

HB0487 - Google Docs.pdf

Uploaded by: Amy Isler

Position: FAV

HB0487

Unhoused Individuals - Rights, Civil Action, and Affirmative Defense

February 12, 2025

Position: Favorable

Esteemed Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee, my name is Amy Isler. I am a former high school English teacher in Baltimore County Public Schools, mother of two children, and a constituent of Maryland District 44A. **I support HB0487, Unhoused Individuals - Rights, Civil Action, and Affirmative Defense.**

In a case of amazing timing, I've been reading Saidiya Hartman's excellent history, *Wayward Lives, Beautiful Experiments*. In doing so, I have learned a lot about the inherent white supremacy of many legislative and judicial controls placed on unhoused people. When Reconstruction was tragically cut off in its nascency by the racist President Johnson, many Black people sought respite from southern violence. In the ensuing migration of Black people into the cities of the north, politicians and social engineers sought to control and criminalize Black people, limiting where and how they could live and work. Black men were incarcerated for loitering. Black women and queer people were arrested for prostitution, often without any evidence, simply because they lived outside of a heteronormative family structure. This history of white supremacy is the direct antecedent of systemic violence and criminalization unleashed against unhoused people today.

The thoughtful wording of HB0487 seeks to right some of those historical wrongs by acknowledging the harm done by government agencies in their desire to control and dominate unhoused people. Unhoused folks are at an intersection of marginalization. LGBTQI+ folks, BIPOC folks, disabled folks—all might suffer further oppression because of their unhoused status. This bill seeks to treat all Marylanders with dignity while also mitigating some of the harm done to them in the past.

For these reasons, **I urge a favorable report on HB0487. Thank you.**

Delegate Mireku-North Testimony in Support of HB48

Uploaded by: Bernice Mireku-North

Position: FAV



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-North

HB 487 Unhoused Individuals - Rights, Civil Action

Uploaded by: Catherine OMalley

Position: FAV

BILL NO:	House Bill 487
TITLE:	Unhoused Individuals - Rights, Civil Action, and Affirmative Defense
COMMITTEE:	Judiciary
HEARING DATE:	February 12, 2025
POSITION:	SUPPORT

Homelessness is a policy choice and the Women's Law Center of Maryland vehemently supports House Bill 487'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 HB 487 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. HB 487 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.

HB0487_Unhoused_Individuals_Rights_Civil_Action_an

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR HB0487

Unhoused Individuals – Rights, Civil Action, and Affirmative Defense

Bill Sponsor: Delegate Mireku-North

Committee: Judiciary

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in strong support of HB0487 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.

NHCHC_HCH Testimony - HB 487 FAV - Prevent crimina

Uploaded by: Joanna Diamond

Position: FAV



HEALTH CARE FOR THE HOMELESS TESTIMONY
IN SUPPORT OF
HB 487 – Unhoused Individuals – Rights, Civil Actions,
and Affirmative Defense
House Judiciary Committee
February 12, 2025



Health Care for the Homeless and its national affiliate, the National Health Care for the Homeless Council, strongly support HB 487, 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.

“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

“Encampment sweeps often throw away lifesaving medications such as buprenorphine, which then raises the risk of overdose.” ~Tyler Gray, M.D., Senior Medical Director-Community Sites, Health Care for the Homeless

- **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.

HB 487 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 House Bill 487.

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.

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

HB 487_MD Center on Economic Policy_FAV.pdf

Uploaded by: Kali Schumitz

Position: FAV

FEBRUARY 12, 2025

Maryland Should End Punitive Policies That Trap People in Homelessness

Position Statement Supporting House Bill 487

Given before the Judicial Proceedings Committee

House Bill 487 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 House Bill 487 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.

House Bill 487 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.

House Bill 487 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 House Bill 487.**

Equity Impact Analysis: House Bill 487

Bill Summary

House Bill 487 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

House Bill 487 will likely **improve racial, health and economic equity** in Maryland.

HB 487 - MNADV - FAV.pdf

Uploaded by: Laure Ruth

Position: FAV



BILL NO: House Bill 487
TITLE: Unhoused Individuals - Rights, Civil Action, and Affirmative Defense
COMMITTEE: Judicial Proceedings
HEARING DATE: February 12, 2025
POSITION: **SUPPORT**

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 House Judicial Proceedings Committee to issue a favorable report on HB 487.**

House Bill 487 would offer unhoused people dignity and a voice in how they are treated. HB 487 creates a “bill of rights” for the unhoused. HB 487 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, HB 487 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.¹ 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

¹ 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.²

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.³ In addition, the scarcity of affordable housing options means that women fleeing domestic violence frequently find themselves without a safe place to go.⁴ 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.⁵

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 HB 487**.

² Id.

³ Id.

⁴ Id.

⁵ Id.

CLS Support for HB0487 - Unhoused Individuals.pdf

Uploaded by: Lisa Sarro

Position: FAV

Executive Director
Jessica A. Quincosa, Esq.

Deputy Director
Kayla Williams-Campbell, Esq.

Director of Litigation and Advocacy
Lisa Sarro, Esq.

Director of Operations
Claudia V. Aguirre

Interim Development Director
Jordan Colquitt

Managing Attorney
Ivy Finkenstadt, Esq.

Supervising Attorneys
Warren Buff, Esq.
Kathleen Hughes, Esq.
Amy B. Siegel, Esq.

Attorneys
Adebola Adedoyin, Esq.
Vanessa Agbar, Esq.
Golnaz Alemousavi, Esq.
Jennifer Clark, Esq.
Katherine Cooke-Caraway, Esq.
Sheree Hughes, Esq.
Lekwon Imoke, Esq.
Deborah Kadiri, Esq.
John Kowalko, Esq.
Eric Orr, Esq.
Hina Rodriguez, Esq.
Peter Spann, Esq.
Jawaid Stationwala, Esq.
Tangi Turner, Esq.
Riana Yaman, Esq.

Equal Justice Works Fellows
Ashley Blankenship, Esq.
Emory Cole II, Esq.
Kency Nittler, Esq.

Staff
Jonathan Asprilla
Ashley Cartagena
Franklin Escobar
Elmer Espinoza
Stephanie Espinoza
Anna Goldfaden
Maria Teresa Herren
Flor Lemus
Allison Nardick
Stacey Palmer
Micaela Ramos
Abel Reyes
Glenda Soto
Alejandra Sorto
Samir Vasquez Romero
Karen Zayas



HB0487 – Unhoused Individuals – Rights, Civil Action, and Affirmative Defense

Hearing in the Judiciary Committee, February 12, 2025

Position: Favorable

Community Legal Services supports HB0487, 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, HB0487 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 HB0487 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 and sarro@clspgc.org).

P.O. BOX 374 RIVERDALE, MD 20738-0374



WWW.CLSPGC.ORG



240 - 391 - 6370



240 - 391 - 6356

Testimony in support of HB0487 - Unhoused Individu

Uploaded by: Richard KAP Kaplowitz

Position: FAV

HB0487_RichardKaplowitz_FAV

02/12/2025

Richard Keith Kaplowitz Frederick,
MD 21703-7134

TESTIMONY ON HB#0487 - POSITION: FAVORABLE
Unhoused Individuals - Rights, Civil Action, and Affirmative Defense

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary 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/ HB#/0487, 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 of 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.”¹

“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.”²

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

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

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

HB0487_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 for 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 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 HB0487.

SWASC HB 487 - FAV.pdf

Uploaded by: UM SWASC

Position: FAV

TESTIMONY IN SUPPORT OF HOUSE BILL 487
Unhoused Individuals - Rights, Civil Action, and Affirmative Defense
Judiciary Committee
February 12, 2025

Social Work Advocates for Social Change strongly supports HB 487, 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 – it only exacerbates it while exhausting state funds in the process. Criminalization creates barriers to employment opportunities, public benefits, and stable housing, making it harder for individuals to exit homelessness. In Maryland, carceral expenditures continue to rise, with the operating budget for pretrial detentions increasing by 38.8% since FY 2025.¹ 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%.² This highlights that investment in supportive services is far more effective than relying on punitive measures.

Last year, the United States Supreme Court ruled 6-3 in *Grants Pass v. Johnson* that local governments can impose anti-homelessness laws without violating the Eighth Amendment. This decision set a precedent for anti-squatting policies nationwide.³ Rather than following localities that are adopting inhumane anti-squatting laws, Maryland has the opportunity to provide sanctuary for our most vulnerable community members by prioritizing solutions over punishment. Rhode Island, a neighboring state, was the first to establish a Homeless Bill of Rights, which **protects unhoused individuals' right to move freely in public spaces without discrimination**.⁴

Additionally, this law also prohibits 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

¹ "FY 2026 Maryland State Budget Highlights." 2025. State of Maryland.

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

² 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,".

³ 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>.

⁴ 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.

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.

Homelessness is a statewide crisis that requires a coordinated response. Leaving the decision to individual counties will continue to result in inconsistent and often punitive approaches. In contrast, a comprehensive and humane statewide strategy would provide a baseline of protections while allowing for localized implementation to best suit individual county needs. 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 investment in rehabilitation, healthcare, and housing support rather than perpetuating costly and ineffective legal processes. Furthermore, **embracing this proactive approach would reinforce Maryland's commitment to social equity and long-term solutions by addressing homelessness in a compassionate and sustainable way.**

Social Work Advocates for Social Change urges a favorable report on HB 487.

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.

Late testimony

Uploaded by: Vanita Taylor

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: House Bill 487 – UNHOUSED INDIVIDUALS RIGHTS CIVIL ACTIONS
AND AFFIRMATIVE DEFENSE**

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: February 12, 2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 487. 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 House Bill 487.

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

2025 2 10_HB487testimony 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

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CIVIL RIGHTS DIVISION**

ANTHONY G. BROWN
Attorney General

JONATHAN M. SMITH
Chief

PETER V. BERNIS
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
HB 487 – Unhoused Individuals – Rights, Civil Actions, and Affirmative Defenses
Position: Favorable with Amendments
February 12, 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. HB 487 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 \$76,345.¹ 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 18.² Over a thousand households experiencing homelessness reside in Garrett, Allegany, Washington, Frederick, Charles, Calvert, St. Mary's, Harford, and Cecil County.³

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.⁴ Estimates of daily incarceration range from \$90 to \$300 per inmate at local detention centers.⁵ Moreover, unhoused people who enter the criminal justice system struggle to

¹ 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)

² 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).

³ *Id.*

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

⁵ *Id.*

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

Under HB 487, Maryland counties and municipalities retain the authority to regulate encampments and behavior that negatively affects other people. HB 487 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.⁸ 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.⁹

HB 487 prohibits local jurisdictions from passing ordinances and laws that criminalize people without adequate alternative nighttime shelter from merely existing in public places.

HB 487 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.

HB 487 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.

⁶ 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>

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

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

⁹ 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 - HB487 - FWA final.pdf

Uploaded by: Matthew Pipkin

Position: FWA



House Bill 487

Committee: Judiciary

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

Date: February 11th, 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.

While the intent of this legislation may be to only impact public places, MMHA had concerns that the HB 487's language as drafted may inadvertently have had an impact on housing providers and tenants.

Under HB 487 as initially drafted, housing providers may have 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 could have created a potentially serious public safety situation for residents and staff.

In communication with the sponsors, MMHA has been provided with sponsor amendments to this legislation that would satisfy concerns outlined above. Therefore, upon the adoption of the shared amendments, MMHA would move to favorable. MMHA commends the sponsors for their work of this legislation, and thanks them for their thoughtfulness and willingness to work with housing providers.

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

MMHA - 2025 - HB487 - FWA.pdf

Uploaded by: Matthew Pipkin

Position: FWA



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.

MMHA - 2025 - HB487 - FWA.pdf

Uploaded by: Matthew Pipkin

Position: FWA



House Bill 487

Committee: Judiciary

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

Date: February 11th, 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.

While the intent of this legislation may be to only impact public places, MMHA had concerns that the HB 487's language as drafted may inadvertently have had an impact on housing providers and tenants.

Under HB 487 as initially drafted, housing providers may have 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 could have created a potentially serious public safety situation for residents and staff.

In communication with the sponsors, MMHA has been provided with sponsor amendments to this legislation that would satisfy concerns outlined above. Therefore, upon the adoption of the shared amendments, MMHA would move to favorable. MMHA commends the sponsors for their work of this legislation, and thanks them for their thoughtfulness and willingness to work with housing providers.

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

2025 HB0487 Testimony Against 2025-02-12.pdf

Uploaded by: Alan Lang

Position: UNF

Testimony Against HB0487

Honorable Delegates

Please enter an unfavorable report against HB0487.

While I feel for those who for actions outside of their control find themselves homeless, there are others who choose this lifestyle and refuse the help of both state and private sector efforts to get them off the streets. I believe this bill would:

- Allow homeless individuals to live in public spaces or in their vehicles.
- Allow certain homeless individuals to take advantage of the legal rights granted to them that would override the rights of business and home owners
- Remove laws against vagrancy and
- Limits local governments' ability to manage or address homeless individuals in public areas.

We do not want our cities and towns to be like other cities such as San Francisco, Los Angeles, and New York that are overrun with people who pitch tents or cardboard shelters on our streets, drink and get high, urinate/defecate in public, and aggressively pan-handle the public for money because they know their new "rights" will prevent most actions brought against them such as trespassing, disturbing the peace, and vagrancy.

While something should be done to help the homeless who want to be helped, I believe this is an instance of where the road to hell is paved with good intentions.

Please enter an unfavorable report against HB0487. Instead, try to craft a bill that addresses the issues of homelessness without removing the deterrence needed to prevent those who do not want to be helped from taking advantage of our attempts to assist them.

.
Alan Lang
45 Marys Mount Road
Harwood, MD 20776
Legislative District 30B
410-336-9745
Alanlang1@verizon.net

February 12, 2025

HB 487 - MML - OPP.pdf

Uploaded by: Angelica Bailey Thupari

Position: UNF



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

TESTIMONY

February 12, 2025

Committee: House Judiciary

Bill: HB 487 - Unhoused Individuals - Rights, Civil Action, and Affirmative Defense

Position: Unfavorable

Reason for Position:

The Maryland Municipal League (MML) respectfully opposes House Bill 487, 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.

HB 487 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 House Bill 487 with an unfavorable report. For more information, please contact Angelica Bailey Thupari, Director of Advocacy and Public Affairs, at 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.

47 State Circle, Suite 403 Annapolis, Maryland 21401
(410) 295-9100 www.mdmunicipal.org

Late testimony

Uploaded by: Arch McKown

Position: UNF

February 10, 2025

Maryland General Assembly

House Bill 0487

Unhoused Individuals - Rights, Civil Action, Affirmative Defense

Members of Judiciary Committee,

I am writing to voice my concern on behalf of my community members of SE Baltimore, regarding the HB0487. Here in SE Baltimore, we routinely interact and live among folks who are unhoused. A high percentage of these people are experiencing chronic mental health issues in tandem with drug addiction (often opioid use disorder). Many of these people come to SE Baltimore from elsewhere in the state of Maryland, or other states.

What we often see are unhoused people who camp in public spaces such as our city parks or pocket parks or small green spaces. Unfortunately, oftentimes, these people are not provided all the healthcare services and nutrition, sanitation and hygiene services that they need. So, they survive in tents, buy their drugs nearby (at times funded by package theft and larceny from auto/burglary here), and live at “rock bottom” daily. The homeless encampments are often dangerous for those occupants, overdoses are common, and sanitation is a huge issue for them as well as surrounding neighbors. Uncapped syringes and human excrement are often a health and safety risk, as well as litter. So it becomes a health and safety issue beyond simply being “unsightly” to passersby and residents.

BCFD EMS often needs to make numerous medic runs when these people experiencing homelessness overdose or have other medical issues. These efforts are extraordinarily costly both in terms of time and money, for our first responders and the staff of our area hospital emergency departments.

What we also see is the Mayor’s Office of Homeless Services often engaging with these people. In the many cases where they’re able to engage and intervene, these folks are placed in homeless shelters and provided healthcare, food, clothing and a safe place to stay. The homeless campsite is cleared and the public space returns to a space that can be safely and comfortably used by everyone.

We are sympathetic to the idea of decriminalizing homelessness. In fact, the Mayor’s office here has instituted a very “soft touch” approach. I’ve asked numerous patrol officers with BPD if they’ve fined or arrested anyone for vagrancy. They always reply “No, we don’t do that. We offer services in collaboration with MOHS.” Yet, there are times where an encampment must be removed and that requires police enforcement, which requires enforcement of the law that prohibits vagrancy.

Baltimore continues to face a HUGE opioid epidemic and death toll from drug overdose. One major reason overdose deaths spiked during the coronavirus pandemic is that police here (and many other areas) stopped arresting people for minor crimes and outstanding warrants that are

symptoms of their addictions. Left on the street (as this bill would allow), many people will use until they die. This has been a long, unplanned experiment into what happens when the most devastating street drugs we've known are decriminalized, and those addicted to them are permitted to stay on the streets to use them.

Removing this lever to help get men and women off the streets and into a shelter to receive treatment is the opposite of compassion especially when the drugs many are using are as cheap, available and deadly as they are today. It used to be, we let people hit rock bottom before we intervened. Today, the drugs are different. Rock bottom is death.

We need to continue to fund and offer programs that address homelessness. Agencies such as the Mayor's Office of Homelessness are doing great work in collaboration with other agencies including the Baltimore Police Department. To allow unhoused people to indefinitely reside in public spaces in Baltimore City does them a serious disservice as well as the surrounding community, businesses and visitors. We need to continue to address this complex matter with empathy and in some instances, allow our police department to remove folks from public spaces when that presents a safety and health hazard to everyone involved.

I think unless you actually live in an urban environment such as SE Baltimore, you may not understand how this affects those living daily in the situation, whether they are unhoused or if they are housed and live here or own a business here. In my many conversations with fellow residents, first responders, business owners and healthcare providers, we would like to see continued focus on providing temporary shelter, long term housing, healthcare (including mental healthcare), addiction medicine services and food for these people who are experiencing homelessness. We would also like the Baltimore Police Department to be able to enforce laws when and if the time occasion arises which includes removing illegal encampments from public spaces while collaborating with other agencies to ensure those unhoused people get the help they need.

Sincerely,

Arch C. McKown
SE Baltimore, MD 21231

HB 487 Letter 02.10.2025.pdf

Uploaded by: Brant Fisher

Position: UNF



Brewers Hill Neighbors Inc
3923 Hudson St
Baltimore, MD 21224

02/10/2025

The Honorable Delegate Luke Clippinger

House Office Building

Maryland General Assembly

6 Bladen St., Annapolis, MD 21401

Re: Opposition to Senate Bill 484 / House Bill 487 – Unhoused Individuals: Rights, Civil Action, and Affirmative Defense

Dear Delegate Luke Clippinger,

On behalf of the Brewers Hill community, I write to express our strong opposition to Senate Bill 484 and House Bill 487, which seek to grant expansive rights and legal protections to individuals engaging in “life-sustaining activities” in public spaces. While we recognize and support the need for humane and effective solutions to homelessness, we believe that this legislation will have severe unintended consequences that negatively impact public safety, community well-being, and local businesses.

Our community has already been significantly impacted by homeless encampments, leading to an increase in crime, public health concerns, and safety hazards. This bill would:

- Remove Local Authority: By prohibiting municipalities from enforcing anti-vagrancy laws and other ordinances, this bill undermines local governments’ ability to address encampments, leaving neighborhoods without effective tools to ensure public order.
- Encourage Permanent Encampments: The legislation allows individuals to engage in activities such as sleeping, storing personal property, and occupying vehicles in public spaces without penalty, increasing the likelihood of entrenched encampments that pose sanitation and security risks.
- Burden Small Businesses and Residents: The presence of long-term encampments near businesses and residential areas has already led to an increase in property damage, littering, and reduced foot traffic. The proposed civil action provisions in the bill could expose local governments and law enforcement agencies to costly litigation, discouraging them from addressing legitimate concerns.



Brewers Hill Neighbors Inc
3923 Hudson St
Baltimore, MD 21224

- Strain Public Resources: Local governments would face significant financial and operational burdens in providing “adequate alternative indoor spaces” as required under the bill. Many jurisdictions simply do not have the capacity to meet these demands, further exacerbating existing challenges.

We believe that the solution to homelessness should focus on expanding access to supportive housing, mental health services, substance abuse treatment, and job training programs—rather than policies that allow public spaces to be used indefinitely for sheltering and encampments.

For these reasons, we urge you to oppose SB 484 / HB 487 and instead support legislation that balances the needs of unhoused individuals with the rights and safety of the broader community. We welcome the opportunity to discuss constructive approaches to addressing homelessness in a way that benefits all Marylanders.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brant Fisher", written in a cursive style.

Brant Fisher

President

Brewers Hill Neighbors, Inc.

Maryland House of Delegates HB 0487.pdf

Uploaded by: Kate Simms

Position: UNF

Maryland House of Delegates

House Office Building, Room 101

6 Bladen Street

Annapolis, MD 21401

Re: Opposition to House Bill 0487 – Unhoused Individuals Rights, Civil Action, Affirmative Defense

I am writing to express strong opposition to House Bill 0487. While I recognize the need to address the challenges faced by unhoused individuals with compassion and dignity, this bill raises significant concerns regarding public safety, health, and the well-being of both the unhoused population and the broader community.

Homeless encampments pose serious risks to their occupants and surrounding neighborhoods. Overdoses are tragically common in these encampments, often occurring without immediate access to life-saving interventions. Furthermore, sanitation issues—including the lack of clean water, proper waste disposal, and restroom facilities—exacerbate public health risks, leading to unsafe and unsanitary conditions for both those living in encampments and nearby residents. These conditions contribute to environmental degradation and increase the burden on local resources.

Additionally, allowing encampments to persist as a protected right without a clear, structured plan for housing and social services will only perpetuate these unsafe living conditions. Instead, I urge policymakers to focus on proven solutions such as increased investment in emergency shelters, mental health and substance abuse treatment programs, and long-term housing initiatives that provide sustainable and humane alternatives to encampment living.

I ask that the Judiciary Committee reject HB 0487 and instead prioritize comprehensive, effective policies that ensure the safety and well-being of all Maryland residents—both housed and unhoused. I welcome further discussions on collaborative approaches to address homelessness in a way that prioritizes both human dignity and community health.

Thank you for your time and consideration.

Sincerely,

Kate Simms

1630 Lancaster St
Baltimore, MD 21231

Late testimony

Uploaded by: Lisa Regnante

Position: UNF

The Honorable Luke Clippinger
Chairman, Maryland House Judiciary Committee
Maryland House of Delegates
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

Re: Opposition to House Bill 0487 – Unhoused Individuals Rights, Civil Action, Affirmative Defense

Dear Chairman Clippinger,

On behalf of Southeast Baltimore community leaders, I am writing to express our strong opposition to House Bill 0487. While we recognize the need to address the challenges faced by unhoused individuals with compassion and dignity, this bill raises significant concerns regarding public safety, health, and the well-being of both the unhoused population and the broader community.

Homeless encampments pose serious risks to their occupants and surrounding neighborhoods. Overdoses are tragically common in these encampments, often occurring without immediate access to life-saving interventions. Furthermore, sanitation issues—including the lack of clean water, proper waste disposal, and restroom facilities—exacerbate public health risks, leading to unsafe and unsanitary conditions for both those living in encampments and nearby residents. These conditions contribute to environmental degradation and increase the burden on local resources.

Additionally, allowing encampments to persist as a protected right without a clear, structured plan for housing and social services will only perpetuate these unsafe living conditions. Instead, we urge policymakers to focus on proven solutions such as increased investment in emergency shelters, mental health and substance abuse treatment programs, and long-term housing initiatives that provide sustainable and humane alternatives to encampment living.

We ask that the Judiciary Committee reject HB 0487 and instead prioritize comprehensive, effective policies that ensure the safety and well-being of all Maryland residents—both housed and unhoused. We welcome further discussions on collaborative approaches to address homelessness in a way that prioritizes both human dignity and community health.

Thank you for your time and consideration.

Sincerely,

Arch McKown, Butchers Hill, Baltimore MD

William Motel, Butchers Hill, Baltimore, MD

Dan Kiselik, Butchers Hill, Baltimore, MD

Ernest Thanh-Tam-Le, Patterson Park, Baltimore, MD

Lindsey Johnson-Graham, Patterson Park, Baltimore, MD

Bobbi Jo Syms, Highlandtown, Baltimore, MD

Kate Norris Simms, Fells Point, Baltimore, MD

Giovanna Aquia, Little Italy, Baltimore, MD

Lisa Regnante, Little Italy Neighborhood Assoc, Baltimore, MD

oppose 487 RCCTC.pdf

Uploaded by: Lori STepp

Position: UNF



February 10, 2025

HB0487 – Unhoused Individuals –Rights, Civil Action, and Affirmative Defense

Position: **OPPOSE (UNF)**

Dear Members of the House Judiciary Committee,

On behalf of the Republican Central Committee of Talbot County (RCCTC), I respectfully request that you vote “unfavorable” as your position for HB0487 Unhoused Individuals – Rights, Civil Action, and Affirmative Defense. As a community volunteer and as a person who has been elected to serve in my community, I have heard from a large number of citizens in Talbot County who strongly believe this bill would cause serious harm to the citizens of Talbot County. This bill would have a negative fiscal impact to the community and would be a disservice to the individuals who are unhoused.

As a volunteer, I consistently provide meals for residents at our local shelter and see firsthand the importance of providing a safe shelter, quality food, and a community that surrounds the most vulnerable. The risk of putting people on the street is not the solution to our homeless crises. More wraparound services are what is needed as most long-term unhoused individuals are homeless due to mental health and/or substance abuse.

As someone who serves the community in an elected role, it is my duty to speak on behalf of the citizens within the community who have expressed concerns that allowing unhoused individuals to reside in a public place serves as a health, safety and welfare crisis for all citizens. We need to provide support services, such as housing, transportation, mental health services, financial literacy programs – to do anything less is a disservice to the unhoused individual.

I do not believe, nor am I aware of any law enforcement officer harassing or arresting an unhoused individual. On the contrary, our local law enforcement officers have provided transportation to shelters and rehabilitation centers (even if the center was out of jurisdiction). Our Talbot County Sheriff Gamble, Easton Town Mayor Cook and State Senator, Johnny Mautz all serve on the board of directors for our local Neighborhood Service Center which provides services to those impoverished and lack necessities to thrive. Our elected officials are leading by example and are a great example to the citizens in the community. I am asking if you would **oppose this bill** and allow those who are doing great work to continue to find solutions in fixing localized needs.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lori Stepp".

Lori Stepp, Chairwoman RCCTC

Chiefs and Sheriffs Opposition

Uploaded by: Mansfield Andrea

Position: UNF



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger Chair and
Members of the House Judiciary 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 12, 2025

RE: **HB 487 Unhoused Individuals – Rights, Civil Action, and Affirmative Defense**
POSITION: **OPPOSE**

The Maryland Chiefs of Police and the Maryland Sheriffs' Association (MCPA-MSA) **OPPOSE HB 487**. HB 487 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, HB 487 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.

532 Baltimore Boulevard, Suite 308
Westminster, Maryland 21157
667-314-3216 / 667-314-3236

The grave consequences that will be created by the implementation of HB 487 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 HB 487, 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, HB 487 and the Ninth Circuit ground their approaches on a misunderstanding of a constitutional prohibition against “cruel and unusual punishment.”¹ 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 HB 487 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 HB 487** and urge an **UNFAVORABLE** committee report.

¹ 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).

P Etting - Letter HB 487 20250210.pdf

Uploaded by: Paula Etting

Position: UNF



TOWN OF BEL AIR MARYLAND

39 N. Hickory Avenue · Bel Air, MD 21014

BOARD OF COMMISSIONERS

Mary F. Chance
Steven T. Chizmar
Paula S. Etting
James B. Rutledge, III
Jakob D. Taylor

Administration 410-638-4550
410-879-2711
Administration Fax 410-879-9225
www.belairmd.org

TOWN ADMINISTRATOR
Edward Hopkins

February 10, 2025

The Honorable Luke Clippinger
Judiciary Committee
101 Taylor House Office Building
Annapolis, Maryland 21401

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

Dear Chair Clippinger:

I am writing in opposition to House Bill 487. While the goal of eliminating homelessness is admirable, it should not come at the expense of the safety and well-being of our other residents.

The U.S. Supreme Court recently held that the Eighth Amendment's prohibition on cruel and unusual punishment does not prevent cities from penalizing the homeless for sleeping in public, even if they have no other place to go. See, City of Grant's Pass v. Johnson, 603 U.S. 520 (2024). This bill is a response to that ruling, and I urge you to carefully review the significant concerns raised in that case regarding the potential consequences of this legislation.

The country has seen the results of similar policies in places like San Francisco, where large homeless encampments in public spaces have become common place. Children and adults alike must pick their way around human waste, used needles, and trash on their way to work and school, presenting health and safety hazards to the entire community.

House Bill 487 will have the unintended consequence of increasing homelessness by removing a crucial tool that helps encourage homeless individuals to accept shelter and other services. Many homeless individuals are not actively seeking shelter and, in fact, often refuse available services. Vagrancy and similar laws are not intended to incarcerate the homeless, but rather to compel them to seek shelter or engage in services that can address the root causes of their situation.

Most shelters require adherence to certain rules, including curfews, prohibitions on alcohol and drug use, and sometimes attendance at religious services. These restrictions often deter

The Honorable Luke Clippinger
Judiciary Committee
February 10, 2025
Page Two

those who may prioritize their personal freedom over shelter, and as a result, they may prefer to remain in public spaces rather than accept the shelter being offered. This bill will allow the homeless to use public spaces, including government buildings, rather than shelters that are properly equipped with bathrooms, beds, and other facilities needed to properly house the homeless.

Homelessness is a complex issue, often rooted in substance abuse and mental health disorders. Allowing individuals to occupy public spaces does not effectively address the problem.

I strongly urge the Committee to issue an unfavorable report on House Bill 487. This bill does not provide an effective or sustainable solution to the issue of homelessness, and it will worsen the challenges faced by both the homeless population and the broader community.

Thank you for your attention to this important matter.

Sincerely,



Paula S. Etting
Chair, Board of Commissioners
410-937-6154
petting@belairmd.org

cc via e-mail only:

Harford County Executive Bob Cassilly
Harford County Council President Patrick S. Vincenti
Harford County Council Vice-President Anthony A. Giangiordano
Senator Mary-Delany James
Delegate Susan K. McComas
Angelica Bailey Thupari, Esq., Director, Advocacy and Public Affairs, MML

HB0487-JUD_MACo_OPP.pdf

Uploaded by: Sarah Sample

Position: UNF



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.

Late testimony

Uploaded by: Sean Flaherty

Position: UNF



CITY OF HAGERSTOWN, MARYLAND

Sean Flaherty, Councilmember

One East Franklin Street • Hagerstown, MD 21740

E-mail: MayorAndCouncil@hagerstownmd.org

Telephone: 301.766.4175 • TDD: 301.797.6617 • Website: www.hagerstownmd.org

Judiciary Committee
Maryland General Assembly House of Delegates
100 Taylor Office Building
Annapolis, MD 21401

February 12th, 2025

RE: Testimony in Opposition to House Bill HB0487 titled "Unhouses Individuals- Rights, Civil Action, and Affirmative Defense"

Chairman Clippinger and Honorary Members of the Judiciary Committee:

Thank you all for letting me provide written testimony, I regret that I could not be in person in Annapolis. I am writing with great concern about HB0487 which has received much attention here in Hagerstown, Maryland. I am Sean Flaherty, Councilmember of the city of Hagerstown, Maryland.

I stand with many other municipalities in Maryland in opposition to HB0487, not only is this legislation bad for Hagerstown, but it's also bad for the whole state and detrimental toward our city's public safety goals and initiatives. The Supreme Court recently struck down that local municipalities should have the authority to deal with ordinances and such when it comes to homelessness. This bill will take away our city's ability to address this issue head on, and in fact make it much worse.

HB0487 harms the dignity of individuals by incentivizing people to live in places that by HUD's definition are not meant for human habitation- public parks, cars, public sidewalks, and parking lots. This bill will have the opposite effect of its state intentions.

Hagerstown is committed to creating conditions that foster a continuum of care to better deliver housing and services to meet the specific needs of unhoused individuals as they move to stable housing and maximum self-sufficiency. HB0487 would hinder Hagerstown's ability to accomplish this goal in the following ways:

- a. This bill will send a message that camping on public property is an acceptable alternative to stable housing when in fact living on the streets detracts from



human dignity. Less people will be willing to accept services when living on the streets if legally and socially acceptable.

- b. More people prefer living on the street will choose to do so because there will be no consequences for doing so. Again, less people will be willing to accept services. For example, some clients in Hagerstown's legal system reported that the reminder of a consequence was the 'nudge' they needed to enter substance abuse treatment or behavior health treatment, and they were later glad that they chose treatment.
- c. HB0487 will attract people to Hagerstown from neighboring areas whose own jurisdictions prohibit camping in public spaces. People who want no prohibitions and no accountability will be most attracted to a place and state that has no consequences.
- d. This will hurt businesses. When people see tents, homelessness parked in front of their business on a public sidewalk, this will not incentivize customers to come to their business and will harm the entire community.
- e. Hagerstown will not be able to effectively carry out our duties and obligations in relation to public safety.

I may suggest the following:

- 1. Incentivize individuals to move toward stable housing and maximum self-sufficiency.
- 2. Support the building of more homes. More inventory in Maryland will make prices go down. Growth is key to our state's long-term economic outlook.
- 3. Refrain from placing onerous regulations on our shelters such as HB0093 and vote NO on that bill.
- 4. Create conditions that make housing more affordable in Maryland and bring higher paying jobs here.

HB0487 is a dangerous bill that could have long term consequences for our state. We have seen many failed cities like Portland, OR and San Francisco fail to adequately address public safety and were punished at the polls last November for failing to do so. Maryland and Hagerstown cannot afford to make the same mistake. I urge you all to vote against HB0487.

Thank You,

Sincerely,

Councilmember Sean Flaherty

Sheriff Gamble letter of opposition for HB487 SB48

Uploaded by: Sheriff Joe Gamble

Position: UNF



TALBOT COUNTY SHERIFF'S OFFICE

28640 Mary's Court, Suite 100
Easton, MD 21601



Office
410-822-1020

Joseph J. Gamble
Sheriff

Fax
410-770-8110

February 5, 2025

HB0487 – Unhoused Individuals – Rights, Civil Action, and Affirmative Defense

Position: **OPPOSE (UNF)**

The Talbot County Sheriff's Office strongly opposes HB0487 (SB0484) – Unhoused Individuals – Rights, Civil Action, and Affirmative Defense as it will have negative implications to the safety and security of both unhoused and housed citizens within our community. Allowing unhoused (homeless) individuals to have free reign on any public land – sidewalks, school parking lots, shopping center parking lots, parks and even the sidewalk in front of a residence is not the solution to addressing homelessness.

Studies have shown that most unhoused individuals suffer from a significant mental health disorder or substance abuse. They need the support of wraparound services and assistance with short- and long-term housing solutions. This bill will create unsafe, unhealthy, and dangerous conditions and will tie the hands of law enforcement who are the main resource in providing aid.

Additionally, the State wishes to supersede local law and ordinances but who will be responsible if a citizen gets hit by a car because they had to walk into the street to avoid an encampment on the sidewalk or what would happen if an unregistered convicted sex offender decides to set up a shelter on a public school parking lot. As the chief law enforcement officer in my county, this law would prohibit me from removing or relocating the unhoused individual. Otherwise, the MD Attorney General may go as far as to represent the unhoused individual in civil litigation against me or anyone attempting to remove the unhoused individual.

We can look to Seattle, Portland and San Francisco to know that this model just does not work. Cities in California are currently introducing ordinances to arrest and/or fine anyone who sets up an encampment on public land. The financial impact has proved devastating to those communities. Funds should be directed at our unhoused support services and shelters. Respectfully, I ask that you vote against this bill.

Respectfully Submitted,

Sheriff Joseph Gamble
Talbot County Sheriff

Late testimony

Uploaded by: Suzie Coronel

Position: UNF



NHCA

Norwood-Holabird
Community Association
Dundalk, MD 21222
DundalkNHCA@gmail.com



Norwood Holabird Community Association

February 11, 2025

ATTN: Delegate(s) Ric Metzgar, Johnny Ray Salling, Robin Grammer, and Bob Long

Re: Opposition to Senate Bill 484 / House Bill 487 – Unhoused Individuals: Rights, Civil Action, and Affirmative Defense

Dear Delegates,

On behalf of the Norwood Holabird Community Association, I am sending this letter to express our strong opposition to Senate Bill 484 and House Bill 487, which seek to grant expansive rights and legal protections to individuals engaging in “life-sustaining activities” in public spaces. While we recognize and support the need for humane and effective solutions to homelessness, we believe that this legislation will have severe unintended consequences that negatively impact public safety, community well-being, and local businesses.

For your reference, Norwood Holabird Community Association (NHCA) is predominantly in Baltimore County. But a section of NHCA does straddle the Baltimore City line. We are one of the largest communities in Dundalk, stretching from Dundalk Ave over to Merritt Blvd. In 2023, after 7 months of work, we successfully relocated a very large encampment that took over the corner of Dundalk Ave and Holabird. Since then, we have worked hard to maintain the success of that cleared corner.

Our community remains significantly impacted by several smaller homeless encampments, leading to an increase in crime, public health concerns, and safety hazards. This bill would:

- Remove Local Authority: By prohibiting municipalities from enforcing anti-vagrancy laws and other ordinances, this bill undermines local governments’ ability to address encampments, leaving neighborhoods without effective tools to ensure public order.
- Encourage Permanent Encampments: The legislation allows individuals to engage in activities such as sleeping, storing personal property, and occupying vehicles in public spaces without penalty, increasing the likelihood of entrenched encampments that pose sanitation and security risks.
- Burden Small Businesses and Residents: The presence of long-term encampments near businesses and residential areas has already led to an increase in property damage, littering, and reduced foot traffic. The proposed civil action provisions in the bill could expose local governments and law enforcement agencies to costly litigation, discouraging them from addressing legitimate concerns.

Strain Public Resources: Local governments would face significant financial and operational burdens in providing “adequate alternative indoor spaces” as required under the bill. Many jurisdictions simply do not have the capacity to meet these demands, further exacerbating existing challenges.

**NHCA**

Norwood-Holabird
Community Association
Dundalk, MD 21222
DundalkNHCA@gmail.com



Norwood Holabird Community Association

We believe that the solution to homelessness should focus on expanding access to supportive housing, mental health services, substance abuse treatment, and job training programs—rather than policies that allow public spaces to be used indefinitely for sheltering and encampments.

For these reasons, we urge you to oppose SB 484 / HB 487 and instead support legislation that balances the needs of unhoused individuals with the rights and safety of the broader community. We welcome the opportunity to discuss constructive approaches to addressing homelessness in a way that benefits all Marylanders.

Thank you for your time and consideration.

Sincerely,

Suzie Coronel

Norwood Holabird Community Association, President
410-336-2569

20250212 HB 0487 Unhoused Individuals - Rights, Ci

Uploaded by: Travis Breeding

Position: UNF



House Bill 487

Unhoused Individuals—Rights, Civil Action, and Affirmative Defense

Position: UNF

Date: **February 12, 2025**

To: **Judiciary**

On behalf of the Caroline County Commissioners, we wish to express our **strong opposition** for **House Bill 487 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**
HB 487 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**
HB 487 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, HB 487 fails to balance public safety with these goals. We urge the General Assembly to reject HB 487 and instead pursue collaborative policies that empower local governments to implement sustainable, well-managed solutions.

Sincerely,

J. Travis Breeding, President

hb487.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: House Judiciary Committee
FROM: Legislative Committee
William R. Vormelker
410-260-1561
RE: House Bill 487
Unhoused Individuals - Rights, Civil Action, and
Affirmative Defense
DATE: January 30, 2025
(2/12)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 487. 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. Bernice Mireku-North
Judicial Council
Legislative Committee
Kelley O'Connor

HB 487_realtors_unf.pdf

Uploaded by: William Castelli

Position: UNF



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

Position: Unfavorable

Maryland REALTORS® strongly supports addressing the housing crisis that impact many Maryland residents and their communities. However, the REALTORS® oppose certain provisions of HB 487 that impact private property.

As drafted, HB 487 would impact private property and require private citizens to dedicate their property and resources to reduce homelessness. The definition of “Public Place” includes property that is “leased” in part by state or local government. Some state and local governments lease parts of private buildings which could force these properties the bill’s requirements. Additionally, the bill defines the following spaces as “Public:”

- Courtyards;
- Sidewalks;
- Parking lots;
- Shopping centers.

Under HB 487, unhoused individuals would have rights to occupy some of this private property as long they do not obstruct “normal movement” in a manner that creates a “hazard” to others. That standard means unhoused individuals could obstruct some movement in private courtyards, parking lots, sidewalks as long as it was not deemed hazardous. In addition, unhoused individuals would be able to store personal property on some private property.

The Maryland REALTORS® believe the solution to homelessness should not be forcing private property to backfill the services that should be the responsibility of government and all taxpayers.

For these reasons, the Maryland REALTORS® recommend an unfavorable report.

**For more information contact lisa.may@mdrealtor.org or
christa.mcgee@mdrealtor.org**