
TESTIMONY IN SUPPORT OF SENATE BILL 49
Unhoused Individuals – Rights, Civil Action, and Affirmative Defense
Judicial Proceedings Committee
January 27, 2026

Social Work Advocates for Social Change strongly supports SB 49, which will create a standard of basic rights, including the right to engage in life sustaining activities such as sleeping and storing personal property, for individuals experiencing homelessness, and will provide legal aid if those established rights are violated. This legislation provides critical protection for an especially vulnerable population at a time when the realities of homelessness are increasingly criminalized. **At a time of broad concern about affordability, state and local efforts should be directed toward better supporting our unhoused neighbors rather than criminalizing those who are forced to live their private lives in public spaces.**

Attacks on people who lack stable housing have increased following the removal of protections by the U.S. Supreme Court. In 2024, the U.S. Supreme Court ruled in *City of Grants Pass, Oregon v. Johnson* that removing unhoused individuals from public spaces was not a cruel or unusual punishment.¹ This ruling removed a previous precedent that municipalities enforcing public camping ordinances against those experiencing homelessness, despite inadequate quantities of shelter beds, was a violation of these individuals' 8th amendment rights. The effects of *Grants Pass v. Johnson* are visible in large through the sweeps and destruction of unhoused individuals across the country, including in Maryland jurisdictions. Throughout the duration of these last two years, sweeps tearing down encampments have increased from a reported 19 in July of 2024 to 132 in July of 2025.²

As social workers who work with people who lack stable housing, we have witnessed the harm encampment sweeps cause both to people experiencing homelessness and to our efforts to help them. These sweeps pose critical risks to the unhoused population as they perpetuate instability, often leaving individuals without essentials such as identification cards, clothing, prescriptions, and hygiene products. Additionally, sweeps often sever individuals' connections to care providers, their community members, and push residents into more isolated environments. This growing instability has resulted in an increased strain on shelters. Housing Our Neighbors, in partnership with Baltimore Brew and the Maryland Office of Homelessness Services, reported that in Baltimore City the number of individuals seeking overnight stays in shelters has doubled within the last two years.³ Such reports are confirmed even by point-in-time counts, which notoriously underestimate prevalence of homelessness, but which nonetheless document statewide increases in homelessness as the number of people who lost

¹ *City of Grants Pass v. Johnson*, 603 U.S. 520 (2024). https://www.supremecourt.gov/opinions/23pdf/23-175_19m2.pdf

² McClurg, L. (2026, January 19). *Many homeless encampments have been cleared, but advocates say that's not a solution*. NPR. <https://www.vpm.org/npr-news/npr-news/2026-01-19/many-homeless-encampments-have-been-cleared-but-advocates-say-thats-not-a-solution>

³ Shen, F. (2025, September 28). *Baltimore homeless shelters: A new survey finds them unsanitary, unsafe, unsavory*. Baltimore Brew. <https://www.baltimorebrew.com/2025/09/28/baltimore-homeless-shelters-a-new-survey-finds-them-unsanitary-unsafe-unsavory/>

housing was more than double the number who were permanently housed; in Baltimore City alone, the point-in-time count found a 26.5 percent since the start of 2024 through 2025.⁴

The criminalization of homelessness disproportionately and unnecessarily exposes unhoused individuals to the legal system. They receive fines that they are unable to pay and face sentences that increase the barriers they must cross before achieving stable housing.⁵ A criminal record builds upon existing difficulties finding employment, establishing stable housing, and complicating eligibility for a variety of supports such as housing vouchers and employment opportunities or job trainings. Fines and criminal records create additional barriers to becoming re-housed and finding employment, while simultaneously failing to increase access to services and undermining the impact of service providers.^{6,7}

Maryland should direct state resources to evidence-based practices that reduce the growing rates of homelessness rather than displace those experiencing homelessness. In the current climate, the unhoused population has outgrown available resources and many individuals default to sheltering within public areas, not by choice but as a last resort. Rather than addressing homelessness through sweeps and criminalization – which requires the state to cover increased incarceration costs – the state should focus resources on creating affordable, permanent housing opportunities for low-income Marylanders. Otherwise, criminalizing homelessness will perpetuate the cycle of homelessness.⁸

SB 49 will help blunt the negative impact of the 2024 Supreme Court ruling on Marylanders experiencing homelessness. Preventing the criminalization of homelessness will help to ensure that Maryland’s resources address the root causes of homelessness, by providing access to behavioral health supports and affordable housing. **Homelessness itself is alienating, violent, dehumanizing and cruel; SB 49 will help to ensure it isn’t also criminal.**

Social Work Advocates for Social Change urges a favorable report on SB 49.

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.

⁴ Maryland Department of Legislative Services (2025). *Analysis of the FY 2026 Maryland Executive Budget, 2025: Department of Housing and Community Services*. <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2026fy-budget-docs-operating-S00A-Department-of-Housing-and-Community-Development.pdf>

⁵National Disability Rights Network, “Supreme Court Rules Homeless Can Be Arrested for Sleeping in Public Spaces,” June 28, 2024, <https://www.ndrn.org/resource/supreme-court-rules-homeless-can-be-arrested-for-sleeping-in-public-spaces/>.

⁶ Lake, J. (2021, April 14). *Preventing and Removing Barriers to Housing Security for People With Criminal Convictions*. Center for American Progress. <https://www.americanprogress.org/article/preventing-removing-barriers-housing-security-people-criminal-convictions/>

⁷ Shen, F. (2025, September 28). *Baltimore homeless shelters: A new survey finds them unsanitary, unsafe, unsavory*. Baltimore Brew. <https://www.baltimorebrew.com/2025/09/28/baltimore-homeless-shelters-a-new-survey-finds-them-unsanitary-unsafe-unsavory/>

⁸*Why Criminalization Doesn’t Work: Research & Policy Insights*. (2025, March 9). National Alliance to End Homelessness. <https://endhomelessness.org/resources/research-and-analysis/why-criminalization-doesnt-work-research-policy-insights/>