

SB0180\_RichardKaplowitz\_FAV  
01/22/2026

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**TESTIMONY ON SB#0180 - POSITION: FAVORABLE**  
**Evidence - Interception of Oral Communications - Fair Housing Testing**

**TO:** Chair Smith, Jr., Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Richard Keith Kaplowitz

**My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of/ SB#/0180, Evidence - Interception of Oral Communications - Fair Housing Testing**

This bill adds to the tools that fair housing testers can use to establish a violation of fair housing laws has or is contemplated to occur. The Fair Housing Institute answers the questions - What are Fair Housing testers? What is Fair Housing testing?

Fair Housing testing as a means to uncover evidence of race discrimination in rental housing or “shopping” as it is sometimes called, was first approved by the U.S. Supreme Court in 1982. Since the passage of the Fair Housing Amendments Act in 1988, testing programs have expanded to include tests for both national origin and disability discrimination.<sup>1</sup>

This bill adds the tools of interception, i.e. hearing or overhearing oral communications that could provide evidence for and against a fair housing violation finding. The bill permits that conduct through providing that it is lawful for a person to intercept an oral 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 under certain circumstances; and providing that the contents of an intercepted oral communication may be used only for the purpose of enforcing federal, State, or local fair housing laws.

It places guardrails around what is permitted conduct in use of the intercepted communication but makes it clear how the communication can be put to use in a fair housing testing environment.

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**I respectfully urge this committee to return a favorable report on SB0180.**

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<sup>1</sup> <https://fairhousinginstitute.com/fair-housing-testers/>