



Written Testimony of
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Maryland HB 1164
Judiciary Committee
March 11, 2025

I write on behalf of the National Homelessness Law Center in **support of HB 1164** – the Right to Rest Act – sponsored by Delegate Jessica Feldmark. The National Homelessness Law Center’s mission is to fearlessly advance federal, state and local policies to prevent and end homelessness while fiercely defending the rights of all unhoused persons. We have over 30 years of experience in policy advocacy, public education, and impact litigation. Since 2006, the Law Center has [tracked](#) laws criminalizing homelessness. We have documented the failures and costs of criminalization in more than 180 cities across the United States and published best practices, model policies, and case studies on how to address homelessness constructively.

Everybody needs a safe place to live. Unfortunately, instead of focusing on real solutions like housing and services, more than 150 cities have passed harmful, expensive, and counterproductive anti-homeless laws over the past 7 months. This swath of anti-homeless laws began in June when the Supreme Court ruled in the historic Johnson vs Grants Pass case that cities can arrest, jail, ticket, and fine people for sleeping outside, even if they have nowhere else to go. We have seen just how expensive and harmful taking a punitive approach to homelessness is. Clients had their vital documents and lifesaving medications thrown away. People were uprooted from their communities and cycled through jails and prisons. Tax dollars were wasted on policing that should have been used for housing – [one pregnant woman](#) was even harassed and ticketed for camping while in active labor. Using jails and fines is the most expensive and least effective approach to homelessness. It just does not work.

HB 1164 is a crucial step in the right direction, and a positive example for the country. Countless [research studies](#) have shown that arresting people for merely sleeping outdoors is both ineffective and costly, not to mention not permitted by the U.S. Constitution. HB 1164 is mindful of this reality. HB 1164 expressly recognizes that “many individuals experience homelessness because of economic hardship, a severe shortage of safe and affordable housing, the inability to secure gainful employment, and disintegrating and shrinking safety nets.” HB 1164 understands that “responding to the growing crisis of homelessness with criminal sanctions to push individuals out of public spaces and into courts and jails is costly, inhumane, and ineffective, and violates basic civil, human, and constitutional rights.”

Although the Supreme Court in the recent case of *Grants Pass v. Johnson* held that the Eighth Amendment does not prohibit laws that make sleeping in public a crime, it explicitly recognized States are free to do so, as Maryland would do with HB 1164. “States and cities are free ... to add additional substantive protections...nothing in today’s decision prevents States, cities, and counties from going a step further and declining to criminalize public camping altogether.” *City of Grants Pass v. Johnson*, 144 S. Ct. 2202 (2024), *slip op.* at 24

The [U.S. Interagency Council on Homelessness](#) clearly articulated that the “criminalization of homelessness . . . makes it harder for unsheltered people to get housing.” The only way to permanently end encampments is to end the need for encampments, not criminalize them. HB 1164 correctly diagnoses the issue: Displacing encampment residents and tearing down their “makeshift housing,” threatens the life and health of encampment residents in a very real (and unconstitutional) way. Research shows that for people experiencing homelessness, “their decisions about where to stay represent pragmatic choices among the best available alternatives, based on individual circumstances at a particular moment in time” and thus “[e]ncampments form in response to the absence of other, desirable options for shelter.”

Because people experiencing homelessness have heightened risks of serious [illness, hospitalization, and early morbidity](#) compared with the general population, they are especially vulnerable to serious harms flowing from loss of their shelters and other property. For many unsheltered homeless people, property loss is “the greatest threat” to their survival. Makeshift housing, like tents, offer protection, however rudimentary, from outdoor elements and allows the homeless citizens to seek shelter in locations where they feel most safe (relatively speaking). The destruction and removal of their tents and other temporary structures exposes already vulnerable individuals to increased risk of serious physical harm.

HB 1164 also understands that criminalizing homelessness unnecessarily increases the potential for [violent encounters between police and civilians](#). Both civilians and officers face danger in any encounter, not merely those that involve stopping in-progress crimes, serving warrants on armed suspects, or other higher-risk police activity. Part of this danger is because officers are “trained to presume danger” in virtually any encounter, and they react accordingly in ways that increase the likelihood of “anticipatory killings.” Additionally, law enforcement encounters with unhoused people are more dangerous than the average encounter between an officer and a civilian because of the specific characteristics of unhoused populations.

HB 1164 will help build community trust in law enforcement. The Bill does not necessitate negative interactions with law enforcement – which can leave unhoused people skeptical of all law enforcement officers. HB 1164 will also enhance the effectiveness of social services outreach. Communities that have made progress on solving street homelessness have accomplished it through social services outreach and adequate housing, not law enforcement. The involvement of police undermines the effectiveness of social services outreach as many people living unsheltered have had a traumatic encounter with the police. The above, and many similar reasons are why the [State of Maryland’s top law enforcement officer submitted a brief](#) in favor of upholding the law overturned in *Grants Pass*.

Criminalizing homelessness will have a discriminatory impact on the city’s most marginalized populations. Homelessness disproportionately impacts [persons of color](#), the [LGBTQ+ community](#),

and [persons with disabilities](#). Without the protections contemplated by HB 1164's provisions, criminalization of homelessness will exacerbate the inequality in arrests, incarceration, fines and fees and other collateral consequences of criminal justice involvement.

Federal Agency findings support HB 1164. For example, the [Center for Disease Control's](#) guidelines provide that "[i]f individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are. Clearing encampments, even if just for certain hours, can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread." The guidelines articulate a policy recommendation against clearing encampments unless and until they can provide individual housing units for those displaced. Specifically, the guidelines state that "[e]ncampment disbursement should only be conducted as part of a plan to rehouse people living in encampments, developed in coordination with local homeless service providers and public health partners." That is, the CDC guidelines recommend that encampment residents be allowed to remain where they are and be provided with necessary sanitation facilities.

We all win when we solve homelessness

Criminalizing homelessness just displaces people experiencing homelessness and inevitably leads to subsequent encampments. But there is good news. Amidst the harmful creep of anti-homeless laws, states across the country are introducing legislation that would restore the rights gutted by the Supreme Court. These laws have been introduced in Virginia, Illinois, Connecticut, New York, Washington, and Massachusetts, with more introductions expected any day. Maryland can join in this growing chorus by passing HB 1164 and ensuring that Marylanders who cannot afford housing are not ticketed or arrested for simply trying to sleep or survive when they have nowhere else to go. Maryland can show that housing is the solution to homelessness, not handcuffs. And according to our research, there is broad, bipartisan support for this and similar bills, with [72% of adults rejecting the use of fines, jails, and tickets for people sleeping outside](#).

Not arresting or ticketing people for sleeping outside when they have nowhere else to go is a vital first step. But more must be done. The leading cause of homelessness is the growing lack of housing that people can afford. In Maryland, a worker earning minimum wage needs to work [82 hours a week to afford a modest one bedroom at fair market rent](#). And for every \$100 increase in rent, homelessness goes up by 9%. This will not be solved by throwing people in jail or issuing fines. The only solution to homelessness is ensuring that everybody, regardless of race, class, or income, has a safe place to live.

Once again, we urge you to support HB 1164 – the Right to Rest Act – sponsored by Delegate Jessica Feldmark, as a first step on the path to ending homelessness. Thank you.