



Senate Bill 0049

Unhoused Individuals- Rights and Affirmative Defense
In the Judicial Proceedings Committee
Hearing on January 27, 2026
Position: FAVORABLE

Maryland Legal Aid submits its testimony on SB49 at the request of Senator Muse

Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, including housing, family law, public benefits, bankruptcy and other debt collection matters, and criminal record expungements.

MLA urges a favorable report on SB49. No Marylander should face criminal penalties simply because they are unhoused.

In 2024, the United States Supreme Court [ruled that local governments can arrest or fine people for sleeping outside](#), even when adequate shelter is unavailable. This decision emboldened cities across the country to introduce over [320 bills criminalizing unhoused people](#). Nearly 220 have passed.

SB49 ensures Maryland communities will not criminalize homelessness. Under its provisions, any legislation that criminalizes life-sustaining activities, such as sleeping or taking shelter in an unobtrusive manner on public land, violates the Maryland Declaration of Rights. The bill protects the right of unhoused individuals to use public places to move, rest, sit, stand, lie down, sleep, eat, drink, or protect themselves or their personal property from weather – unless an adequate alternative indoor space and transportation to that space is made available.

SB49 offers critical protections as Maryland's housing crisis worsens.

MLA represents people facing eviction throughout Maryland. When we speak of the importance of representation in cases of eviction in court, it is because we understand the imminent risk of homelessness associated with these cases. In 2025, MLA represented over 3,000 clients in eviction cases. When MLA asks clients if they have a plan if their case results in eviction, almost 1-in-5 report their only alternative is sleeping in a shelter or homelessness.

Maryland's housing shortfalls have the most disparate impact on our vulnerable neighbors. Low-income seniors in Maryland outnumber the available subsidized

apartments designated for them. [The lowest-income renter households face significant housing gaps](#). There is not enough affordable housing available to renters earning less than 30% of Area Median Income; 610 affordable homes are missing for every 1,000 households in this category. In 2022, 45.5% of renters were cost burdened in Maryland. Households are considered cost-burdened when they spend more than 30% of their income on rent or other housing costs. For black households in Maryland, this figure was 48%.

Without the passage of SB49, Marylanders will face not only the challenges of homelessness, but also the burden of a criminal record, based solely on living in poverty, with its many collateral consequences. MLA assists hundreds of Marylanders with criminal record expungement each year. We see firsthand that criminal charges are a direct impediment to securing employment, loans, and education opportunities, as well as housing.

With a budget already stretched past capacity, Maryland cannot forgo the opportunity to divert more individuals away from the costly carceral system and avoid unnecessary additional costs. [It has been well established that the enforcement of these practices is expensive](#). One study [from New York City](#) reported a savings of \$1.3 billion if the city had housed people instead of incarcerating them. Another, [from Charlotte](#), describes a savings of \$2.4 million over one year, after the city created a housing facility for the unhoused, rather than shuffling them between shelters, emergency rooms, and jails.

Maryland Legal Aid urges a **favorable report on SB49**. If you have any questions please contact Zafar Shah, Advocacy Director for Human Right to Housing (zshah@mdlaborg), or Amanda Wisniewski, Community Outreach Manager (acwisniewski@mdlaborg)