



**Testimony to the Senate Judiciary Committee**  
**SB107: Evidence – Interception of Oral Communications– Fair Housing Testing**  
**Position: Favorable**

January 15, 2025

The Honorable Senator William Smith, Chair  
Senate Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, Maryland 21401  
cc: Members, Judicial Proceedings Committee

Honorable Chair Smith and Members of the Committee:

Economic Action Maryland Fund (Economic Action) is a statewide coalition of individuals and organizations that advances economic rights, equity, and housing justice for Maryland families through research, education, direct service, and advocacy. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

I am here in strong support of SB107 and thank Sen. Sydnor for introducing the legislation. SB107 enables fair housing organizations to more effectively test and enforce Maryland's anti-discrimination laws.

Fair housing testing employs individuals to pose as prospective tenants or homeowners to gather information to determine whether or not a provider is complying with state and federal laws related to fair housing. Fair housing testing is crucial for: detecting discrimination, enforcing fair housing laws, and evaluating the effectiveness of existing policies.

The Department of Housing and Urban Development (HUD) recommends equipping testers with recording devices for fair housing testing. SB107 permits the interception of oral communications under narrowly designed circumstances in order to conduct fair housing testing.

Thirty-nine other states allow certified fair housing organizations to record conversations to test for housing discrimination. Maryland lags behind these states in passing this exemption and notably in its fair housing enforcement.

There are a number of reasons to pass SB107. It will:

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- **Strengthens fair housing enforcement & justice in Maryland.** The ability to document test experiences through audio recordings provides incontrovertible evidence of illegal housing discrimination
- **Protects Testers and Housing Providers.** Having an exact account of a conversation protects testers from any credibility or bias as well as protects housing providers from false allegations, misunderstandings, or faulty memories of testers.
- **Efficient Allocation of Resources.** Saves fair housing organizations money because they can reduce the number of testers used, thereby saving using city, county, state, and federal funds more efficiently and effectively. The use of recorders also allows organizations to maintain the highest investigative standards.
- **There is no right to privacy that would preclude this.** The Department of Justice's Civil Rights Division uses one party recorders in Maryland and across the country. The commercial discussions that take place are taking place in commercial spaces so should not be considered private.

SB107 strengthens Maryland's ability to enforce fair housing laws statewide, uphold the highest evidentiary standards in court, protect housing testers and providers, and make Maryland the fortieth state in the country to better equip fair housing organizations to root out discrimination and make Maryland a more just place for all to live.

For all these reasons, we support SB107 and urge a favorable report.

Best,

Marceline White  
Executive Director

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