



**Senate Bill 0484**  
**Unhoused Individuals – Rights, Civil Action, and Affirmative Defense**  
**In the Senate Judicial Proceedings Committee**  
**Hearing on February 6, 2025**  
**Position: FAVORABLE**

*Maryland Legal Aid (MLA) submits its written and oral testimony on SB 0484 at the request of bill sponsor Senator Anthony Muse.*

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 the Committee's favorable report on SB 0484, which would enshrine the state constitutional right of Maryland's unhoused population to be free from criminal punishment of their life-sustaining activities.

***Unhoused Marylanders should not face civil or criminal penalties for the structural deficiencies of Maryland's housing market.***

Maryland has a housing crisis. Increasing rents, affordable housing shortages, and the excessive costs of purchasing a home have led to instability for low-income Marylanders. According to conservative estimates, Maryland is short 96,000 housing units, demonstrating a severe supply shortage.<sup>i</sup> Statewide reports in 2024 found that more than 50% of Marylanders were housing-cost burdened, paying more than 30 percent of household income toward housing costs. For the Marylanders who struggle to pay rent, the threat of homelessness is real as more than 150,000 Marylanders faced imminent eviction in 2024.

MLA sees up close that our clients and community partners experience the threat of homelessness every day. MLA and civil legal services partners represented over renter households in more than 9,000 eviction cases in the past year, pursuant to the state's Access to Counsel in Evictions (ACE) law. One in five of those renter households reported that, if evicted, their only alternative housing would be a shelter or street homelessness.

In one instance, an MLA client's eviction left them without stable housing for weeks. This client resorted to sleeping in his car with his belongings as he tried to find additional housing. It was not until weeks later that this individual was able to secure another rental unit. In another instance, a

client vacated her rental home to avoid an eviction and moved into a motel for what she expected to be a short stay. However, as she searched for new housing opportunities, her applications were routinely denied because of unshielded electronic court records of Failure to Pay Rent cases. When this client exhausted her financial resources to pay for a motel, she spent nights in her car. Not long after, MLA could no longer reach her.

Absent passage of SB0484, these MLA clients and many other Marylanders face the prospect of criminalization at the county and municipal level. Passing SB0484 would ensure that Maryland's unhoused residents have rights that protect them from the fallout of Maryland's housing crisis market. [I am not sure that you need this paragraph as it really does not say anything that is much different from what comes after this paragraph].

SB0484 codifies that criminalization of "life-sustaining" activities, such as sleeping or taking shelter, in an unobtrusive manner on public land violates Article 25 of the Maryland Declaration of Rights. This bill pronounces the right of unhoused individuals to use public places to move, rest, sit, stand, lie down, sleep, eat, drink, or protect themselves or their personal property from weather – unless an adequate alternative indoor space and transportation to that space is made available. SB0484 similarly establishes the right of unhoused individuals to use a car or R.V. for life-sustaining activities so long as the vehicle does not obstruct the normal flow of traffic.

Several Maryland municipalities prohibit activities that fall under SB0484's definition of "life-sustaining activities." For instance, a municipal ordinance in Fredrick, Maryland gives local officials the authority to fine or imprison individuals for "sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or shelter or other structure or vehicle for sleeping or doing any digging or earth breaking or carrying on cooking activities."<sup>iii</sup>

### ***Criminalizing unhoused individuals is ineffective and expensive.***

Research demonstrates that civil and criminal penalties against homelessness are both unproductive and expensive in the following ways:

1. Issuing legal penalties and civil fines for engaging in life-sustaining activities decreases individuals' chances of finding housing and employment. Having criminal records and hundreds of dollars in tickets makes it more challenging for unhoused individuals to secure housing and employment. **SB0484 will protect Marylanders from having to face yet another obstacle to obtaining secure housing and employment.**
2. In many US cities, municipal officials waste millions of taxpayer dollars each year on city personnel, fencing, and other efforts to criminalize homeless individuals. One study in New York City reported that the municipal government could have saved 1.3 billion dollars by housing people instead of incarcerating them.<sup>iv</sup> **SB0484 will save Maryland municipal and**

**taxpayer dollars by prohibiting the incarceration of unhoused individuals who engage in life-sustaining activities.**

3. Laws penalizing unhoused individuals for life-sustaining activities make communities less safe. One study found that the raiding of homeless encampments sows fear and distrust, leading to an increased risk of assault and arrest for the community<sup>v</sup>. **SB0484 will make Maryland communities safer.**

SB0484 is not just a symbolic proposal in support of Maryland’s unhoused residents. Instead, SB0484 represents a positive step to materially support all Marylanders, not just those who are unhoused. To protect Maryland’s most vulnerable residents, **Maryland Legal Aid urges the Committee’s favorable report on SB0484.** If you have any questions, please contact:

Avery Shivers  
Equal Justice Works Organizing Fellow  
ashivers@mdlab.org | (301) 560-2136

Zafar Shah  
Advocacy Director for Human Right to Housing  
zshah@mdlab.org | (410) 951-7672

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<sup>i</sup> Office of Governor Wes Moore, Moore-Miller Administration 2024 State Plan, <https://governor.maryland.gov/priorities/Documents/2024%20State%20Plan.pdf>.

<sup>ii</sup> Frederick County Ordinance G-17-04, available at <https://www.cityoffrederickmd.gov/DocumentCenter/View/6932/G-17-04-Concerning-Parks-and-Public-Property?bidId=>.

<sup>iii</sup> See also Annapolis County Code Ch. 11.16, available at [https://library.municode.com/md/annapolis/codes/code\\_of\\_ordinances?nodeId=TIT11PUPEMOWE\\_CH11.16OFAGPUDE\\_11.16.030VEUSLISL](https://library.municode.com/md/annapolis/codes/code_of_ordinances?nodeId=TIT11PUPEMOWE_CH11.16OFAGPUDE_11.16.030VEUSLISL); and Ocean City Code, <https://oceancitymd.gov/oc/city-hall/ocean-city-ordinances/#:~:text=Sleeping%20in%20any%20motor%20vehicle,10%20p.m.%20and%206%20a.m.>

<sup>iv</sup> CSH, Advancing Supportive Housing Solutions to Reduce Homelessness for People Impacted by the Criminal Legal System: A Report for New York City Leaders (2022), available at <https://www.csh.org/wp-content/uploads/2022/02/Reduce-Homelessness-for-People-Impacted-by-the-Criminal-Legal-System.pdf>.

<sup>v</sup> Allen, B., & Nolan, M. L. (2022). Impact of a Homeless Encampment Closure on Crime Complaints in the Bronx, New York City, 2017: Implications for Municipal Policy. *Journal of Evidence-Based Social Work*, 19(3), 356–366. <https://doi.org/10.1080/26408066.2022.2043797>