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## SB 0107 Evidence – Interception of Oral Communications - Fair Housing Testing Hearing Before the Judicial Proceedings Committee January 15, 2025

### Position: FAVORABLE

To the Honorable Members of the Judicial Proceedings Committee:

Community Legal Services submits this testimony in support of SB0107, which would provide an important step forward in efforts to eliminate housing discrimination in Maryland by allowing fair housing testers to record oral communications which occur during testing for fair housing violations. This legislation would bring fair housing testing in Maryland in line with testing methods used by the U.S. Department of Justice (DOJ), the U.S. Department of Housing and Urban Development (HUD), and most other states.

Community Legal Services (CLS) is a nonprofit organization that provides free legal services in a broad range of substantive areas to individuals and families who meet certain income-eligibility restrictions. Much of what we do involves supporting housing stability for individuals and families facing potential eviction and families simply trying to find and keep stable housing in their communities. Ever increasing home prices and soaring rents make it more than a little difficult to acquire and keep stable housing in Maryland. Housing discrimination – whether in home buying, home appraisal, or renting - often presents an additional barrier to fair housing for the clients we represent, many of whom belong to classes protected by federal, State, and local fair housing laws.

Maryland has a housing crisis. There is not nearly enough housing, especially affordable housing, to meet the needs of our residents, and Maryland needs to use every tool available to expand the housing available to its residents. Fair housing testing is the most effective tool for uncovering evidence of housing discrimination. However, this tool cannot be used to its full potential in Maryland because of Maryland’s restrictions on recording oral communications. This bill would make a narrow exception to allow recording exclusively for fair housing testing so the best evidence of discrimination – a recording of the discrimination occurring in real time – can be utilized to enforce and educate about fair housing laws. By rooting out and preventing fair housing as a barrier to access to housing, Maryland will expand the pool of available housing for Maryland residents.

For these reasons, **Community Legal Services urges this committee to submit a favorable report on SB0107.** Please feel free to reach out to Lisa Sarro, Director of Litigation and Advocacy, with any questions at [sarro@clspgc.org](mailto:sarro@clspgc.org).