



Senate Bill 180

Evidence - Interception of Oral Communications - Fair Housing Testing
Senate Judicial Proceedings Committee
Hearing on January 22, 2026

Position: FAVORABLE

MLA submits its written testimony on SB180 at the request of Senator Charles Sydnor.

Maryland Legal Aid (MLA) is a nonprofit law firm that seeks to achieve equity and social justice through free civil legal services, community collaboration and systems change with and for low-income and vulnerable Marylanders. Our 11 offices serve residents in each of Maryland's 24 jurisdictions and handle a range of fundamental civil legal matters, including housing, family law, public benefits, bankruptcy and other debt collection matters, and criminal record expungements. MLA supports this bill and urges a favorable report.

Our clients often live in low-income communities throughout our state and have significant challenges finding affordable housing. Low-income communities also suffer the well-documented legacy impacts of discrimination that was often enshrined in public policy throughout much of our history. In fact, Baltimore shamefully led the nation by passing the first segregation laws in the country that separated residents into Black and white neighborhoods by law. Regrettably and yet inescapably, our clients continue to experience and suffer harm due to discrimination. This is particularly true in where housing and zoning policies and practices such as redlining have denied people full and fair access to housing.

To ably and adequately enforce civil rights laws in today's environment, one must be able to prove discrimination with credible evidence by either showing discriminatory treatment or that a policy or practice has a discriminatory effect. It is very difficult for an individual on their own to determine, let alone prove, that they have been denied housing due to a legitimate reason or due to discrimination in their efforts to obtain housing. That is why any effective program to combat discrimination in the housing market and ensure fair housing requires the use of fair housing testing. It is through testing that independent third-party testers can investigate and prove that similarly situated people were treated differently and illegally denied housing because they are part of a protected class. It is critical for the court to hear these recordings directly to be able to judge the credibility of the claims and ultimately determine whether there has been discrimination.

I was engaged in such enforcement when I was a Deputy Assistant Attorney General in the Civil Rights Division of the Justice Department overseeing the enforcement of our fair housing and fair lending laws during the first term of the Obama Administration. The Civil Rights Division at that time was able to bring meaningful and historic discrimination cases based on evidence of both intentional and disparate impact discrimination. Those enforcement actions yielded both monetary relief to victims and, significantly, injunctive relief to make sure defendants changed their discriminatory practices and policies. However, many of those actions would have been impossible to prove without the independent evidence generated through fair housing testing programs that could be presented in court.

From my current vantage point leading MLA, we are on the ground everyday representing low-income and vulnerable Marylanders throughout our state in housing matters, our largest area of practice, in the very communities that were harmed by decades of discriminatory policies and practices. Regrettably, such discrimination continues today, and it includes discrimination not only due to race, sex or ethnicity, but also against people with disabilities, families or those who hold housing choice vouchers. There is no place for such conduct in Maryland's housing market. We believe it is in all our interests to ensure a free and fair housing market for all Marylanders. Providing this exception, which will give lawyers this vital tool, is essential to creating such a housing market.

MLA supports this limited exception and urges the Maryland General Assembly to take this important step toward creating a more equitable society where all may live and thrive free of discrimination. Maryland Legal Aid urges a favorable report.

Respectfully submitted,
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