



### **Senate Bill 463**

Municipalities – Vagrancy – Repeal of Authority to Prohibit  
In the Senate Judicial Proceedings Committee  
Hearing on February 3, 2026

**Position: FAVORABLE**

*Maryland Legal Aid submits its testimony on SB463 at the request of Senator Muse.*

Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State’s low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland’s 24 jurisdictions and handle a range of civil legal matters, including housing, family law, public benefits, bankruptcy and other debt collection matters, and criminal record expungements.

**MLA urges a favorable report on SB463. No Marylander should face criminal penalties simply because they are unhoused.** In 2024, the United States Supreme Court ruled that local governments can arrest or fine people for sleeping outside<sup>1</sup>, even when adequate shelter is unavailable. This decision emboldened cities across the country to introduce over 320 bills criminalizing unhoused people<sup>2</sup>. Nearly 220 have passed.

**SB463 ensures Maryland communities will not continue to criminalize homelessness.** Vagrant is a broad term used to describe someone who moves from place to place without a permanent job, home, or material resources<sup>3</sup>. SB463 removes vagrancy from activities a municipality may prohibit. Nuisance crimes like vagrancy have been used as a common tool against those experiencing homelessness<sup>4</sup>, and the passage of this bill would preserve the rights and human dignity of unhoused individuals.

Currently, Maryland law implicitly recognizes the inequity of criminalizing homelessness through our expungement statute which authorizes the expungement of nuisance-crime convictions after a three-year waiting period<sup>5</sup>. Other courts have found that convictions for life-sustaining activities constitute cruel and unusual punishment that violate due process protections<sup>6</sup>. Maryland has a shortage of over 120,000 homes for residents at 30 percent

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<sup>1</sup>*City of Grants Pass v. Johnson*, 603 U.S. 520 (2024).

<sup>2</sup> *One Year Since Grants Pass: Tracking the Criminalization of Homelessness*, American Civil Liberties Union (Jan. 27, 2026)

<sup>3</sup> Lij, *Vagrant*, US Law

<sup>4</sup> Eric S. Tars, *Criminalization of Homelessness*, 2021 Advocates’ Guide (Apr. 14, 2021)

<sup>5</sup> General Assembly of Maryland, *Article - Criminal Procedure, Section 10-105*, (Dec. 15, 2023)

<sup>6</sup> *Martin v. City of Boise*, 920 F.3d 584, 590 (U.S. Ct. App. for the 9th Cir. 2019)

Area Median Income or below<sup>7</sup>. “Housing First” policies are also under attack at the federal level<sup>8</sup>, pulling resources away from housing opportunities for currently unhoused individuals.

**Without the passage of SB463, Marylanders will face compounding challenges of housing scarcity, underfunded welfare programs, homelessness, and the burden of a criminal record, with its many collateral consequences.**

Maryland Legal Aid assists hundreds of Marylanders with criminal record expungement each year. In 2025, one of these clients came to us with over 35 cases eligible for expungement, the majority of which were for minor crimes accumulated after years of living on the street without shelter. We successfully expunged 21 of those 35 cases. As MLA filed his expungements, the client worked on his sobriety, established secure housing, and enrolled in Montgomery College to work toward his associates degree. Free from these criminal charges, he is able to maintain these successes and remain sober and housed. It is through cases like this that we see firsthand that criminal charges get in the way of one's ability to secure housing, employment, educational opportunities, and continue to thrive.

**With a budget already stretched past capacity, Maryland cannot forgo the opportunity to divert more individuals away from the costly carceral system and avoid unnecessary additional costs.** It has been well established that enforcement of these practices is expensive<sup>9</sup>. One study from New York City<sup>10</sup> reported a savings of \$1.3 billion if the city had housed people instead of incarcerating them. Another, from Charlotte, describes a savings of \$2.4 million over one year, after the city created a housing facility for the unhoused, rather than shuffling them between shelters, emergency rooms, and jails<sup>11</sup>. Homelessness has a deep impact on the most intimate parts of a person's life and as such is a matter of social policy, not criminal law.

Maryland Legal Aid urges a **favorable report on SB463**. If you have any questions please contact Zafar Shah, Advocacy Director for Human Right to Housing ([zshah@mdlab.org](mailto:zshah@mdlab.org)), or Amanda Wisniewski, Community Outreach Manager ([acwisniewski@mdlab.org](mailto:acwisniewski@mdlab.org))

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<sup>7</sup> *Maryland*, National Low Income Housing Coalition.

<sup>8</sup> Ann Oliva, *Understanding Trump's Executive Order on Homelessness: Attacks on Housing First*, (Jan. 27, 2026)

<sup>9</sup> National Alliance to End Homelessness, *Criminalizing Homelessness Worsens the Crisis*, (Feb. 4, 2025)

<sup>10</sup> Bennett Allen & Michelle L Nolan, *Impact of a Homeless Encampment Closure on Crime Complaints in the Bronx, New York City, 2017: Implications for Municipal Policy*, 19 *Journal of Evidence-Based Social Work* 356-366 (2022).

<sup>11</sup> Mark Price, *UNC Charlotte report: Homeless project saved city \$2.4 Million*, *Charlotte Observer*, (May 4, 2015).