations in our real estate industry.

Technology is probably the most significantly impacting.

We started with 3-part forms and moved into PDFs and cloud-based libraries.

We have come from meeting with clients at midnight to review contracts and to collect signatures to sending documents electronically for remote review and digital authorizations.

It has taken us from listing books detailing homes for sale inside individual offices to multiple listing services with global syndication.

It has taken us from wondering when people will be ready to sell to subscribing to sites which score and predict the action.

It has taken us from wondering who the buyer is, to being able to know nearly everything about them.

This is why we are here today; the knowing everything about the buyer and the buyer having no ability to protect their rights by maintaining their anonymity.

This didn't happen all at once; it has been happening gradually with technology chipping away at our privacy.

Although this bill is the first of its kind for our real estate industry, it is not the first in the name of the protection of privacy and privacy rights.

A buyer (s) name (s) can reveal information about their race and ethnicity which are included among federal protected classes.

And with a little digging, a name can reveal much more.

Recognizing this fact is the first step to understanding the importance of HB0762.

Our Maryland Annotated Code provides for the protection of federal and locally protected classes.

Our Realtor Code of Ethics and Maryland Real Estate Commission Standard of Practice require Realtors to promote and protect the interest of their clients and to hold confidential factors which may compromise their interests.

What is more precious than a name?

It is a roadmap to who we are, where we have come from, who we hold dear, what is important to us, what has happened in our lives, and what we value.

This information is not only irrelevant when it comes to decisions related to housing, it may encourage or support discriminatory decisions, implicit or otherwise.

And, given a Real Estate environment where more than one offer to purchase may be presented to a seller-client, factors other than price and term start to surface; and

Given Realtors are charged to protect the public,

Does it then not become increasingly important to hold in private a buyer (s) name (s) which can hold in it factors which might be used to compromise their interest or violate fair housing.

HB0762 will protect home buyers and home sellers from bias, implicit or otherwise in housing decisions.

Interestingly, Maryland Realtors, recently prohibited buyer "love letters" to be provided to home sellers to protect home sellers from making decisions in housing that are unrelated to price and terms and that might unconsciously violate Fair Housing.

In an article in the Maryland Realtors Magazine entitled "Beware the Love Letter!", the Director of Legal Affairs for Maryland Realtors stated, "Fair housing laws are intended to eliminate discrimination and ensure that anyone who is qualified can purchase real estate. A love letter can trigger implicit bias, putting a seller in the position of preferring a buyer based on a "feeling" or something that the seller "just likes" about the buyer. Accepting an offer based on anything other than the price, terms and merits of the offer might violate fair housing law. Realtors should discourage the use and consideration of buyer love letters to reduce the risk of discrimination."

HB0762 to prohibit the home buyer(s) name (s) on the residential contract of sale during the negotiation period will reduce the risk of implicit bias and discrimination in fair housing decisions.

And if this bill cannot reach enough in the name of fair housing because of implicit bias, itself, we need only look to technology and data mining as the advances which serve to reveal compromising personal information about consumer buyers which necessitate action for their protection.

HB0762 will protect and promote the privacy of our consumer buyers and will further the protection of fair housing.

Approval of this bill affirms our appreciation that buyer consumers need protection in housing and anonymity provides the path.

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