



House Bill 487

Committee: Judiciary

Bill: House Bill 487 Unhoused Individuals – Rights, Civil Action, and Affirmative Defense

Date: February 6th, 2025

Position: Favorable with Amendments

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.

House Bill 487 ("HB 487") seeks to provide certain rights to unhoused individuals conducting life-sustaining activities on certain public places. HB 487 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, HB 487 establishes 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 HB 487's language may inadvertently affect housing providers and tenants.

Under HB 487, 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 HB 487 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 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 with any questions.