

# **DRM Testimony SB 0484.pdf**

Uploaded by: Andaiye McAndrew

Position: FAV



Empowering People to Lead Systemic Change

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DisabilityRightsMD.org

**Disability Rights Maryland**  
**SB 0484 – Unhoused Individuals - Rights, Civil Action, and Affirmative Defense**  
**Hearing before the Senate Judicial Proceedings Committee, February 6, 2025**  
**Position: Support**

Disability Rights Maryland (DRM) is the designated Protection and Advocacy agency for the State of Maryland, mandated by state and federal law to advocate for the civil rights of Marylanders with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be part of their communities and live in safe, affordable and accessible housing.

**DRM urges you to support Senate Bill 484, which recognizes the dignity and civil rights of unhoused individuals in Maryland.**

SB 484 is a critical piece of legislation that is needed now more than ever. The United States Census Bureau reports that Maryland is home to roughly six million people.<sup>1</sup> On any given day, an estimated 6,000 Marylanders are experiencing homelessness.<sup>2</sup> The U.S. Department of Housing and Urban Development (HUD) regularly reports that individuals with disabilities are disproportionately represented among people experiencing homelessness. According to the 2024 Annual Homeless Assessment Report (AHAR) to Congress, nearly 50% of individuals experiencing chronic homelessness have a disability. *Id.*

This legislation provides a unique opportunity for Maryland to take a step toward true public health and safety, and to bring Maryland in line with other jurisdictions that have taken a balanced and humane approach to addressing individuals experiencing homelessness.

**This legislation is essential in ensuring public health and safety for unhoused individuals.**

Without adequate protections in public spaces, unhoused individuals are often forced into dangerous and unsanitary conditions, which increases their risk of illness, worsens disability-related symptoms, and leaves them vulnerable to exploitation. For example, one DRM client—a mother of two—experienced homelessness during the peak of this winter season. With nowhere else to turn, she and her children were forced to stay in an abandoned house without electricity or running water. She reported that her son, who lives with a disability, experienced increasingly severe symptoms due to their unsafe and unsanitary living conditions. This heartbreaking situation is not unique; it reflects the harsh realities faced by countless unhoused individuals and families across Maryland.

SB 484 addresses this problem by removing the need to seek out dangerous and unsanitary conditions. By affirming the right to engage in life-sustaining activities in public spaces, this legislation ensures that unhoused individuals are not forced into situations that jeopardize their health and well-being.

**SB 484 decreases unnecessary contact between law enforcement and unhoused individuals.**

DRM has consistently observed that its housing clients—who are predominantly Black and African American—bear the brunt of policies that criminalize homelessness. By protecting

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<sup>1</sup> United States Census Bureau. (2023). Available online: <https://www.census.gov/quickfacts/fact/table/MD/PST045223>

<sup>2</sup> The U.S. Department of Housing and Urban Development. 2024 Annual Homelessness

Assessment Report (AHAR) to Congress. Available online: <https://www.huduser.gov/portal/sites/default/files/pdf/2024-AHAR-Part-1.pdf>

activities such as sleeping, resting, and seeking shelter in public spaces, SB 484 reduces the role of law enforcement in managing homelessness. This shift is essential because punitive measures such as citations and arrest for minor infractions related to homelessness, do not address the root causes of homelessness. Instead, they exacerbate the challenges faced by unhoused individuals and trap them in cycles of poverty and criminalization. Reducing law enforcement contact with unhoused individuals also helps to mitigate the trauma and mistrust that often arise from these interactions.

SB 484 fosters a more effective approach by affirming unhoused individuals' right to exist in public spaces and ensures that unhoused individuals are not punished for their socioeconomic status when no adequate housing alternatives exist.

**We urge Maryland to join a growing number of jurisdictions that have adopted a balanced and humane approach to addressing unhoused people.** In 2012, Rhode Island became the first state to formally protect the rights of those experiencing homelessness in its "Homeless Bill of Rights." This landmark legislation ensures that unhoused individuals are not criminalized for engaging in life-sustaining activities. Since Rhode Island's pioneering effort, other states and cities have followed suit including Illinois, Connecticut, and California.

This bill would be a significant step in the right direction in changing the way Maryland and local jurisdictions treat people experiencing homelessness. **For the foregoing reasons, Disability Rights Maryland supports SB 0484.**

For more information, please contact:

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## **SB 484 - Testimony.pdf**

Uploaded by: C. Anthony Muse

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

Testimony

**SB 484: Unhoused Individuals – Rights, Civil Action, and Affirmative Defense**

Good afternoon, Chairman Smith, Vice Chair and members of the Judicial Proceedings Committee.

Senate Bill 484 recognizes the dignity and basic rights of unhoused individuals in Maryland. By affirming their right to engage in life-sustaining activities in public spaces, this bill ensures that homelessness is **not** criminalized. It also creates legal protections to prevent unfair penalties and provides an affirmative defense in cases of trespassing or disturbing the peace.

**Criminalizing homelessness does not address the root causes and only perpetuates hardship.** By offering these protections, Maryland would join other states like California and Oregon, which have passed similar laws ensuring that people without homes are not unfairly penalized for merely trying to survive. SB 484 is an important step toward a more compassionate and just society... and practical solutions for homelessness.

Therefore, I respectfully urge a FAVORABLE report SB 484.

## **SB484 LGBTQ+ Caucus**

Uploaded by: Camila Reynolds-Dominguez

Position: FAV



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## **LETTER OF SUPPORT HOUSE BILL 487 & SENATE BILL 484**

February 18, 2025

Chair Clippinger and Chair Smith:

On behalf of the LGBTQ+ Caucus, we are writing to express our support of **HB487/SB484: Unhoused Individuals - Rights, Civil Action, and Affirmative Defense**. As advocates and stewards of the LGBTQ+ community, we believe this bill will protect, strengthen, and secure LGBTQ+ rights for all LGBTQ+ residents. The benefits and effects of passing the proposed legislation will create a positive and long-lasting change for all of Maryland.

HB487/SB484 prevents government agencies from forcefully removing unhoused individuals engaging in life-sustaining activities from public facilities without providing them with “adequate alternative indoor space”. Currently, unhoused individuals fall victim to incarceration for simply carrying out their daily tasks. LGBTQ+ people are disproportionately impacted by homelessness.

Thank you for considering the bill's positive effects on the LGBTQ+ community. Please contact us with any additional questions or concerns about the bill. We appreciate your efforts in fostering community and furthering rights for all Marylanders.

Respectfully,

\_\_\_\_\_  
Delegate Kris Fair,  
Chair

# **SB 484 Unhoused Individuals - Rights, Civil Action**

Uploaded by: Catherine OMalley

Position: FAV



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BILL NO:	Senate Bill 0484
TITLE:	Unhoused Individuals - Rights, Civil Action, and Affirmative Defense
COMMITTEE:	Judicial Proceedings
HEARING DATE:	February 6, 2025
POSITION:	<b>SUPPORT</b>

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Homelessness is a policy choice and the Women's Law Center of Maryland vehemently supports Senate Bill 0484's protections of our unhoused community. Each year, more than 30,000 people experience homelessness in Maryland, as the result of generations of racist and discriminatory policies that have systemically denied residents of economic mobility, health care, and housing, particularly for our Black and brown neighbors. In 2024, 72% of the people served by Maryland's Homeless Persons Representation Project identified as Black or African American, and while SB 0484 will not solve Maryland's growing housing crisis, it will relieve those suffering inhumane marginalization by society from further persecution for simply existing.

Over the last 15 years, Baltimore's public housing stock has diminished by 40%. At time of writing, no county on the Maryland Department of Housing and Community Development website has an open waitlist for the Housing Choice (Section 8) Voucher Program. Every day, many of our clients must choose between risking their physical safety in their abuser's home or taking their chances – and that of their children's – on the streets because there is simply not shelter space available. SB 0484 protects our neighbors from being criminalized for engaging in certain life-sustaining activities such as eating, sleeping, protecting themselves from the elements and more when denied access to adequate alternative indoor living space (i.e. safe housing), either by demand or disqualifying factors such as not wanting to separate from children or pets, issues with addiction, etc. This criminalization is both immoral and counterproductive by reducing chances for self-sufficiency and burdening the unhoused with a criminal record while adding additional costs to the state.

Black, immigrant, disabled, elderly and trans women are particularly vulnerable to being unhoused, with statistics ranging from 30-40% experiencing homelessness at some point in their lives. With criminalization of homelessness escalating post *Grants Pass* (2024) combined with Maryland's dearth of available housing, many women are forced to stay in violent relationships, increasing their risk of homicide and danger to their children. Economic disparities between parties are common in most of the family law cases litigated by the Women's Law Center, however we have never taken an unhoused client to trial because no judge would rule in their favor for matters such as child custody. Women are therefore faced with the impossible choice of abuse at home or criminalization and abuse on the street.

Despite our government signing several international human rights treaties and declarations recognizing adequate housing as a basic human right, housing remains a commodity in this country. We are also facing a time of enormous economic upheaval, including state budget cuts and federal funding freezes. The Women's Law Center was founded to protect the marginalized and abused women of Maryland, and we support this legislation's intent to not make life worse for our friends, family members, and neighbors struggling with housing needs. We strongly support this bill, and further implore our lawmakers to enshrine into Maryland's constitution an individual's fundamental right to adequate housing.

*The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.*

# **SB0484\_Unhoused\_Individuals\_Rights\_Civil\_Action\_an**

Uploaded by: Cecilia Plante

Position: FAV



## **TESTIMONY FOR SB0484**

### **Unhoused Individuals – Rights, Civil Action, and Affirmative Defense**

**Bill Sponsor:** Senator Muse

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** **FAVORABLE**

I am submitting this testimony in strong support of SB0484 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

In every corner of the world, and certainly of the state of Maryland, you will find unhoused individuals. People who have no access to a fixed, adequate living space and is forced to reside on the street, in a car, or in other public spaces. They are often forced to move due to local ordinances for vagrancy and have had their meager possessions impounded.

This bill, if enacted, would affirm the basic rights of the unhoused. If there is no adequate shelter available, then threatening or imposing civil or criminal penalties on them violates the protection against cruel and unusual punishment and excessive fines guaranteed in the Bill of Rights. If a violation is made to the rights of an unhoused person, they have the right to bring civil action (or have the Attorney General bring action) against the jurisdiction or an official or agent of the state. They have the right to equitable relief and attorney fees if they prevail.

In this world, where the unhoused have so little dignity, this is an affirmation that we are still a just, caring society, and that we would show respect to those who have so little.

We strongly support this bill and recommend a **FAVORABLE** report in committee.

# **2025 6 2 MOPD Fav SB 484 UNhoused rights .pdf**

Uploaded by: Elizabeth Hilliard

Position: FAV



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**HANNIBAL KEMERER**  
CHIEF OF STAFF

**ELIZABETH HILLIARD**  
DIRECTOR OF GOVERNMENT RELATIONS

## **POSITION ON PROPOSED LEGISLATION**

**BILL: Senate Bill 484 – UNHOUSED INDIVIDUALS RIGHTS CIVIL ACTIONS  
AND AFFIRMATIVE DEFENSE**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: February 4, 2025**

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The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 484. This bill grants Maryland's unhoused individuals and families the right to protection from discrimination due to their economic conditions and the right to access public property in order to establish temporary dwellings basically to sit, sleep, eat and rest their weary bodies to survive. Vagrancy is defined as the condition of wandering homelessness without regular employment or income. Unfortunately, vagrancy is still a crime in many local jurisdictions in Maryland.

Various Counties and Municipalities have enacted laws that criminalize the status of Maryland's unhoused citizens and families. These discriminatory laws are a result of ordinances that prohibit sitting, sleeping, panhandling, sharing food, or religious practices in public spaces. According to the National Law Center on Homelessness and Poverty, over 1/2 million people are homeless on any given night in America and half of them are unhoused. Vagrancy laws were created in America after slavery to control the labor and conduct of formerly enslaved Black people for being "idle" and assigned them to chain gangs or auction them off to serve their sentence on farms and plantations. They could not leave these farms without proof of employment.

There is legislation in several states that prohibit discrimination against individuals due to their status as unhoused citizens- Rhode Island, Illinois, Connecticut, California and Colorado. This bill does not grant citizens the right to affordable housing but grants them the right to live out in the open, to participate in all areas of community as any other citizen and to live and to feel safe even though they are currently unhoused. To discriminate against anyone due to their status of being unhoused is discriminatory. To discriminate against anyone due to poverty is discriminatory.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 484.**

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**

# **NHCHC\_HCH Testimony - SB 484 FAV - Prevent Crimina**

Uploaded by: Joanna Diamond

Position: FAV



HEALTH CARE FOR THE HOMELESS TESTIMONY  
IN SUPPORT OF  
SB 484 – Unhoused Individuals – Rights, Civil Actions,  
and Affirmative Defense  
Senate Judicial Proceedings Committee  
February 6, 2025



Health Care for the Homeless and its national affiliate, the National Health Care for the Homeless Council, strongly support SB 484, which would ensure all unhoused individuals have the right to engage in life-sustaining activities in public spaces, allows the Attorney General or an individual harmed by a violation of the Act to bring civil actions against a government entity, and repeals local laws that prohibit vagrancy.

**Homeless encampments occur because there is a pervasive lack of affordable, permanent housing in our communities.** As the cost of housing continues to exceed income, the number and scale of encampments is only increasing. Community responses to remove, or “sweep,” encampments are understandable because people are rightly disturbed by the existence of homelessness, especially in the United States. Not only is homelessness a clear violation of human rights, but it is also a stark reminder of the systemic public policy failures across the housing, health care, labor, and education sectors that have produced [epidemic levels](#) of homelessness amid a critical shortage in rental housing [nationwide](#) and here in [Maryland](#).

**Encampment sweeps (and other measures to forcibly remove individuals from public spaces) do not solve homelessness and instead, only create additional problems.** As health care providers, we have seen first-hand how forced relocations without connections to housing result in further harm in four different ways:

- **Sweeps damage health, well-being, and connections to care:** they destroy items needed for survival, cause trauma and worsen mental health conditions, destroy life-saving medications and medical equipment, sever connections to care, and undermine trust in service providers.
- **Sweeps compromise personal safety and civic trust:** they increase arrests and assaults on residents, contribute to drug overdoses, push residents into more dangerous and isolated environments, cause widespread fear, increase hostile interactions with the police, disproportionately impact Black, Brown and other People of Color and those with disabilities, violate rights, and contribute to stigma.
- **Sweeps undermine paths to housing and financial stability:** they destroy vital records, prevent gainful employment, create criminal records, jeopardize housing opportunities, sever connections with the community, and damage hope.
- **Sweeps create unnecessary costs for local communities:** they cost millions of dollars, divert money from solutions such as housing, increase incarceration costs, and undermine population health goals.

*“When there are sweeps, I stop being able to get in touch with clients. If I can reach them afterwards, they are noticeably triggered. I’ve personally seen the city throw away family photos and vital documents and uproot my clients’ lives. When people are housing unstable, they’ve often been kicked out, evicted, or made to move many times and so the sweeps are retraumatizing.”*  
~ Red Nesbitt, Behavioral Health Therapist, Health Care for the Homeless



**SB 484 would stop the harm that sweeps cause and allow individuals and service providers to focus on more effective and constructive measures to increase stability and end homelessness, such as connecting people to permanent housing.** For more details on the harms of encampment sweeps, as well as many resource documents, please see our fact sheet: [Impact of Encampment Sweeps on People Experiencing Homelessness](#).

We urge a favorable report on Senate Bill 484.

*Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We deliver medical care, mental health services, state-certified addiction treatment, dental care, social services, housing support services, and housing for over 11,000 Marylanders annually at centers in Baltimore City and Baltimore County.*

*Our Vision: Everyone is healthy and has a safe home in a just and respectful community.*

*Our Mission: We work to end homelessness through racially equitable health care, housing and advocacy in partnership with those of us who have experienced it.*

*For more information, visit [www.hchmd.org](http://www.hchmd.org).*

*The National Health Care for the Homeless Council (NHCHC) is a membership organization representing HRSA-funded Health Care for the Homeless (HCH) health centers, medical respite programs, and other organizations providing health care to people experiencing homelessness. Our members offer a wide range of services to include comprehensive primary care, mental health and addiction treatment, medical respite care, supportive services in housing, case management, outreach, and health education, regardless of an individual's insurance status or ability to pay. Last year, 300 HCH programs served approximately 1 million patients in over 2,500 locations across the country.*

*Our Mission: The NHCHC mission is to build an equitable, high-quality health care system through training, research, and advocacy in the movement to end homelessness.*

*For more information, visit [www.nhchc.org](http://www.nhchc.org)*

# **SB 484\_MD Center on Economic Policy\_FAV.pdf**

Uploaded by: Kali Schumitz

Position: FAV

FEBRUARY 6, 2026

# Maryland Should End Punitive Policies That Trap People in Homelessness

## Position Statement Supporting Senate Bill 484

*Given before the Judicial Proceedings Committee*

Senate Bill 484 seeks to affirm the rights and dignity of unhoused individuals while addressing the systemic injustices that criminalize homelessness. In Maryland, thousands of people experience homelessness each year, often facing discrimination, harassment, and legal penalties simply for existing in public spaces. **The Maryland Center on Economic Policy supports Senate Bill 484 because it will reduce the criminalization of poverty that puts economic security and stability further out of reach for people experiencing homelessness.**

Unhoused individuals are disproportionately impacted by policies that treat poverty as a crime. Many are ticketed, arrested, or forcibly removed from public spaces for acts of survival—sleeping in a park, seeking shelter in a doorway, or asking for help. These penalties trap people in a cycle of homelessness, as fines, legal fees, and criminal records create additional barriers to employment and housing.

Homelessness is not just a housing issue; it is an issue of racial and economic injustice. Black Marylanders are significantly more likely to experience homelessness due to a history of discriminatory housing policies, wage disparities, and mass incarceration. LGBTQ+ youth, survivors of domestic violence, and individuals with disabilities also face higher risks of becoming unhoused, often due to systemic failures in public services and social safety nets.

Senate Bill 484 ensures that all individuals, regardless of housing status, are granted fundamental rights and protections. The bill:

- Establishes a Bill of Rights for Unhoused People – Affirming that individuals experiencing homelessness have the right to move freely in public spaces without fear of harassment or criminalization.
- Allows for legal action against discrimination – Enabling unhoused individuals to seek legal recourse if they are targeted or mistreated by government entities.
- Creates an affirmative defense against certain criminal charges – Protecting individuals from being prosecuted for actions necessary for survival, such as trespassing when no shelter is available.
- Repeals vagrancy laws - Ending outdated and punitive measures that disproportionately impact those with the least resources.

If Maryland is truly committed to equity and economic justice, we must stop treating homelessness as a crime and start addressing its root causes—lack of affordable housing, low wages, and inadequate social support systems.

Senate Bill 484 is a step toward ensuring that all Marylanders, regardless of their housing status, are treated with dignity and fairness.

For these reasons, **The Maryland Center on Economic Policy urges this Committee to support Senate Bill 484.**

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### **Equity Impact Analysis: Senate Bill 484**

#### *Bill Summary*

Senate Bill 484 seeks to affirm the rights and dignity of unhoused individuals while addressing the systemic injustices that criminalize homelessness.

#### *Background*

Unhoused individuals are disproportionately impacted by policies that treat poverty as a crime. Many are ticketed, arrested, or forcibly removed from public spaces for acts of survival—sleeping in a park, seeking shelter in a doorway, or asking for help. These penalties trap people in a cycle of homelessness, as fines, legal fees, and criminal records create additional barriers to employment and housing.

#### *Equity Implications*

Homelessness is not just a housing issue; it is an issue of racial and economic injustice. Black Marylanders are significantly more likely to experience homelessness due to a history of discriminatory housing policies, wage disparities, and mass incarceration. LGBTQ+ youth, survivors of domestic violence, and individuals with disabilities also face higher risks of becoming unhoused, often due to systemic failures in public services and social safety nets.

#### *Impact*

Senate Bill 484 will likely **improve racial, health and economic equity** in Maryland.

# **SB 484 - MNADV - FAV.pdf**

Uploaded by: Laure Ruth

Position: FAV



**BILL NO:** Senate Bill 484  
**TITLE:** Unhoused Individuals - Rights, Civil Action, and Affirmative Defense  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** February 6, 2025  
**POSITION:** **SUPPORT**

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The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals, for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 484.**

Senate Bill 484 would offer unhoused people dignity and a voice in how they are treated. SB 484 creates a “bill of rights” for the unhoused. SB 484 would prohibit discrimination against unhoused people or the appearance of being unhoused. It would prohibit threatening or imposing civil or criminal punishments on people engaged in life sustaining activities, as defined in the bill. Doing so would be a violation of protections against cruel and unusual punishment as defined. “Life sustaining activity” means moving, resting, sitting, standing, lying down, sleeping eating, drinking or protecting oneself from the elements. A person harmed would have the ability to sue civilly any government entity or agency that violated the law. The attorney general may also sue the government entity that violated the law. Attorney fees may be awarded.

In addition, SB 484 creates an affirmative defense to some specific charges if the person was engaged in a “life sustain activity.”

Unhoused people are usually unhoused due to other issues in their lives, be it poverty, mental illness, or something else, such as being a victim of domestic violence. Thirty eight percent of all domestic violence victims become homeless at some point in their lifetime. In addition, more than 90 percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Domestic violence survivors can experience obstacles both in looking for housing and maintaining safe housing. These obstacles are often amplified depending on a survivor’s race, immigration status, or English language proficiency.<sup>1</sup> Often, survivors who require assistance with housing encounter long wait times, lack of openings, scarcity of affordable housing options, and administrative delays. For example, in one day in 2022, 1642 domestic

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<sup>1</sup> [https://www.americanbar.org/groups/domestic\\_violence/Initiatives/five-for-five/five-facts-homelessness/](https://www.americanbar.org/groups/domestic_violence/Initiatives/five-for-five/five-facts-homelessness/). Last viewed 2/3/2025.



violence programs were unable to meet over 6748 requests made for housing services. On average, it takes a homeless family 6 to 10 months to secure housing.<sup>2</sup>

Many survivors of domestic violence are financially dependent on their abuser, often by the latter's design. This dependency often traps survivors in abusive relationships, making it difficult for them to seek help or escape. Also, coping with abuse can lead to poor rental, credit, and employment histories that make it hard for survivors to qualify for rental housing.<sup>3</sup> In addition, the scarcity of affordable housing options means that women fleeing domestic violence frequently find themselves without a safe place to go.<sup>4</sup> Abusers often work to cut off or alienate their partners from their friends and family, weakening or eliminating survivors' supportive social networks. This can leave women without the option to stay with someone they know. In addition, domestic violence shelters are often at capacity, especially during winter, leaving women with few housing alternatives.<sup>5</sup>

Offering the unhoused the ability to take care of themselves, not taking away their only belongings, and not subjecting them to debilitating fines or incarceration is the only way to treat people in these extraordinarily difficult circumstances.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 484.**

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<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> Id.

# **CLS Support for SB0484 - Unhoused Individuals.pdf**

Uploaded by: Lisa Sarro

Position: FAV



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## **SB0484 – Unhoused Individuals – Rights, Civil Action, and Affirmative Defense**

**Hearing in the Judicial Proceedings Committee, February 6, 2025**

### **Position: Favorable**

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Community Legal Services supports SB 484, which allows people experiencing homelessness to use an affirmative defense of necessity for certain criminal charges, such as trespassing or disturbing the peace, and repeals municipal authority to enforce vagrancy laws.

Community Legal Services (CLS) is dedicated to promoting equal access to justice for underrepresented individuals and families in Maryland. We provide free, high-quality legal services to those who would otherwise lack access to legal help or representation in court. Our services encompass many areas of law, including housing, employment, and family law matters.

Through our advocacy, we have observed that even brief periods of homelessness can have devastating consequences for our clients' future prospects, affecting their ability to secure housing, obtain employment, and maintain relationships with their children. When arrest and resulting criminal records are piled onto the experience of being or having been homeless, the follow on effects of homelessness are multiplied, creating insurmountable barriers to success for individuals trying to get out of homelessness and into stable, productive living conditions.

Unhoused individuals often have no choice but to seek shelter in public or private spaces, yet they are frequently arrested and charged simply for trying to survive. These criminal records make it even harder for them to secure housing and employment, trapping them in cycles of poverty. By allowing a necessity defense, SB 484 acknowledges that homelessness is not a crime and ensures that people are not punished for circumstances beyond their control. Repealing local vagrancy laws further prevents municipalities from using outdated policies to criminalize poverty.

CLS urges a favorable report on SB 484 to ensure Maryland takes a just and humane approach to addressing homelessness - one that prioritizes developing solutions over punishment. Please reach out to Executive Director, Jessica Quincosa and Director of Litigation and Advocacy, Lisa Sarro with questions. ([quincosa@clspgc.org](mailto:quincosa@clspgc.org) and [warro@clspgc.org](mailto:warro@clspgc.org))

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# **SB 484 Unhoused Individuals FAV.pdf**

Uploaded by: Matt Hill

Position: FAV



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## **SB 484: Unhoused Individuals – Rights, Civil Action, and Affirmative Defense**

**Hearing before the Senate Judicial Proceedings Committee on February 6, 2025**

**Position: FAVORABLE**

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The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing and their rights to fair and equal treatment by Maryland's landlord-tenant laws, courts, and agencies. The PJC advocates for systemic change to build a just society.

PJC supports SB 484 and asks for a favorable report because Housing is Human Right, and SB 484 would ensure that Maryland's citizens who cannot afford housing are not subjected to the cruel and unusual punishment of being ticketed or arrested for simply sleeping or doing things needed to survive. This law is only in effect when there is insufficient adequate shelter or housing alternatives.

### **Background**

Everybody needs a safe place to sleep. But on June 28, 2024, the U.S. Supreme Court decided *City of Grants Pass, Oregon v. Johnson*, overturning longstanding precedent, ruling instead that local governments can now arrest or fine people for sleeping outside *even if adequate shelter is not available*. The decision:

- Removes incentives to respect the basic humanity and human needs of unhoused people
- Enables cities to take a harmful, counterproductive, and expensive approach to homelessness, and;
- perpetuates harms amongst Black, Brown, Indigenous, LGBTQ, disabled, and other marginalized communities that are disparately impacted by homelessness and targeted for law enforcement.

Since the Grants Pass decision, over 150 communities nationwide have passed laws arresting, fining, and ticketing unhoused people for sleeping outside when there is no other place for them to go. Criminalization is not a solution to homelessness; it is an expensive, dehumanizing, and counterproductive approach that makes it harder to solve homelessness. Instead, the most effective approach to addressing homelessness - when adequately funded and available - is providing immediate access to [stable, affordable housing and the supportive services people want and need](#) to maintain stability.

*The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.*

## HB 487 Helps Protect Both Housed and Unhoused Marylanders

This bill enhances Maryland communities' ability to address the homelessness crisis, by ensuring that real solutions like housing and services remain at the forefront in the state's work to solve homelessness. MD HB 487 simply puts the law back where it was before the Supreme Court's short-sighted decision. Passing this law will help Maryland communities implement effective policies to end homelessness. Specifically, MD HB 487:

- Ensures Marylanders without housing have the right to be offered adequate alternative housing before having anti-camping or similar laws enforced against them;
- Enjoy the same rights as housed persons do in public places
- Have the ability to retrieve belongings from vehicles or relocate vehicles they are living in before they are towed

Importantly, this law does not take away communities' abilities to use other existing and enforceable laws that keep sidewalks and parks clean; it *only* says that there must be an offer of an adequate alternative before enforcement takes place. This provides communities with an incentive to ensure those alternatives actually exist before turning to less effective law enforcement approaches.

### **We all benefit when communities use housing, not handcuffs to address homelessness.**

Nobody wants to see people living outside, especially people who live outside themselves. Maryland should focus on the [best, most effective, most cost-effective way](#) to solve homelessness. Enforcing a criminal penalty against individuals who have nowhere else to go is expensive, wastes resources such as police, and prolongs the time people spend on the street. We all win when everybody has housing and services that meet their needs.

### **Criminalization is costly, housing saves money.**

Everybody deserves to feel safe, including people who live outside. With state and local budgets stretched to their limit and the threat of additional federal cuts on the horizon, rational, cost-effective policies are needed, not ineffective measures that waste precious taxpayer dollars. [A study in Charlotte, NC](#), found that the city saved \$2.4 million over the course of a year after creating a Housing First facility, as tenants spent 1,050 fewer nights in jail and 292 fewer days in the hospital and had 648 fewer visits to emergency rooms.

### **Communities are safer when law enforcement focuses on actual crime, not homelessness**

The Law Enforcement Action Project, made up of hundreds of law enforcement officers across the country [stated](#) support for the 9<sup>th</sup> Circuit's ruling. "...[S]hifting the response to homelessness to police imposes burdens on law enforcement members themselves. Officers are not trained or equipped to deal with the myriad social issues that result in living outside. And even if they were, diverting limited police resources to address homelessness reduces law enforcement's ability to solve crimes and do other important work to preserve public safety... Criminalizing homelessness—and putting law enforcement officers in a position to enforce such laws—undermines community trust in law enforcement...[which] in turn, undermines law enforcement officers' abilities to do their jobs."

Maryland's own Attorney General Anthony Brown led a [brief](#) with five other states against overturning the *Grants Pass* decision, stating, "policies criminalizing involuntary homelessness...ultimately undermine governmental interests in public health and safety. Taking these policies off the table does not interfere

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with our ability to address homelessness.... Eugene, Oregon, for example, dispatches medical and mental health crisis workers instead of police officers in response to homelessness reports. This alternative response program has enabled the city to avoid millions of dollars of spending on public safety.”

Public Justice Center **urges a favorable report on SB 484**. If you have any questions, please contact C. Matthew Hill, [hillm@publicjustice.org](mailto:hillm@publicjustice.org) (410) 625-9409 Ext. 229.

## **Testimony in support of SB0484 - Unhoused Individu**

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0484\_RichardKaplowitz\_FAV

02/06/2025

Richard Keith Kaplowitz Frederick,  
MD 21703-7134

**TESTIMONY ON SB#0484 - POSITION: FAVORABLE**  
Unhoused Individuals - Rights, Civil Action, and Affirmative Defense

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Richard Keith Kaplowitz

**My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of/ SB#/0484, Unhoused Individuals - Rights, Civil Action, and Affirmative Defense**

“Homelessness is a policy choice. It is the result of generations of racist and discriminatory policies that systemically deny economic mobility, health care and housing, particularly for Black and brown neighbors.

Each year in Maryland, 30,000+ people experience homelessness. More than 10x that many are poor.

People typically experience homelessness because they can’t afford housing, which is often perpetuated by things like poor health. The connection between poverty, housing and health is close and direct.”<sup>1</sup>

“The criminalization of homelessness refers to measures that prohibit life-sustaining activities such as sleeping/camping, eating, sitting, and/or asking for money/resources in public spaces. These ordinances include criminal penalties for violations of these acts.”<sup>2</sup>

Some criminalization measures include:

- Carrying out sweeps: confiscating personal property including tents, bedding, papers, clothing, medications, etc.
- Making panhandling illegal.
- Making it illegal for groups to share food with homeless people in public spaces.
- Enforcing a “quality of life” ordinance relating to public activity and hygiene.”

All of these measures deny the humanity of persons who, for whatever reason, have become unhoused and need a hand up to return to full societal participation.

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<sup>1</sup> <https://www.hchmd.org/homelessness-maryland>

<sup>22</sup> <https://nationalhomeless.org/civil-rights-criminalization-of-homelessness/#:~:text=The%20criminalization%20of%20homelessness%20refers,money/resources%20in%20public%20spaces.>



SB0484\_RichardKaplowitz\_FAV

In recognition of all the deprivations that are being afflicted on homeless person this bill makes the moral statement that in Maryland “We Leave No One Behind”. It says we provide ethical and moral treatment of our homeless population. The bill makes that commitment by providing that all unhoused individuals have certain rights which are enumerated. It invokes the force of law by authorizing the Attorney General or an individual harmed by a violation of the Act to bring a certain civil action against a political subdivision, a unit of State or local government, or a government official for treatment of the homeless persons. The bill will establish an affirmative defense of necessity to certain criminal charges relating to trespass or disturbing the peace, charges often used and implemented against the homeless. Finally, it will repeal the authority of a municipality to prohibit vagrancy forcing that municipality to create ethical solutions that respect the humanity of individuals who were or could become a defined vagrant in their jurisdiction.

**I respectfully urge this committee to return a favorable report on SB0484.**

# **SWASC - SB 484 - Unhoused Rights - FAV.pdf**

Uploaded by: UM SWASC

Position: FAV

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**TESTIMONY IN SUPPORT OF SENATE BILL 484**  
**Unhoused Individuals - Rights, Civil Action, and Affirmative Defense**  
*Judicial Proceedings Committee*  
**February 6, 2025**

**Social Work Advocates for Social Change strongly supports SB 484**, which will establish basic rights for people experiencing homelessness and afford them legal recourse when those rights are violated. This legislation will address the overcriminalization of the unhoused and provide critical protections for this vulnerable population.

**Criminalizing people experiencing homelessness does not solve the problem of homelessness and exhausts state funds in the process.** Criminalizing homelessness creates barriers between unhoused people and employment opportunities, public benefits, and stable housing. The criminalization of homelessness serves to fuel already high carceral expenditures in the state of Maryland, which has increased the operating budget for pretrial detentions by a rate of 38.8% since FY 2025.<sup>1</sup> Evidence-based solutions to the problem of homelessness exist, such as Rapid Rehousing, which has resulted in permanent housing success rates of up to 84%.<sup>2</sup> Criminalization is expensive for the state and not an evidence-based solution to the issue of homelessness.

Last year, the United States Supreme Court ruled 6-3 that local governments can impose anti-homelessness laws without violating the 8th Amendment. *Grants Pass v. Johnson* overruling set a precedent for anti-squatting policies nationwide.<sup>3</sup> Instead of following localities that are adopting inhumane anti-squatting laws, Maryland has the opportunity to provide sanctuary for our most vulnerable community members. Rhode Island, a neighboring state, was the first to establish a homeless bill of rights, which **protects unhoused individuals from moving freely in public spaces without being discriminated against as any other person would.**<sup>4</sup> Additionally, it mirrors those provisions by prohibiting government agents from impeding unhoused individuals from life-sustaining activities, such as sheltering in public areas.

Rhode Island's progressive approach has proven to be both compassionate and effective, as the policy has led to more individuals being connected to services, which

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<sup>1</sup> "FY 2026 Maryland State Budget Highlights." 2025. State of Maryland.

<https://dbm.maryland.gov/budget/Documents/operbudget/2026/proposed/FY2026MarylandStateBudgetHighlights.pdf>.

<sup>2</sup> Daniel Gubits, Korrin Bishop, Lauren Dunton, Michelle Wood, Tom Albanese, Brooke Spellman, and Jill Khadduri. 2018.

"Understanding Rapid Re-Housing: Systematic Review of Rapid Re-Housing Outcomes Literature,".

<sup>3</sup> ACLU Alaska. 2024. "U.S. Supreme Court overturns *Grants Pass v. Johnson* ruling." ACLU of Alaska.

<https://www.acluak.org/en/press-releases/us-supreme-court-overturns-grants-pass-v-johnson-ruling>.

<sup>4</sup> Szyba, Randall T. 2012. "Assembly OKs legislation to create "Homeless Bill of Rights."" State of Rhode Island General Assembly News.[https://www.rilegislature.gov/pressrelease/\\_layouts/RIL.PressRelease.ListStructure/Forms/DisplayForm.aspx?List=c8baae31-3c10-431c-8dcd-9dbbe21ce3e9&ID=7966](https://www.rilegislature.gov/pressrelease/_layouts/RIL.PressRelease.ListStructure/Forms/DisplayForm.aspx?List=c8baae31-3c10-431c-8dcd-9dbbe21ce3e9&ID=7966).



For more information, please contact  
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will lead to better long-term well-being for unhoused individuals. Maryland stands to benefit greatly from adopting a similar strategy, not only by reducing strain on the criminal justice system but also by improving outcomes for the unhoused population. Ensuring access to services, like mental health care and substance use treatment, would help with breaking the cycle of homelessness, ultimately reducing long-term public costs associated with emergency services and incarceration.

By implementing similar protections, Maryland would align itself with states like Connecticut and Delaware, which have followed Rhode Island's lead in establishing safeguards for unhoused individuals. This shift would prioritize the allocation of resources towards rehabilitation, healthcare, and housing support rather than perpetuating expensive legal processes. Furthermore, **embracing this progressive approach would reinforce Maryland's commitment to social equity by addressing homelessness in a compassionate and sustainable way.**

**Social Work Advocates for Social Change urges a favorable report on SB 484.**

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*Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.*

# **SB0484 - Maryland Legal Aid - FAV.pdf**

Uploaded by: Zafar Shah

Position: FAV



**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:

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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>



# **2025 2 4\_SB484testimony v2.pdf**

Uploaded by: David Prater

Position: FWA



**CAROLYN A. QUATTROCKI**  
*Chief Deputy Attorney General*

**LEONARD J. HOWIE III**  
*Deputy Attorney General*

**CARRIE J. WILLIAMS**  
*Deputy Attorney General*

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**STATE OF MARYLAND  
OFFICE OF THE ATTORNEY GENERAL  
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**ANTHONY G. BROWN**  
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*General Counsel*

**CHRISTIAN E. BARRERA**  
*Chief Operating Officer*

**DAVID A. PRATER**  
*Assistant Attorney General*

**Testimony of David A. Prater, Assistant Attorney General  
Before the Senate Judicial Proceedings Committee  
SB 484 – Unhoused Individuals – Rights, Civil Actions, and Affirmative Defenses  
Position: Favorable with Amendments  
February 6, 2025**

In 2024, the Supreme Court in *Grants Pass v. Johnson*, 603 U.S. 520 (2024) held that State and Municipalities may criminalize persons who are without shelter and engaging in life sustaining activities, such as sleeping, without violating the Eighth Amendment against cruel and unusual punishment. SB 484 restores in Maryland the common-sense rule that it is cruel and ineffective to criminally punish involuntarily homeless persons for sleeping in public if there are no other public areas or appropriate shelters where those individuals can sleep. The Office of Attorney General urges a report of **Favorable with Amendments**.

The lack of affordable housing in Maryland is acute. The annual household income needed to afford a two-bedroom apartment in Maryland is \$76,345.<sup>1</sup> Based on the 2024 Annual HUD's last Point in Time count, Maryland had approximately 6,069 households experiencing homelessness, including over 1,000 youth under the age of 18.<sup>2</sup> Over a thousand households experiencing homelessness reside in Garrett, Allegany, Washington, Frederick, Charles, Calvert, St. Mary's, Harford, and Cecil County.<sup>3</sup>

Arrest and imprisonment are not viable solutions to the lack of affordable housing. The monthly cost of incarceration per individual in Maryland in 2022 was estimated to be over \$4,970 a month.<sup>4</sup> Estimates of daily incarceration range from \$90 to \$300 per inmate at local detention centers.<sup>5</sup> Moreover, unhoused people who enter the criminal justice system struggle to

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<sup>1</sup> National Low Income Housing Coalition, Housing Needs by State, available at <https://nlihc.org/housing-needs-by-state/maryland> (last accessed on Feb. 3, 2025)

<sup>2</sup> United States Department of Housing and Urban Development, Office of Policy Development and Research, 2024 Annual Homeless Assessment Report, available at <https://www.huduser.gov/portal/datasets/ahar/2024-ahar-part-1-pit-estimates-of-homelessness-in-the-us.html> (last accessed on Feb. 3, 2025).

<sup>3</sup> *Id.*

<sup>4</sup> Maryland Department of Legislative Services, Fiscal and Policy Note HB 978 (2023), available at [https://mgaleg.maryland.gov/2023RS/fnotes/bil\\_0008/hb0978.pdf](https://mgaleg.maryland.gov/2023RS/fnotes/bil_0008/hb0978.pdf) (last accessed on Feb. 3, 2025)

<sup>5</sup> *Id.*

exit, which leads to a vicious cycle of homelessness and incarceration that drains the public fisc.<sup>6</sup> Criminalization is thus an inefficient, costly, and futile response to homelessness. Indeed, even officers tasked with enforcing such policies are asking for change.<sup>7</sup>

Under SB 484, Maryland counties and municipalities retain the authority to regulate encampments and behavior that negatively affects other people. SB 484 also encourages effective solutions to address homelessness. Solutions such as a “Housing First” approach, which places people in permanent housing with support services, without the typical strings that trip up those struggling with substance abuse, disability, or a criminal history when they seek to procure housing on their own.<sup>8</sup> Houston, for example, has drawn nationwide attention for reducing homelessness by 63% since 2011, even as homelessness rates across the country have continued to rise.<sup>9</sup>

**SB 484 prohibits local jurisdictions from passing ordinances and laws that criminalize people without adequate alternative nighttime shelter** from merely existing in public places.

**SB 484 is not a license for people to engage in other criminal behavior** such as harassment, public urination, and/or aggressive soliciting. SB 484 does not infringe on the right of private residential property owners to ban people from private property. SB 484 simply acknowledges and protects the dignity and humanity of people experiencing homelessness by not allowing the lack of adequate shelter be grounds for fines and criminal prosecution.

**SB 484 specifically recognizes the lack of adequate alternative nighttime shelter as an affirmative defense to certain criminal charges**, specifically trespassing on government property and disorderly conduct while engaged in life-sustaining activity.

The Attorney General offers as a friendly amendment that the Attorney General’s authority to sue under this bill be removed. For these reasons, the Attorney General urges the Committee to adopt the offered amendment and issue a favorable report.

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<sup>6</sup> Samantha Batko et al., Urban Institute, Alternatives to Arrests and Police Responses to Homelessness: Evidence-Based Models and Promising Practices (Oct. 2020), <https://tinyurl.com/825s5fsv>

<sup>7</sup> Doug Irving, RAND, Rethinking How Police Respond to Homelessness (Mar. 4, 2021), <https://tinyurl.com/bdh6zmhd>.

<sup>8</sup> Michael Wilt, Texas State Affordable Housing Corp., An Overview of the Housing First Model (Mar. 5, 2021), <https://tinyurl.com/2yf49fe7>.

<sup>9</sup> Michael Kimmelman, How Houston Moved 25,000 People from the Streets into Homes of Their Own, N.Y. Times (June 14, 2022), <https://tinyurl.com/2mpkydad>.

# **MMHA - 2025 - SB484 - FWA.pdf**

Uploaded by: Matthew Pipkin

Position: FWA



## Senate Bill 484

**Committee: Judicial Proceedings**

**Bill: Senate Bill 484 Unhoused Individuals – Rights, Civil Action, and Affirmative Defense**

**Date: February 6<sup>th</sup>, 2025**

**Position: Favorable with Amendments**

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The Maryland Multi-Housing Association (MMHA) is a professional trade association established in 1996, whose members house more than 538,000 residents of the State of Maryland. MMHA's membership consists of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities and more than 250 associate member companies who supply goods and services to the multi-housing industry.

Senate Bill 484 ("SB 484") seeks to provide certain rights to unhoused individuals conducting life-sustaining activities on certain public places. SB 484 also authorizes the Attorney General, or an individual harmed by a violation of the Act, to bring a certain civil action against a political subdivision, a unit of State or local government, or a government official. Additionally, SB 484 establishing an affirmative defense of necessity to certain criminal charges relating to trespass or disturbing the peace; and repealing the authority of a municipality to prohibit vagrancy.

MMHA commends the sponsors of this legislation for their intent to both minimize court involvement and to provide certain legal protections for unhoused individuals in public places. However, while the intent of this legislation may be to only impact public places, MMHA has concerns that the SB 484's language may inadvertently affect housing providers and tenants.

Under SB 484, housing providers may run into difficult situations with unhoused individuals who have previously harassed or threatened residents and staff of a housing complex. For example, if the unhoused individual was conducting life-sustaining activity on a sidewalk adjacent to a housing complex, that unhoused individual would be protected to remain there in perpetuity regardless of their history of harassment or intimidation of residents or staff at the complex. This creates a potentially serious public safety situation for residents and staff.

**Therefore, MMHA requests amendments to SB 484 that would specify that a "Public Place", as specified from lines 20 on page 3 till line 3 on page 4, may not include locations adjacent to residential and commercial property. Additionally, MMHA requests an amendment to specify intently that private property is excluded for this legislation (ex. privately owned parking lots etc.). MMHA stands ready to work with the sponsors of this legislation to alleviate the concerns as outlined.**

Please contact Matthew Pipkin, Jr. at (443) 995-4342 or [mpipkin@mmhaonline.org](mailto:mpipkin@mmhaonline.org) with any questions.

## **SB 484 - MML - OPP.pdf**

Uploaded by: Angelica Bailey Thupari

Position: UNF



Maryland Municipal League  
*The Association of Maryland's Cities and Towns*

## TESTIMONY

February 6, 2025

**Committee:** Senate Judicial Proceedings

**Bill:** SB 484 - Unhoused Individuals - Rights, Civil Action, and Affirmative Defense

**Position:** Unfavorable

**Reason for Position:**

The Maryland Municipal League (MML) respectfully opposes Senate Bill 484, which expands constitutional rights for unhoused individuals. While MML supports efforts to protect unhoused individuals' rights, this bill shifts significant responsibilities and liabilities onto local governments without addressing the root causes of housing instability.

SB 484 creates the right to occupy public spaces for life-sustaining activities like sleeping, and a right to privacy including storing personal property in those public spaces. Granting these broad rights could create enforcement challenges for local governments. Cities and towns are responsible for ensuring that public spaces remain accessible and safe for all residents. The bill could limit their ability to regulate the use of parks, sidewalks, and other public areas, making it harder to maintain public order and sanitation and address concerns from businesses, housed residents, and law enforcement. Further, allowing life-sustaining activities in public spaces could pose health and sanitation challenges, especially if there are no corresponding public infrastructure improvements, such as increased access to restrooms and waste disposal services.

This bill also poses significant financial challenges for municipalities. Municipalities often have local ordinances addressing loitering, camping, and public health. A new civil rights framework for the unhoused could conflict with this measure, requiring potentially costly revisions and legal reviews. Further, this bill grants standing to unhoused individuals to sue municipalities for violations, which could lead to increased litigation costs and liability, straining municipal budgets. Imposing new obligations on municipalities without providing funding or resources to address homelessness (such as shelter services or outreach programs) burdens local governments with additional responsibilities without adequate support.

For these reasons, the League respectfully requests that the committee provide Senate Bill 484 with an unfavorable report. For more information, please contact Angelica Bailey Thupari, Director of Advocacy and Public Affairs, at [angelicab@mdmunicipal.org](mailto:angelicab@mdmunicipal.org) or (443) 756-0071. Thank you for your consideration.

*The Maryland Municipal League uses its collective voice to advocate, empower and protect the interests of our 160 local governments members and elevates local leadership, delivers impactful solutions for our communities, and builds an inclusive culture for the 2 million Marylanders we serve.*

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47 State Circle, Suite 403 Annapolis, Maryland 21401  
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# **AOBA\_SB484\_UNF.pdf**

Uploaded by: Brian Anleu

Position: UNF





**Bill:** **Senate Bill 484 - Unhoused Individuals - Rights, Civil Action, and Affirmative Defense**

**Committee:** **Judicial Proceedings**

**Date:** **February 6, 2025**

**Position:** **Unfavorable**

The Apartment and Office Building Association (AOBA) of Metropolitan Washington is a non-profit trade association representing the owners and managers of more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's counties. AOBA submits the following testimony in opposition to Senate Bil 484.

SB 484 prohibits counties from imposing civil or criminal penalties against unhoused individuals for life-sustaining activities in public places. Life-sustaining activities include eating, drinking, sleeping, or sheltering from the elements. It also grants unhoused individuals an affirmative defense against criminal trespass, disorderly conduct or disturbing the peace charges when committing life-sustaining activities in public places.

While AOBA does not support criminalizing poverty or homelessness, members are concerned that SB 484 will exacerbate issues with unhoused individuals in Central Business Districts (CBDs); the affirmative defense provision will make nuisance behavior more difficult to regulate; and the bill misinterprets the unhoused living experience.

#### 1. Central Business Districts

CBDs are mixed-use commercial areas that often have public and private places directly abutting one another. Montgomery County has several CBDs, including Wheaton, Silver Spring, and Bethesda. AOBA members in these areas frequently express concerns with unhoused individuals harassing tenants or otherwise committing nuisance behavior in the public spaces that abut their properties. This bill will only exacerbate this issue by giving unhoused individuals the right to occupy public places in perpetuity regardless of its proximity to private property.

#### 2. Nuisance behavior

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Tenants and property management staff are often left with little recourse for dealing with harassing, unwelcome or nuisance behavior from unhoused individuals. This behavior either fails to rise to a level of criminality for law enforcement to deal with or it must be directly observed by a law enforcement officer for them to act. For example, an unhoused individuals in a public place next to an apartment can get away with making lewd comments or gestures towards a female tenant of the building if the individual does not get physical with her. Providing an affirmative defense for criminal behavior by unhoused individuals will only make it more difficult to regulate this behavior.

### 3. The unhoused living experience

SB 484 presumes that unhoused individuals never have access to alternate indoor spaces for shelter, but that isn't always the case. Unhoused individuals frequently turn down offers to be relocated to county or non-profit shelters. Unhoused individuals may turn down this assistance out of fear that their belongings will be stolen or that their personal safety may be at risk by going to a shelter. The state needs a policy solution that focuses on the causes of being unhoused rather than focusing on the symptoms. AOBA believes that the solution is to make housing and shelters safer and more accessible to unhoused individuals.

For these reasons, AOBA urges an unfavorable report on Senate Bill 484. For more information, please contact Brian Anleu at [banleu@aoba-metro.org](mailto:banleu@aoba-metro.org).

# **AOBA\_SB484\_UNF.pdf**

Uploaded by: Brian Anleu

Position: UNF



**Bill:** **Senate Bill 484 - Unhoused Individuals - Rights, Civil Action, and Affirmative Defense**

**Committee:** **Judicial Proceedings**

**Date:** **February 6, 2025**

**Position:** **Unfavorable**

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# **Sb 484 written testimony Worcester County Commissi**

Uploaded by: Chip Bertino

Position: UNF



## Senate Bill 484

### *Unhoused Individuals - Rights, Civil Action, and Affirmative Defense*

Position: OPPOSE

To: Judicial Proceedings Committee

Date: Feb. 4, 2025

From: Chip Bertino, Worcester County Commissioner

Good afternoon Chair Smith, Vice Chair Waldstreicher and committee members. I am Worcester County Commissioner Chip Bertino. I am here to express opposition to Senate Bill 484.

While this bill nobly attempts to provide additional rights to unhoused individuals, it simultaneously impinges on the public safety concerns of counties while limiting the responsibilities of law enforcement in their mission to protect and serve. Further it is yet another unfunded mandate imposed on local jurisdictions.

The bill preempts local policies while exposing counties to new liabilities and public health issues. It mandates the county taxpayers provide free housing for individuals and families indefinitely.

Local government should be empowered to handle this issue locally. In Worcester County, the Homeless Outreach Team, a multi-agency effort that includes the health department, law enforcement, medical professionals and social services, among other entities, worked since 2018 to support individuals. The team helps people get vital records needed for employment, provides mental health services and puts people in touch with shelters. The efforts of the team ensure homeless individuals in need are connected with appropriate resources and services. A county should do no less.

SB 484, in preventing criminal and civil citations, removes a county's ability to act when public health and safety are threatened. Counties will be susceptible to lawsuits, brought by the unhoused and the attorney general on what could be specious grounds and motivation.

Additionally, regardless of the jurisdiction, the bill will harm the tourism industry, as individuals might opt to stay in their vehicles rather than pay for hotel rooms. If we question them and they claim to have no housing, how are we to judge the veracity of their claims?

I urge you to provide this bill with an unfavorable report. If the legislature is convinced this bill does need to move forward, please consider tightening up the definitions and incorporating amendments that protect counties' ability to maintain safe public spaces for all citizens.

# **MCPA-MSA SB 484 Unhoused Rights OPP.pdf**

Uploaded by: Samira Jackson

Position: UNF





# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chair and  
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 5, 2025

RE: **SB 484 Unhoused Individuals – Rights, Civil Action, and Affirmative Defense**  
POSITION: **OPPOSE**

The Maryland Chiefs of Police and the Maryland Sheriffs' Association (MCPA-MSA) **OPPOSE SB 484**. SB 484 establishes rights that unhoused individuals have in engaging in life-sustaining activities, while authorizing civil action to be taken against any government agents or entities that attempt to violate the rights as established within the bill.

MCPA-MSA firmly believe that the unhoused population of Maryland are valuable members of our communities and deserve to be treated with respect and dignity. Similarly, *all* Marylanders, whether housed or unhoused, are entitled to safe environments and to the use and enjoyment of all public places. MCPA-MSA understand that the government has an important role to play in providing necessary aid to the unhoused population. Law enforcement agencies across the State have robust partnerships with local organizations that provide shelter, sustenance, and assistance to the unhoused with a goal of service and support. There is much work being done, there is more to be done, and MCPA-MSA are honored to continue doing the work.

However, SB 484 mandates an approach that has proven to be a failure in other jurisdictions that have incorporated it across the country. This bill calls for the allowance of unhoused individuals to sleep or take shelter in an “unobtrusive”, a word undefined by the bill, manner on public land such as parks, courtyards, parking lots, sidewalks, public buildings, underpasses, shopping centers, etc. Furthermore, the bill provides that unhoused individuals are able to engage in life-sustaining activities provided that the activities do not “obstruct the normal movement of pedestrians or vehicles”, however this unclear language does not define “normal movement”. The broad language and lack of clarity within this bill raises extreme concern. In addition, this bill’s allotment for a state agency or a state agent to have a civil action brought against them for violating the rights within this bill, and its unclear language, is incredibly alarming to the MCPA-MSA.

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Westminster, Maryland 21157  
667-314-3216 / 667-314-3236

The grave consequences that will be created by the implementation of SB 484 were recently discussed at length by the United States Supreme Court in *City of Grants Pass v. Johnson*, 603 U.S. 520 (2024). Similarly to SB 484, the Ninth Circuit had forbidden municipalities from enforcing certain criminal laws against unhoused individuals unless the municipality could demonstrate access to alternate shelter. In like manner, SB 484 and the Ninth Circuit ground their approaches on a misunderstanding of a constitutional prohibition against “cruel and unusual punishment.”<sup>1</sup> Enforcing quality of life, mitigating public nuisance, and upholding public safety laws as it pertains to unhoused individuals simply do not surpass the threshold necessary to constitute cruel and unusual punishment.

The Supreme Court concluded their opinion in *City of Grants Pass* with this observation: “Yes, people will disagree over which policy responses are best; they may experiment with one set of approaches only to find later another set works better; they may find certain responses more appropriate for some communities than others. But in our democracy, that is their right.” 603 U.S. at 561. Our position is that the experiment of SB 484 should not be supported in Maryland and will undoubtedly have unintended consequences that will negatively impact generations of Marylanders to come. For these reasons, MCPA-MSA strongly **OPPOSE SB 484** and urge an **UNFAVORABLE** committee report.

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<sup>1</sup> SB 484 specifically refers to Article 25 of Maryland’s Declaration of Rights which provides, “That excessive bail ought not to be required; nor excessive fines imposed, nor cruel or unusual punishment inflicted, by the Courts of Law.” “Article 25 is, textually and historically, substantially identical to the Eighth Amendment. Indeed, both of them were taken virtually verbatim from the English Bill of Rights of 1689. Thus, it is well settled in this State that Article 25 is in *pari materia* with the Eighth Amendment.” *Aravanis v. Somerset County*, 339 Md. 644, 656 (1995).

# **SB0484-JPR\_MACo\_OPP.pdf**

Uploaded by: Sarah Sample

Position: UNF



## **Senate Bill 484**

### *Unhoused Individuals - Rights, Civil Action, and Affirmative Defense*

MACo Position: **OPPOSE**

To: Judicial Proceedings Committee

Date: February 6, 2025

From: Sarah Sample

The Maryland Association of Counties (MACo) **OPPOSES** SB 484. This bill establishes rigid rights for unhoused individuals as well as the grounds on which local intervention with these communities is permitted. In doing so, this bill preempts local authority, compromises service delivery for vulnerable individuals, and has the potential to expose local governments to significantly increased liability. The ramifications for public health and safety are significant and worrisome.

Historic challenges like the housing crisis, opioid epidemic, and surge in mental and behavioral health issues have all led to an increase in the number of unhoused individuals. Local jurisdictions have gone to great lengths to build out services, which entailed making substantial investments in facilities, social workers, human service teams, public health divisions, and public safety units. However, while local jurisdictions have continued to make considerable progress, the challenge is great. The provisions of this bill make it more difficult to provide these life-saving services.

The adequate housing standard in the bill is of specific concern. Many existing shelter facilities, while being safe and accessible, will not have accommodations that meet the standards of the bill. In these circumstances, local agencies will have no options for intervention without the risk of significant civil liability. This will minimize the number of life-changing interactions that can be had with service providers and give rise to greater consequences, such as keeping more individuals unhoused for longer. The public health crisis will become even more dire in areas where large numbers of individuals are permitted to congregate on public lands, to take life-sustaining actions, including but not limited to expelling human waste.

The ban on civil penalties also eliminates a tool local authorities can use to encourage participation in services and programs. Not all unhoused individuals are willing to accept help, especially those suffering from drug and alcohol addiction. While penalties for vagrancy are rarely issued, they can encourage program participation especially when, understandably, the concept can be very uncomfortable for someone struggling.

Counties can appreciate that SB 484 is attempting to mitigate perceived harm, but in reality, it exposes communities and local governments to catastrophic repercussions at a time when urgent and practical solutions are needed now more than ever. This bill would compromise those efforts, while exposing communities to more danger. For these reasons, MACo **OPPOSES** SB 484.

## **20250206 SB 0484 Unhoused Individuals - Rights, Ci**

Uploaded by: Travis Breeding

Position: UNF



## Senate Bill 484

### *Unhoused Individuals—Rights, Civil Action, and Affirmative Defense*

Position: UNF

Date: **February 6, 2025**

To: **Judicial Proceedings**

On behalf of the Caroline County Commissioners, we wish to express our **strong opposition** for **Senate Bill 484 Unhoused Individuals—Rights, Civil Action, and Affirmative Defense**, due to its negative impact on local authority, public safety, and county resources. While we support efforts to address homelessness, this bill removes essential local government tools for maintaining public order and creates significant legal and financial burdens for counties.

#### Key Concerns for Caroline County:

- **Limits Local Authority Over Public Spaces**  
SB 484 prevents counties from enforcing basic public safety and sanitation measures, repeals the ability to prohibit vagrancy, and restricts law enforcement from addressing encampments, even in hazardous locations.
- **Increases Legal and Financial Liability**  
The bill allows unhoused individuals to sue counties and law enforcement for enforcing reasonable regulations, leading to higher legal costs and diverting resources from essential services.
- **Creates Public Health and Safety Issues**  
The inability to regulate encampments, sanitation, and public health hazards could put both the unhoused and the public at risk, increasing strain on emergency services.
- **Restricts Law Enforcement and Public Safety Efforts**  
SB 484 limits enforcement of trespassing and disorderly conduct laws, making it harder to address business and resident complaints or ensure safety in parks and public spaces.

While we support compassionate, effective solutions for homelessness, SB 484 fails to balance public safety with these goals. We urge the General Assembly to reject SB 484 and instead pursue collaborative policies that empower local governments to implement sustainable, well-managed solutions.

Sincerely,

J. Travis Breeding, President

**sb484.pdf**

Uploaded by: Will Vormelker

Position: UNF

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



KELLEY O'CONNOR  
ASSISTANT STATE COURT  
ADMINISTRATOR  
GOVERNMENT RELATIONS  
AND PUBLIC AFFAIRS  
P: (410) 260-1560

SUZANNE PELZ, ESQ.  
SNR. GOVT. RELATIONS AND  
PUBLIC AFFAIRS OFFICER  
P: (410) 260-1523

## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
William R. Vormelker  
410-260-1561  
**RE:** Senate Bill 484  
Unhoused Individuals - Rights, Civil Action, and  
Affirmative Defense  
**DATE:** January 30, 2025  
(2/6)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 484. The Judiciary takes no position on the bill's policy aim of increasing the rights of the unhoused, as that falls within the legislature's constitutional authority to make public policy. The bill however includes several provisions which would have operational impacts on the Judiciary and are constitutionally problematic.

The bill declares that "threatening or imposing civil or criminal punishments on unhoused individuals for undertaking life-sustaining activities...violates the protection against cruel and unusual punishment and excessive fines guaranteed by Article 25 of the Declaration of Rights." This declaration poses separation-of-powers concerns because the legislature is determining when a constitutional right has been violated, which is a judicial function.

Further, the definition of "unhoused individual" is not clear and may lead to potential equal protection conflicts under the 14th Amendment. This definition is also broad such that it would annul all existing trespass laws.



The bill also mandates certain judicial action as it requires the court to award the costs of litigation, including a reasonable attorney's fee, to a prevailing plaintiff in a civil action brought by or on behalf of an unhoused individual. This provision limits a judge's discretion to award a remedy they believe is appropriate.

Finally, the bill creates several statutory rights for all unhoused individuals. Two of these rights are the right to engage in life-sustaining activities on or about public places, and the right to use and move freely in public places without being discriminated against on the basis of actual or perceived housing status. Under the bill, it may be the case that unhoused individuals would have the right to engage in life-sustaining activities and move freely in Judiciary facilities, such as courthouses, and areas adjacent to Judiciary facilities, like courtyards. This could create substantial operational difficulties for the court.

cc. Hon. C. Anthony Muse  
Judicial Council  
Legislative Committee  
Kelley O'Connor