

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1164
Judiciary

(Delegate Feldmark)

Counties and Municipalities - Homelessness - Local Laws (Right to Rest Act)

This bill prohibits a county or municipality from enacting or enforcing a local law that is designed to prevent an individual from (1) resting or sleeping in a public space; (2) protecting oneself from the elements in a manner that does not obstruct the use of or access to private property; or (3) sleeping in a legally parked vehicle.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: Local government expenditures increase for expanded services and operations and litigation costs, as discussed below. Revenues are not materially affected.

Small Business Effect: Potential meaningful.

Analysis

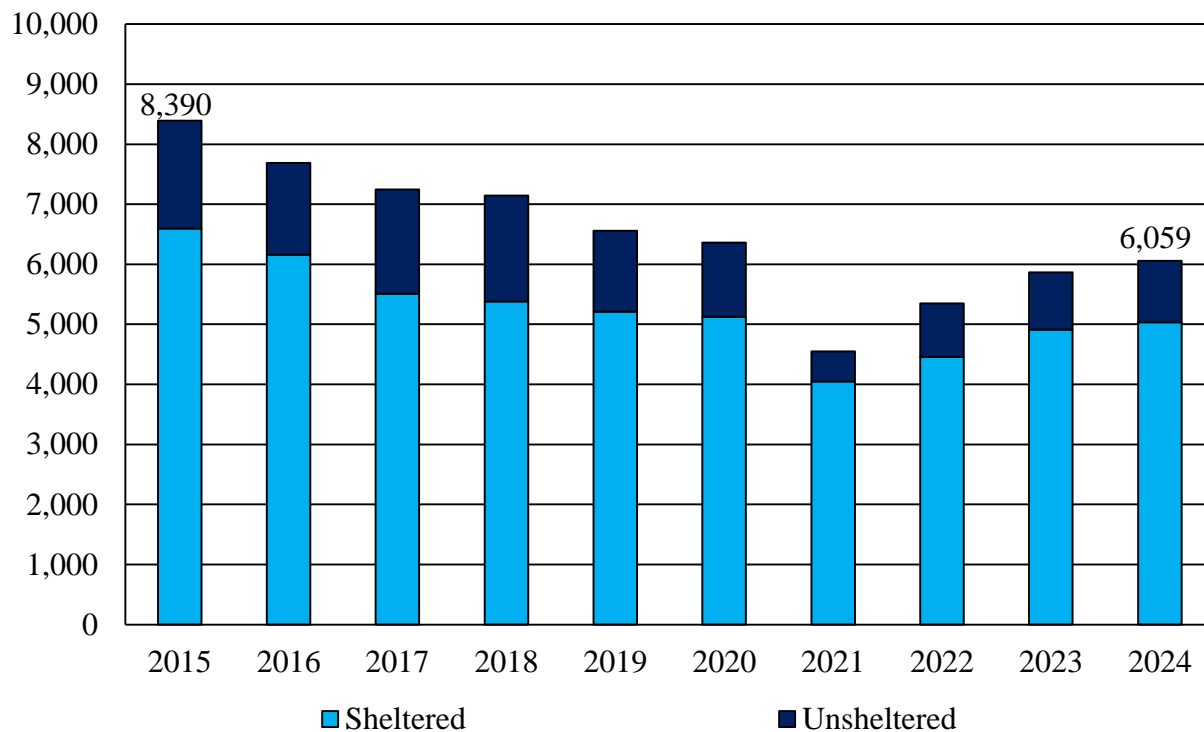
Current Law: Pursuant to § 5-207 of the Local Government Article, municipalities are authorized to provide for the removal of fire hazards, prohibit vagrancy, and enforce all ordinances relating to disorderly conduct and nuisances. In addition, several counties in the State have local laws or ordinances prohibiting actions covered by the bill.

Homelessness in Maryland

As shown in **Exhibit 1**, the number of homeless individuals identified in Maryland during the annual point-in-time count has increased in each of the last three years but remains below the January 2020 level. From January 2023 to January 2024, Maryland's count of

homeless individuals increased by 3% to 6,059 compared to an 18% increase nationally. Of homeless individuals in Maryland, 58% are Black, 20% are under the age of 18, and 8% are veterans. Overall, this measure of Maryland’s homelessness levels declined by 28% from calendar 2015 to 2024, while homelessness nationally increased by 37%. It is important to note that this number is a count of the homeless population on a single night each January and underrepresents the total number of Marylanders that experience homelessness or housing insecurity throughout the year. Additional information is available in the [2020/2021 Report on Homelessness](#) prepared by the Maryland Interagency Council on Homelessness.

Exhibit 1
Homeless Individuals in Maryland
January 2015 to January 2024 Point-in-time Counts



Source: U.S. Department of Housing and Urban Development

Local Fiscal Effect: Local expenditures increase for law enforcement and county staff responses to complaints, expanded support services for homeless individuals, maintenance operations, and litigation costs, as described below.

Talbot County advises that due to confusion by the public regarding the change in law, it anticipates an increase in complaints requesting law enforcement action against an increased population of homeless individuals sleeping in public places and in vehicles. Talbot County further advises that they expect an increase in litigation over actions that are construed as being in violation of the bill's prohibitions on specified enforcement actions.

According to the Maryland Municipal League, municipalities may need to reallocate resources toward supportive services, such as providing shelters, public restrooms, and other facilities, to accommodate the needs of individuals exercising their rights under the bill. Adjustments in maintenance and management practices may also be necessary. Local governments can review and amend existing ordinances to ensure compliance with the bill using existing resources.

While not in direct response to this bill, the Maryland Association of Counties (MACo) and multiple counties provided information regarding the potential fiscal and operational effects of legislation introduced this session that, among other things, significantly restricted local enforcement efforts against unhoused individuals in "public places," as defined under that legislation. MACo advised that counties expenditures increase to address public health challenges and litigation. Calvert County anticipated increased demand on government services and facilities and additional implementation costs, including responses by law enforcement and county staff to citizen and business complaints and litigation expenses. Prince George's County indicated the need for additional services around county buildings to address the increased population of unhoused individuals in those areas, such as landscaping, custodial services, and building security. According to the county, costs associated with these efforts range from \$175,000 to \$350,000 per year.

Small Business Effect: The bill may have a meaningful effect, including increased operational expenditures, on small businesses located in areas that attract significant numbers of unhoused individuals as a result of the bill.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Attorney General; Maryland Association of Counties; Baltimore City; Calvert, Harford, Prince George's, and Talbot counties; Maryland Municipal League; Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2025
caw/aad

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