



# **HOMELESS PERSONS REPRESENTATION PROJECT, INC.**

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## **OPPOSITION – HB 1344: Mental Health Law - Reform of Laws and Delivery of Service Maryland Criminal House Judiciary Committee, March 19, 2021**

Testimony of Temidayo Joseph, Linda Kennedy Fellow  
Homeless Persons Representation Project, Inc.

*The Homeless Persons Representation Project, Inc. (HPRP) is a non-profit civil legal services provider that provides free legal representation to people who are experiencing homeless or at risk of homelessness on legal issues that will lead to an end to homelessness and the criminalization of poverty.*

**HB 1344 proposes to broaden the criteria for “dangerousness” in order to make it easier to civilly commit individuals, likely to disproportionately and negatively impact individuals experiencing homelessness and communities of color.**

In 2015, The United States Department of Housing and Urban Development, estimated that 564,708 people were homeless on “any given night in the United States”, and 250,000 of these people had a mental illness.<sup>1</sup> Maryland incarcerates more of these individuals experiencing homelessness and suffering from a severe mental illness than it hospitalizes.<sup>2</sup> In a 2010 study, it was determined that the likelihood of incarceration vs. hospitalization was 2.6 to 1.<sup>3</sup> Additionally, communities of color in the United States are more likely than their non-minority white counterparts to access mental health services through involvement with law enforcement.<sup>4</sup> Considering existing stigmas surrounding mental illness combined with institutional racism, support of increased civil commitment puts communities of color, specifically minorities experiencing homelessness, at greater risk.<sup>5</sup>

**Maryland should invest in community-based resources to support people with mental illness, rather than involuntary confinement as proposed by HB 1344.**

Involuntary confinement takes away liberties of people with disabilities and is not how Maryland should invest and support people with mental illness. In studies of states with assisted outpatient treatment programs implemented across the country, including North Carolina, Washington

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1 U.S. Department of Housing and Urban Development, 2015 *Annual Homelessness Assessment Report: Part 1: Point-in-Time Estimates of Homelessness in the U.S.* Available at <https://www.hudexchange.info/resources/documents/2015-AHAR-Part-1.pdf>.

2 Treatment Advocacy Center: *Criminalization of Mental Illness in Maryland*, 2010, Available at <https://www.treatmentadvocacycenter.org/browse-by-state/maryland>

3 *Id.*

4 Swartz, Marvin M.D.: *The Urgency of Racial Justice and Reducing Law Enforcement Involvement in Involuntary Civil Commitment* December 1, 2020, Available at <https://ps.psychiatryonline.org/doi/10.1176/appi.ps.711202>

5 *Id.*

D.C., Ohio, Iowa, Florida, and New York, a reduction of hospital admissions has resulted.<sup>6</sup> For example, in a 6-month study of New York's outpatient program, the percent of recipients of outpatient treatment who were hospitalized dropped from 74 percent to 36 percent.<sup>7</sup> Similarly, the percentage of outpatient treatment recipients who experienced homelessness dropped by 74 percent when compared to the three years prior to implementation of the program.<sup>8</sup> Increasing community resources that address mental health issues has been proven to be a better alternative than confinement, which will never be equipped to address mental health issues.

We urge this Committee to oppose HB 1344 because it will further reduce the liberties and autonomy individuals experiencing homelessness and struggling with mental health issues have over their lives and will disproportionately impact communities of color and experiencing homelessness.

**Please oppose HB 1344 and issue an unfavorable report.**

If you have any questions, please contact Temidayo Joseph, Linda Kennedy Fellow, Homeless Persons Representation Project at [LKFellow@hprplaw.org](mailto:LKFellow@hprplaw.org)

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6 Treatment Advocacy Center: *Assisted Outpatient Treatment Laws*, October 2017. Available at <https://www.treatmentadvocacycenter.org/component/content/article/39>

7 Swartz, Marvin S., Swanson, Jeffrey W., Steadman, Henry J., Robbins, Pamela Clark, and John Monahan. 2009. *New York State Assisted Outpatient Treatment Program Evaluation*. Duke University School of Medicine, Available at [http://www.omh.state.ny.us/omhweb/resources/publications/aot\\_program\\_evaluation/](http://www.omh.state.ny.us/omhweb/resources/publications/aot_program_evaluation/)

8 New York State Office of Mental Health. 2005. *Kendra's Law: Final Report on the Status of Assisted Outpatient Treatment*.