



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of House Bill 487: Unhoused Individuals - Rights, Civil Action, and Affirmative Defense**  
**February 12, 2025**

Chair Clippinger, Madam Vice Chair Bartlett, and esteemed members of the Judiciary Committee, it is my pleasure to come before you and offer testimony in favor of **House Bill 487: Unhoused Individuals - Rights, Civil Action, and Affirmative Defense**. This bill expands upon last session's [House Bill 734](#), which passed successfully through the House of Delegates, removing vagrancy as a tool for municipalities to criminalize homelessness. This year's version contains additional language that moves us significantly closer to fulfilling our state's moral obligation towards decriminalizing homelessness.

Historically, following the passage of the 13th amendment, free Black men could not be put into slavery except when they committed a criminal offense. Vagrancy laws, however, were exploited to detain free Black Americans; those unable to pay the fines for vagrancy were forced to leave the state and, upon return, risked a six-month imprisonment. This legacy of unjust legislation reminds us why reform is essential.

The U.S. Supreme Court's decision in *City of Grants Pass, Oregon v. Johnson* has, in practice, permitted cities to penalize unhoused people for sleeping in public places. Under current practices, civil and criminal penalties can be imposed on unhoused individuals – with little to no recourse – simply for occupying a public space. Furthermore, they can be forced to move, even if there is no safe place for them to go. While not every law enforcement agency or jurisdiction does this, there is no law prohibiting this practice.

**HB 487** recognizes the concerns of citizens dealing with the unhoused but strives to address the issue more humanely. At its core, the bill only permits law enforcement to remove an unhoused individual from a public space if an adequate shelter is available elsewhere and the affected individual can be transported to it. It is also important to clarify that **HB 487** is not a license for criminal activities; but rather a protection of the rights of unhoused individuals to engage in essential, life-sustaining activities—such as moving, resting, sitting, standing, lying down, sleeping, eating, drinking, or protecting themselves from the elements—in public spaces. Nonetheless, law enforcement retains the ability to use traditional methods—such as trespass or disorderly conduct charges—when circumstances require.

Recognizing that local jurisdictions confront unique challenges, we are certainly open to amendments that refine these provisions. For instance, in Montgomery County, Health of Human Services proactively identifies shelter options or additional resources before further police intervention is necessary.

Data from the Department of Housing and Community Development shows that while only 31% of Marylanders are Black, they constitute 60% of the unhoused population. As a result, criminalizing homelessness continues to disproportionately impact the Black community. I commend localities making every effort to assist unhoused individuals; however, the catch-and-release approach to accessing treatment or shelter does not work for everyone. When individuals choose to sleep outdoors, this bill ensures they retain civil protections and legal options without compromising public safety.

We also welcome further amendments to clarify what constitutes “adequate” shelter and to balance the interests of local businesses and residents with those of the unhoused. It is important to recognize that homelessness is not limited to stereotypical cases; it can affect individuals from all walks of life. The unhoused can be a lawyer who has a mental breakdown leading to housing instability; a person struggling with drug addiction who may not be ready to seek help; or the young family evicted from their home during the school year who has no alternative but to live in their car or on the street. These examples underscore that homelessness is a complex issue driven by circumstances beyond one’s control, and **HB487** is intended to protect individuals facing such hardships.

The recent Supreme Court case serves as a call to action for Maryland to modernize how our localities treat the unhoused, as we strive towards housing for all our most vulnerable. While any solution requires fiscal commitment, we can choose where to spend our resources. Providing shelter, for example, costs money, but the cost to jail an unhoused person is far more expensive.

I am amenable to working with stakeholders on the best solution this session and respectfully request a favorable report on **House Bill 487**.

*Bernie Michman-Booth*