

Senate Judicial Proceedings Committee
In support of SB 49: Unhoused Individuals- Rights, Civil Action, and
Affirmative Defense Act
Delivered on behalf of the National Homelessness Law Center
By Eric Tars
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Thank you Senator Muse and members of the Committee. I am Eric Tars, Senior Policy Director at the National Homelessness Law Center. I helped draft the model that SB 49 was drawn from in the wake of the awful 2024 Supreme Court decision in *Johnson v. Grants Pass*, where the Court decided that cities can ticket or arrest unhoused people for simply trying to sleep and keep themselves warm outside, even when they have nowhere else to go. Since that case, more than 300 cities, counties, and states have done just that, including two here in Maryland.

We testified to this Committee last year, warning that this bill was crucial to protecting Maryland's unhoused residents from President Trump's threats of a national camping ban and putting homeless people into government-run detention camps under threat of arrest. A year later, these threats have turned into reality, as President Trump ordered federal law enforcement to demolish encampments and threaten unhoused people with arrest in DC, and used Executive Orders and funding restrictions to try to force these approaches on communities nationwide. The legislation before you today is vitally important to restore the protections lost in the *Grants Pass* case and help ensure Maryland residents who can't afford the rent don't end up in one of Trump's homeless detention camps.

Communities in the 9th Circuit and across the country have lived with similar laws for years, and successfully reduced encampments. Under this law, Maryland communities are still free to respond to encampments with any of the many more effective

methods than trying to arrest and ticket people, they can still enforce anti-camping laws if they provide shelter alternatives, and they can still arrest homeless people for violating other laws. Polling shows three-quarters of Americans support the simple principle set forth in this legislation: that communities should not be able to arrest Maryland residents who can't afford the rent just for the act of trying to sleep or shelter themselves from the cold, rain, or heat, without at least first having to make sure they have a place to do those things.

We all win when we solve homelessness.

Not arresting or ticketing people for sleeping outside when they have nowhere else to go is a vital first step. More must be done. But by passing SB 49, Maryland can show that housing is the solution to homelessness, not handcuffs.

Additional points:

In Maryland, a worker earning minimum wage needs to work [89 hours a week to afford a modest one bedroom at fair market rent.](#)

And for every \$100 increase in rent, homelessness goes up by 9%. This will not be solved by throwing people in jail or issuing fines. The only solution to homelessness is ensuring that everybody, regardless of race, class, or income, has a safe affordable place to live.

The first of court cases that preceded Grants Pass, *Pottinger v. Miami*, imposed these same rules on the city of Miami, and when they abided by it, unsheltered homelessness actually dropped by more than half. When the court's injunction was lifted, it went up again. So having these basic protections actually helps END encampments, and not having them PERPETUATES them. It's the exact opposite of what opponents of this bill are afraid of, and are going to tell you like it's a fact, even though they have no evidence to prove their point.

Maryland can show there is another way.

But there is good news. Amidst the harmful creep of anti-homeless laws, states across the country are introducing legislation that would restore the rights gutted by the Supreme Court. These laws have been introduced every state up the eastern seaboard from Virginia to Maine. And according to our research, there is broad, bipartisan support for this and similar bills, with [72% of adults rejecting the use of fines, jails, and tickets for people sleeping outside](#). Maryland can join in this growing chorus by passing SB 49 and ensuring that Marylanders who cannot afford housing are not ticketed or arrested for simply trying to sleep or survive when they have nowhere else to go.