



## House Bill 487

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

MACo Position: **OPPOSE**

To: Judiciary Committee

Date: February 12, 2025

From: Sarah Sample

The Maryland Association of Counties (MACo) **OPPOSES** HB 487. 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 HB 487 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** HB 487.