

# **SB 49 Sponsor Testimony.pdf**

Uploaded by: C. Anthony Muse

Position: FAV

C. ANTHONY MUSE  
Legislative District 26  
Prince George's County

Committees

Judicial Proceedings

Vice Chair, Executive Nominations

Rules



Miller Senate Office Building  
11 Bladen Street, Room 422  
Annapolis, Maryland 21401  
410-841-3092  
800-492-7122 Ext. 3092  
Anthony.Muse@senate.state.md.us

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony**

**SB 49: Unhoused Individuals – Rights, Civil Action, and Affirmative Defense**

Good afternoon, Chairman Smith, Vice Chair and members of the Judicial Proceedings Committee.

Senate Bill 49 recognizes the dignity and basic rights of unhoused individuals in Maryland. By affirming their right to engage in life-sustaining activities in public spaces, this bill ensures that homelessness is **not** criminalized. It also creates legal protections to prevent unfair penalties and provides an affirmative defense in cases of trespassing or disturbing the peace.

**Criminalizing homelessness does not address the root causes and only perpetuates hardship.** By offering these protections, Maryland would join other states like California and Oregon, which have passed similar laws ensuring that people without homes are not unfairly penalized for merely trying to survive. SB 49 is an important step toward a more compassionate and just society... and practical solutions for homelessness.

Therefore, I respectfully urge a FAVORABLE report SB 49.

# **SB 49, Unhoused Individuals, Rights and Affirmativ**

Uploaded by: Carlos Orbe, Jr.

Position: FAV

January 23, 2026

The Honorable William C. Smith, Jr.

Chair, Judicial Proceedings Committee

2 East Miller Senate Office Building

2 East Miller Senate Office Building

Annapolis, Maryland 21401

RE: Support for SB 49, Unhoused Individuals, Rights and Affirmative Defense

Dear Chair Smith,

Maryland Latinos Unidos (MLU) is honored to express our strong support for Senate Bill 49, Unhoused Individuals, Rights and Affirmative Defense. SB 49 provides that unhoused individuals have certain rights, directs liberal construction to maximize protections, establishes an affirmative defense of necessity for certain charges related to trespass or disturbing the peace, and repeals municipal authority to prohibit vagrancy. SB 49 is scheduled for a hearing in the Senate Judicial Proceedings Committee on January 27, 2026 at 1:00 p.m., and the bill's effective date is October 1, 2026.

This bill is aligned with MLU's mission because housing insecurity is a direct driver of health harm, family instability, and barriers to education and employment. Criminalizing survival behaviors does not reduce homelessness, but it can deepen trauma and make it harder for people to reconnect to services and stability. SB 49's affirmative defense approach recognizes that necessity driven actions often occur when shelter and safe alternatives are unavailable.

Maryland's point in time data show thousands of Marylanders experience homelessness, and Hispanic and Latino residents are among those impacted. Protecting unhoused individuals from punitive criminalization supports community stability and reduces unnecessary court involvement that can create long term barriers to housing and employment.

MLU will advance SB 49's impact by partnering with service providers and immigrant serving organizations to connect unhoused community members to resources, promote language access, and support pathways to stabilization that avoid unnecessary criminal legal entanglement.

MLU urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 49, advancing dignity, fairness, and evidence driven approaches to homelessness.

Sincerely,

Carlos Orbe, Jr.

Communications and Public Affairs Specialist

Maryland Latinos Unidos

[corbejr@mdlatinosunidos.org](mailto:corbejr@mdlatinosunidos.org)

# **SB 49 Unhoused Individuals FAV.pdf**

Uploaded by: Carolyn Johnson

Position: FAV



Carolyn Johnson  
Public Justice Center  
201 North Charles Street, Suite 1200  
Baltimore, Maryland 21201  
410-625-9409  
johnsonc@publicjustice.org

---

## SB 49: Unhoused Individuals – Rights and Affirmative Defense

Hearing before the Senate Judicial Proceedings Committee on January 27, 2026

Position: FAVORABLE

---

The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing and their rights to fair and equal treatment by Maryland's landlord-tenant laws, courts, and agencies. The PJC advocates for systemic change to build a just society.

PJC supports SB 49 and asks for a favorable report because Housing is Human Right, and SB 49 would ensure that Maryland's citizens who cannot afford housing are not subjected to the cruel and unusual punishment of being ticketed or arrested for simply sleeping or doing things needed to survive. This law is only in effect when there is insufficient adequate shelter or housing alternatives.

### Background

Everybody needs a safe place to sleep. But on June 28, 2024, the U.S. Supreme Court decided *City of Grants Pass, Oregon v. Johnson*, overturning longstanding precedent, ruling instead that local governments can now arrest or fine people for sleeping outside *even if adequate shelter is not available*. The decision:

- Removes incentives to respect the basic humanity and human needs of unhoused people
- Enables cities to take a harmful, counterproductive, and expensive approach to homelessness, and
- perpetuates harms amongst Black, Brown, Indigenous, LGBTQ, disabled, and other marginalized communities that are disparately impacted by homelessness and targeted for law enforcement.

Since the Grants Pass decision, over 300 communities nationwide have passed laws arresting, fining, and ticketing unhoused people for sleeping outside when there is no other place for them to go. Criminalization is not a solution to homelessness; it is an expensive, dehumanizing, and counterproductive approach that makes it harder to solve homelessness. Instead, the most effective approach to addressing homelessness - when adequately funded and available - is providing immediate access to [stable, affordable housing and the supportive services people want and need](#) to maintain stability.

*The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.*

## **Homelessness is rising and affordable housing is increasingly out of reach for Marylanders**

Between 2024-2025 homelessness in Baltimore City increased by 26.5%, including a 46% increase in unhoused families with children, and a 22% increase in unhoused individuals age 65 and older. There were also marked increases in people experiencing homelessness for the first time, with 52% of unsheltered individuals reporting this was their first time experiencing homelessness. Consistent with national data, homelessness continues to disproportionately effect people of color. Approximately 60% of Baltimore City's population identifies as Black, while 70% of unhoused people identify as Black.

One bright spot in the data shows that 95.3% of formerly unhoused households who obtain permanent housing are able to maintain that housing. Unfortunately, the need for affordable housing far outpaces its supply. In 2025 Maryland's Department of Housing and Community Development identified a gap of 132,000 homes for households earning less than 30% of Area Medium Income. For every 1000 extremely low-income renters, there are 610 missing affordable homes. Despite this overwhelming need, the Trump administration has moved to drastically cut funding for evidence-based permanent supportive housing and instead urge cities and states to arrest, jail, and forcibly institutionalize our unhoused neighbors. SB49 will protect Maryland residents from these draconian federal policies.

### **SB49 helps protect both housed and unhoused Marylanders**

This bill enhances Maryland communities' ability to address the homelessness crisis, by ensuring that real solutions like housing and services remain at the forefront in the state's work to solve homelessness. SB49 simply puts the law back where it was before the Supreme Court's short-sighted decision. Passing this law will help Maryland communities implement effective policies to end homelessness. Specifically, SB49:

- Ensures Marylanders without housing have the right to be offered adequate alternative housing before having anti-camping or similar laws enforced against them
- Enjoy the same rights as housed persons do in public places
- Have the ability to retrieve belongings from vehicles or relocate vehicles they are living in before they are towed

Importantly, this law does not take away communities' abilities to use other existing and enforceable laws that keep sidewalks and parks clean; it *only* says that there must be an offer of an adequate alternative before enforcement takes place. This provides communities with an incentive to ensure those alternatives actually exist before turning to less effective law enforcement approaches.

### **We all benefit when communities use housing, not handcuffs to address homelessness.**

Nobody wants to see people living outside, especially people who live outside themselves. Maryland should focus on the [best, most effective, most cost-effective way](#) to solve homelessness. Enforcing a criminal penalty against individuals who have nowhere else to go is expensive, wastes resources such as police, and prolongs the time people spend on the street. We all win when everybody has housing and services that meet their needs.

## **Communities are safer when law enforcement focuses on actual crime, not homelessness**

The Law Enforcement Action Project, made up of hundreds of law enforcement officers across the country [stated](#) support for the 9<sup>th</sup> Circuit's ruling. "...[S]hifting the response to homelessness to police imposes burdens on law enforcement members themselves. Officers are not trained or equipped to deal with the myriad social issues that result in living outside. And even if they were, diverting limited police resources to address homelessness reduces law enforcement's ability to solve crimes and do other important work to preserve public safety... Criminalizing homelessness—and putting law enforcement officers in a position to enforce such laws—undermines community trust in law enforcement...[which] in turn, undermines law enforcement officers' abilities to do their jobs."

Maryland's own Attorney General Anthony Brown led a [brief](#) with five other states against overturning the *Grants Pass* decision, stating, "policies criminalizing involuntary homelessness...ultimately undermine governmental interests in public health and safety. Taking these policies off the table does not interfere with our ability to address homelessness.... Eugene, Oregon, for example, dispatches medical and mental health crisis workers instead of police officers in response to homelessness reports. This alternative response program has enabled the city to avoid millions of dollars of spending on public safety."

Public Justice Center **urges a favorable report on SB 49**. If you have any questions, please contact Carolyn Johnson, [johnsonc@publicjustice.org](mailto:johnsonc@publicjustice.org) (410) 625-9409 Ext. 280.

# **SB 0049 Unhoused Individuals - Rights and Affirmat**

Uploaded by: Catherine OMalley

Position: FAV

BILL NO: Senate Bill 0049  
TITLE: Unhoused Individuals - Rights and Affirmative Defense  
COMMITTEE: Judicial Proceedings  
HEARING DATE: January 27, 2025  
POSITION: **SUPPORT**

---

Homelessness is a policy choice and the Women's Law Center of Maryland vehemently supports Senate Bill 0049'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 SB 0049 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. SB 0049 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.*

# **SB0049\_Unhoused\_Individuals\_Rights\_Civil\_Action\_an**

Uploaded by: Cecilia Plante

Position: FAV



**TESTIMONY FOR SB0049**  
**Unhoused Individuals – Rights, Civil Action, and Affirmative Defense**

**Bill Sponsor:** Senator Muse

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in strong support of SB0049 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 are 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.

**SB 49\_Rights of Unhoused Ppl\_BHSB\_FAVORABLE.pdf**

Uploaded by: Dan Rabbitt

Position: FAV



January 27, 2026

**Senate Judicial Proceedings Committee**  
**TESTIMONY IN SUPPORT**

*SB 49 - Unhoused Individuals - Rights and Affirmative Defense*

Behavioral Health System Baltimore (BHSB) is a nonprofit organization that serves as the local behavioral health authority (LBHA) for Baltimore City. BHSB works to increase access to a full range of quality behavioral health (mental health and substance use) services and advocates for innovative approaches to prevention, early intervention, treatment and recovery for individuals, families, and communities. Baltimore City represents nearly 35 percent of the public behavioral health system in Maryland, serving over 100,000 people with mental illness and substance use disorders (collectively referred to as “behavioral health”) annually.

**Behavioral Health System Baltimore supports SB 49 - Unhoused Individuals - Rights and Affirmative Defense.** This bill prohibits state and local government from imposing civil or criminal penalties against unhoused people undertaking life-sustaining activities. It also provides a set of basic rights for unhoused people including an affirmative defense against criminal trespass, disturbing the peace, and disorderly conduct. This expansive set of basic human rights is commendable and well-tailored. These rights and protections will help unhoused individuals to attain stability and avoid further marginalization.

Many unstably housed individuals experience behavioral health challenges. Such challenges often lead to financial difficulties which in turn can lead to housing instability. The experience of being without stable housing can also cause or exacerbate behavioral health concerns. Unhoused individuals need support to break the cycle of homelessness but far too often localities criminalize various life-sustaining activities, which essentially criminalizes homelessness and poverty. Such criminal or civil penalties are cruel, and they further complicate effective behavioral health treatment.

BHSB especially appreciates the rights established in SB49 to privacy in personal property. Unhoused individuals often have their personal property confiscated during enforcement actions against encampments. This confiscation is problematic for many reasons, most especially due to the ramifications of confiscated medication. Psychiatric medication is essential to treating behavioral health conditions and any disruption to medication adherence can result in significant psychiatric symptoms. Protecting personal property from confiscation is a basic human right that all Marylanders deserve to have honored. It is also essential for good behavioral health care and to support the stability of those who are unstably housed.

BHSB recognizes the link between homelessness and behavioral health. Our municipalities need to support efforts to lift people out of homelessness instead of criminalizing basic human needs. **We urge the Senate Judicial Proceedings Committee to support SB49.**

***For more information, please contact BHSB Policy Director Dan Rabbitt at 443-401-6142***

**2026-01-27 re SB 49\_FINAL.pdf**

Uploaded by: David Prater

Position: FAV

**CAROLYN A. QUATTROCKI**  
*Chief Deputy Attorney General*

**LEONARD J. HOWIE III**  
*Deputy Attorney General*

**CARRIE J. WILLIAMS**  
*Deputy Attorney General*

**SHARON S. MERRIWEATHER**  
*Deputy Attorney General*

**ZENITA WICKHAM HURLEY**  
*Deputy Attorney General*



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

**ANTHONY G. BROWN**  
*Attorney General*

**JONATHAN M. SMITH**  
*Division Chief*

**RASHIDA OGLETREE- GEORGE**  
*Deputy Division Chief*

**PETER V. BERNS**  
*General Counsel*

**CHRISTIAN E. BARRERA**  
*Chief of Staff*

**DAVID A. PRATER**  
*Assistant Attorney General*

**Testimony of David A. Prater, Assistant Attorney General  
Before the Senate Judicial Proceedings Committee  
SB 049 – Unhoused Individuals – Rights, Civil Actions, and Affirmative Defenses  
Position: Favorable  
January 27, 2026**

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. SB 49 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**.

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.<sup>1</sup> 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.<sup>2</sup> Over a thousand households experiencing homelessness reside in Garrett, Allegany, Washington, Frederick, Charles, Calvert, St. Mary's, Harford, and Cecil County.<sup>3</sup>

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

---

<sup>1</sup> 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)

<sup>2</sup> 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).

<sup>3</sup> *Id.*

\$4,970 a month.<sup>4</sup> Estimates of daily incarceration range from \$90 to \$300 per inmate at local detention centers.<sup>5</sup> Moreover, unhoused people who enter the criminal justice system struggle to exit, which leads to a vicious cycle of homelessness and incarceration that drains the public fisc.<sup>6</sup> Criminalization is thus an inefficient, costly, and futile response to homelessness. Indeed, even officers tasked with enforcing such policies are asking for change.<sup>7</sup>

Under SB 49, people experiencing homelessness have the right to exist in public places and engage in life-sustaining activities *and* Maryland counties and municipalities retain the authority to regulate encampments and behavior that negatively affects others. Solutions proven to address homelessness, such as the “Housing First”<sup>8</sup> approach, which Houston, TX has successfully implemented to reduce homelessness by 63%, remain available to counties and municipalities to implement.<sup>9</sup>

**SB 49 prohibits local jurisdictions from passing ordinances and laws that criminalize people without adequate alternative nighttime shelter** from merely existing in public places.

**SB 49 is not a license for people to engage in other criminal behavior** such as harassment, public urination, and/or aggressive soliciting. SB 49 does not infringe on the right of private residential property owners to ban people from private property. SB 49 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.

**SB 49 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.

For these reasons, the Attorney General urges the Committee to issue a favorable report.

---

<sup>4</sup> Maryland Department of Legislative Services, Fiscal and Policy Note HB 978 2023), *available at* [https://mgaleg.maryland.gov/2023RS/fnotes/bil\\_0008/hb0978.pdf](https://mgaleg.maryland.gov/2023RS/fnotes/bil_0008/hb0978.pdf) (last accessed on Feb. 3, 2025)

<sup>5</sup> *Id.*

<sup>6</sup> 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>

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

<sup>8</sup> The Housing First Approach places people in permanent housing with support services, without programmatic requirements such as sobriety or coercive treatments. *See* Michael Wilt, Texas State Affordable Housing Corp., An Overview of the Housing First Model (Mar. 5, 2021), <https://tinyurl.com/2yf49fe7>.

<sup>9</sup> 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>.

# **SB49 Favorable 2026.pdf**

Uploaded by: Debi Jasen

Position: FAV

Judicial Proceedings  
Senate Bill 49  
Favorable

Honorable Chair, Vice Chair, and Members of the Judicial Proceedings Committee;

I urge you to give Senate Bill 49, regarding the rights of unhoused individuals, a FAVORABLE report.

As someone who was homeless for a few years as a teen and young adult, and whose brother has been homeless on and off for over 25 years, this legislation is personal for me. My brother and I have both had to worry about being jailed for being homeless (or unhoused, as people say these days.) That was scarier to me than freezing or being attacked when I was dozing on a sidewalk all night. My brother has a fear of the police (he has been assaulted by them before,) and can be triggered by their presence.

I really appreciate that the sponsor of this bill recognizes the humanity of unhoused people. I didn't suddenly become less worthy of dignity and consideration when I was kicked out, or more worthy when I was taken in by a friend's family. People in this country are often given value based on their wealth. This bill demonstrates a rejection of that idea.

Please vote favorable on Senate Bill 49. Thank you for your time and consideration.

Sincerely,  
Debi Jasen  
Pasadena, MD

**MD SB 49 Testimony 1-27-2026.pdf**

Uploaded by: Eric Tars

Position: FAV

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  
January 27, 2026

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 9<sup>th</sup> 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.

# **Health Care for the Homeless Testimony - FAV - SB**

Uploaded by: Joanna Diamond

Position: FAV



**HEALTH CARE FOR THE HOMELESS TESTIMONY**  
**FAVORABLE**  
**SB 49 - Unhoused Individuals - Rights and Affirmative Defense**

**Senate Judicial Proceedings Committee**  
**January 27, 2026**

**Health Care for the Homeless strongly supports SB 49**, which would help protect people experiencing homelessness existing on or about public places who are simply engaging in “life-sustaining activities” from being criminalized. This bill would prohibit governmental entities, officials, or agents from imposing criminal or civil penalties for engaging in defined “life-sustaining activities” without first offering shelter to those individuals. The bill, among other things, also repeals the authority of a municipality to prohibit vagrancy, an action that Health Care for the Homeless has long supported.

Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for people experiencing homelessness. We're serving about 11,000 people annually in Baltimore City and Baltimore County. From our 40 years of experience as an agency, we know that imposing civil and criminal penalties on those experiencing homelessness in public spaces is cruel, costly and utterly counterproductive.

We engage people into care through the provision of outreach services under bridges, on park benches, and throughout our communities. We employ a mobile clinic - a clinic on wheels - that takes people out of our clinical spaces and into the community. Last year, we were proud to launch a street medicine program where we take care directly to where people are.

We know that effectively engaging trusting relationships can take months and even years. And those relationships can be damaged in about five minutes. Through encampment sweeps or arrests or people fleeing law enforcement we lose them and then have to use even greater resources to find and re-establish that key relationship. From a practical perspective, when people get displaced through forced sweeps or arrests, they lose their documents and belongings, their medications, they become destabilized. When a person gets arrested, that criminal record then becomes a barrier for finding housing. Or, in the case of civil citations, people may work for months to save up for first and last month's rent, then when they are forced to pay a citation, all of that money goes into paying that fine.

Health Care for the Homeless Therapist Case Manager Jamie Baggett, LMSW, conveys the importance of preventing the criminalization of homelessness and, instead, urges our public policies should reflect utilizing evidence-based policies that support people experiencing homelessness in their journeys for housing stability:

My name is Jamie Delaney Baggett, I am a Licensed Master Social Worker in the state of Maryland and a therapist case manager working in the ACIS program at Health Care for the Homeless. My job involves helping people who are exiting or who have exited homelessness

by helping them navigate complex systems, advocating for their fair treatment, supporting their housing stability, and providing mental health support. As a social worker who works with people who have experienced or who are experiencing homelessness, I emphatically support SB 49.

People who are sheltering outdoors and engaging in life-sustaining activities should not be viewed as law breakers; rather they are doing their best to bear the burden of an unfair, unethical housing system that has failed to meet their needs. Criminalizing people for things like sleeping, eating, or resting in the wrong place shifts accountability from our leaders to find humane housing solutions and onto individuals who are already struggling to survive the unaffordability crisis impacting so many across Maryland and across the United States. Adding insult to injury, legal system involvement can further hinder a person's efforts to obtain housing by complicating background checks for housing and employment and by limiting the assistance programs a person may be eligible for. This has the potential impact of keeping struggling people in homelessness even longer.

In my work, I have seen that so many people experiencing homelessness struggle with trauma and trauma-related mental health issues. If the state allows local leaders to criminalize homelessness, whether in the explicit letter of a policy or in its ultimate impact, this will cause people experiencing homelessness additional trauma and hardship. It would be cruel and would do nothing to address the root cause of homelessness, which is the lack of affordable permanent housing. Alternatively, the passage of SB 49 would signal the state of Maryland's commitment to protecting the dignity of people experiencing homelessness, rather than punishing vulnerable individuals for systemic failures.

Evidence-based policies and programs that help people experiencing homelessness are under scrutiny at the federal level. I worry often that my clients will lose access to the programs that allow them to meet their basic needs because some politicians have decided not to trust the overwhelming body of research and empirical evidence proving how important and effective they are. So, like many other social workers and helping professionals, I follow the news very closely, often hoping that the judicial branch will stand up for my clients and others like them. However, in the case of the Supreme Court's *Grant's Pass* decision in Summer 2024, that is not what happened. Now in the absence of federal protections, the state must act. Maryland has an opportunity to signal to helping professionals and people experiencing homelessness that the state will continue to make evidence-based policy decisions about housing and homelessness that protect vulnerable people by passing SB 49. I ask that you please issue a favorable report.

We all share the goal of ending homelessness and this body has made strides towards this goal through evidence-based approaches. We know that it's the state's intent to have organizations like ours increase access to health care, increase access to addiction treatment, lower public costs, move people into housing. Criminalizing homelessness makes all of that work harder. SB 49 will not solve homelessness. But not passing this bill would make the proven solutions that we that we try to achieve every day so much harder to achieve.

We urge this body to pass policies that have been proven to end and prevent homelessness. We strongly urge this committee to issue a favorable report on SB 49.

*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 sites 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](http://www.hchmd.org).*

**SB 49\_MD Center on Economic Policy\_FAV.pdf**

Uploaded by: Kali Schumitz

Position: FAV

# Maryland Should End Punitive Policies That Trap People in Homelessness

## Position Statement Supporting Senate Bill 49

*Given before the Judicial Proceedings Committee*

Senate Bill 49 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 Senate Bill 49 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.

Senate Bill 49 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.

Senate Bill 49 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 Senate Bill 49.**

---

### **Equity Impact Analysis: Senate Bill 49**

#### *Bill Summary*

Senate Bill 49 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*

Senate Bill 49 will likely **improve racial, health and economic equity** in Maryland.

**SB 49 - MNADV - FAV.pdf**

Uploaded by: Laure Ruth

Position: FAV



**BILL NO:** Senate Bill 49  
**TITLE:** Unhoused Individuals - Rights, Civil Action, and Affirmative Defense  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** January 27, 2026  
**POSITION:** FAVORABLE

---

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that works to lead diverse community partners toward the common purpose of reducing the occurrence and impact of intimate partner violence. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 49.**

Senate Bill 49 would offer unhoused people dignity and a voice in how they are treated. SB 49 creates a “bill of rights” for the unhoused. SB 49 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, SB 49 creates an affirmative defense to some specific charges if the person was engaged in a “life sustaining 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.<sup>1</sup> 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

---

<sup>1</sup> [https://www.americanbar.org/groups/domestic\\_violence/initiatives/five-for-five/five-facts-homelessness/](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.<sup>2</sup>

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

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 SB 49.**

---

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> Id.

# Local Management Boards

Uploaded by: Lisa Kovacs

Position: FAV



**Local power, collective voice  
for Maryland's children, youth and families**

January 22, 2025

**SUPPORT – SB049 - Unhoused Individuals - Rights and Affirmative Defense**

Dear Senators:

On behalf of the Maryland Association of Local Management Boards, I am writing in support of **SB 049 - Unhoused Individuals - Rights and Affirmative Defense** to support that all unhoused individuals have rights. Unhoused individuals deserve to receive aid and support, not to be criminalized for their circumstances. While the United States Supreme Court has allowed for unhoused people to be punished for sleeping in public spaces, we find this to be inhumane and only creating more barriers to people becoming stable and housed.

Local Management Boards in each county and jurisdiction in the State of Maryland conduct community needs assessments to address the needs of children and families in their respective jurisdiction. We regularly work with unhoused youth and families who have many barriers to overcome to become stably housed. We provide programming across the state to rehouse, prevent eviction, and provide resources to families facing the threat of becoming unhoused. These families have complicated challenges that should not be met with punishment and cruelty from our government. Homelessness in our state is the result of policy failures, and we should do whatever we can to alleviate the threats the unhoused population face.

**We urge you to support SB049 - Unhoused Individuals - Rights and Affirmative Defense** to assure the rights of unhoused individuals in the state of Maryland.

Sincerely,

Pamela M. Brown, PhD  
Chair

# **SB 49 - CLS Support - Individual Rts & Defenses.pd**

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.



## **SB 49 – Unhoused Individuals – Rights and Affirmative Defense**

**Hearing in the Judicial Proceedings Committee, January 27, 2026**

### **Position: Favorable**

Community Legal Services supports SB 49, which would prevent individuals from being subject to civil and criminal charges for the “crime” of having no shelter available to them. In other words, this bill prevents the criminalization of being homeless.

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 on top of the experience of homelessness, the negative 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 support themselves and their families, and to secure housing and employment, trapping them and often their children in cycles of poverty. By allowing a necessity defense, SB 49 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 SB 49 to ensure Maryland takes a just and humane approach to addressing homelessness - one that prioritizes the development of solutions over punishment. Please reach out to Executive Director, Jessica Quincosa or Director of Litigation and Advocacy, Lisa Sarro with questions ([quincosa@clspgc.org](mailto:quincosa@clspgc.org) and [sarro@clspgc.org](mailto:sarro@clspgc.org)).

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



[WWW.CLSPGC.ORG](http://WWW.CLSPGC.ORG)



240 - 391 - 6370



240 - 391 - 6356

# **Maryland Legal Aid**

Uploaded by: Meaghan McDermott

Position: FAV



**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@mdlab.org](mailto:zshah@mdlab.org)), or Amanda Wisniewski, Community Outreach Manager ([acwisniewski@mdlab.org](mailto:acwisniewski@mdlab.org))

# **SB 49 - Unhoused Individuals - Rights and Affirma**

Uploaded by: Rachael Keyes

Position: FAV



**SB 49 - Unhoused Individuals - Rights and Affirmative Defense**  
**Senate Judicial Proceedings Committee**  
**January 27, 2026**  
**SUPPORT**

Chair Smith, Vice-Chair, and members of the committee, thank you for the opportunity to submit testimony in support of Senate Bill 49. This bill affirms basic rights for unhoused individuals in Maryland.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

Treating homelessness as a criminal issue reinforces stigma around people who are unhoused. This framing places blame on individuals, even though more than 6,000 people in Maryland experience homelessness<sup>1</sup>, demonstrating that this is not an individual failure but a systemic issue. Criminalizing homelessness ignores the structural drivers of housing instability, including the lack of affordable housing, employment, and income security.<sup>2</sup>

CASH has seen this reality firsthand. As the nonprofit administrator for Baltimore City's guaranteed income program, CASH regularly worked with families who were at high risk of eviction or homelessness through no fault of their own. Medical expenses, unexpected emergencies, and job insecurity, combined with insufficient support systems, illustrate how existing structures fail vulnerable households. Criminalizing the behaviors people rely on to survive does not address these failures.

When individuals lack access to adequate shelter, sleeping, resting, eating, and protecting themselves from outside elements are unavoidable. Penalizing these activities does not reduce homelessness. Instead, it increases instability, draws people deeper into public systems, and places additional strain on local resources.<sup>2</sup> SB 49 encourages responses that prioritize connection to services and housing over punishment, which evidence shows is more effective and less costly in the long term.<sup>2</sup>

***Thus, we encourage you to return a favorable report for SB 49.***

---

<sup>1</sup> The U.S. Department of Housing and Urban Development. *2024 Annual Homelessness*

<sup>2</sup> Tasneem Owadally and Quinn Grundy, "From a Criminal to a Human-Rights Issue: Re-Imagining Policy Solutions to Homelessness," *Policy, Politics, and Nursing Practice* (2023), 178-86, PMID: PMC10345991.

# **Testimony in support of SB0049 - Unhoused Individu**

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0049 RichardKaplowitz\_FAV

01/27/2026

Richard Keith Kaplowitz  
Frederick, MD 21703

**TESTIMONY ON SB#/0049- POSITION: FAVORABLE**  
**Unhoused Individuals - Rights and Affirmative Defense**

**TO:** Chair Smith, Jr., Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#/0049, **Unhoused Individuals - Rights and Affirmative Defense**

This bill helps Maryland fulfill the governor's promise that, in Maryland, we leave NO one behind. It provides that all unhoused individuals have certain rights; stating it is the intent of the General Assembly that the Courts liberally construe the Act to maximize the protections afforded by it to unhoused individuals in the State; establishing 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. It is meant to facilitate creative solutions to ending these societal problems with compassion instead of turning our backs on the least among us.

My Jewish faith commands me to

[Deuteronomy 15:7-11](#)

7 If, however, there is a needy person among you, one of your kinsmen in any of your settlements in the land that the Lord your God is giving you, do not harden your heart and shut your hand against your needy kinsman. 8 Rather, you must open your hand and lend him sufficient for whatever he needs.

The United States Supreme Court has hardened their hearts and community hearts against the unsheltered. As reported by the National Alliance to End Homelessness

Last week, the Supreme Court issued its opinion ... which makes it easier for communities nationwide to fine, ticket or arrest people living unsheltered, even when there is no adequate shelter available. Specifically, the Supreme Court determined that the "cruel and unusual punishment" clause of the Eighth Amendment does not prohibit ... enforcing criminal punishments against people who are homeless for camping outside in the city... To protect our unhoused neighbors, preserve support for best practices, and ultimately fend off these terrible policies, we need ... elected officials to do the right thing. <sup>1</sup>

**I respectfully urge this committee to return an favorable report on SB#/0049.**

---

<sup>1</sup> <https://endhomelessness.org/blog/the-supreme-court-rules-on-homelessness-what-it-all-means/>

## **SB49**

Uploaded by: Ufuoma Agarin

Position: FAV



# LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

The Maryland House of Delegates, 6 Bladen Street, Room 300, Annapolis, Maryland 21401  
410-841-3185 • 301-858-3185 • 800-492-7122 Ext. 3185 • Fax 410-841-3175 • 301-858-3175 • Black.Caucus@house.state.md.us

Dear Chair and Members of the Committee,

## EXECUTIVE OFFICERS

### Chair

Delegate Jheanelle Wilkins, District 20

### 1st Vice Chair

Delegate Melissa Walls, District 40

### 2nd Vice Chair

Delegate Karen R. Toles, District 25

### Treasurer

Delegate Marlon Amprey, District 40

### Secretary

Delegate Jamila J. Woods, District 26

### Financial Secretary

Senator Arthur Ellis, District 28

### Chaplain

Delegate Jeffrie E. Long, Jr., District 27B

### Parliamentarian

Delegate Stephanie Smith, District 45

### Historian

Delegate Cheryl E. Pasteur, District 11A

### Executive Director

Ufuoma O. Agarin, J.D.

## MEMBERS

Senator Malcolm Augustine, District 47  
Senator Benjamin Brooks, District 10  
Senator Jill P. Carter, District 41  
Senator Nick Charles, District 25  
Senator Antonio L. Hayes, District 40  
Senator Michael A. Jackson, District 27  
Senator Cory V. McCray, District 45  
Senator C. Anthony Muse, District 26  
Senator William C. Smith, Jr., District 20  
Senator Charles E. Sydnor III, Esq., District 44  
Senator Alonzo T. Washington, District 22  
Senator Mary L. Washington, District 43  
Senator Ron Watson, District 23  
Delegate Gabriel Acevero, District 39  
Delegate Jacqueline T. Addison, District 45  
Delegate Tiffany Alston, District 24  
Delegate Vanessa E. Atterbeary, District 13  
Delegate J. Sandy Bartlett, District 32  
Delegate Adrian Baoto, District 23  
Delegate Regina T. Boyce, District 43A  
Delegate Frank M. Conway, Jr., District 40  
Delegate Charlotte Cruickfield, District 19  
Delegate Debra Davis, District 28  
Delegate Diana M. Fennell, District 47A  
Delegate Kevin M. Harris, District 27A  
Delegate Andrea Fletcher Harrison, District 24  
Delegate Shaneka Henson, District 30A  
Delegate Terri L. Hill, District 12  
Delegate Marvin E. Holmes, Jr., District 23  
Delegate Julian Ivey, District 47A  
Delegate Carl Jackson, District 8  
Delegate Andre V. Johnson, Jr., District 34A  
Delegate Adrienne A. Jones, District 10  
Delegate Jazz Lewis, District 24  
Delegate Robbyn Lewis, District 46  
Delegate Ashanti Martinez, District 22  
Delegate Aletheia McCaskill, District 44B  
Delegate Bernice Mireku-North, District 14  
Delegate Edith J. Patterson, District 28  
Delegate Joseline Peña-Welnyk, District 21  
Delegate N. Scott Phillips, District 10  
Delegate Pamela Queen, District 14  
Delegate Kent Roberson, District 25  
Delegate Denise G. Roberts, District 25  
Delegate Mike Rogers, District 32  
Delegate Malcolm P. Ruff, District 41  
Delegate Gary Simmons, District 12B  
Delegate Dani Tavaras, District 47B  
Delegate Kym Taylor, District 23  
Delegate Veronica Turner, District 26  
Delegate Jennifer White Holland, District 10  
Delegate Nicole A. Williams, District 22  
Delegate C.T. Wilson, District 28  
Delegate Greg Wims, District 39  
Delegate Caylin Young, District 45

**The Legislative Black Caucus of Maryland offers its strong and favorable support for House Bill 104 (HB104) / Senate Bill 49 (SB49) – Unhoused Individuals: Rights, Civil Action, and Affirmative Defense.** This bill prevents government agencies from forcefully removing unhoused individuals engaging in life-sustaining activities from public facilities without providing them with “adequate alternative indoor space.” Currently, unhoused individuals fall victim to incarceration for simply carrying out their daily tasks.

This legislation is especially critical for Black Marylanders, who are disproportionately impacted by homelessness. According to the Maryland Department of Housing and Community Development, while Black residents make up only 31% of Maryland’s population, they account for 60% of the state’s unhoused population. The systemic factors contributing to this disparity—such as housing discrimination, economic inequality, and over-policing, have long placed Black communities at higher risk of housing insecurity and criminalization. HB104/SB49 directly addresses these inequities by prohibiting penalization of unhoused individuals for basic survival, ensuring access to adequate shelter, and protecting those who provide aid. By establishing legal protections, this bill moves Maryland toward housing justice and racial equity.

By eliminating criminal penalties for life-sustaining activities and requiring that alternative shelter options meet appropriate standards, HB104/SB49 creates a framework that prioritizes dignity and fairness for all Marylanders. This bill ensures that unhoused individuals, who are disproportionately Black, are not targeted by punitive laws that perpetuate cycles of poverty and incarceration. Providing protections for those assisting the unhoused also strengthens community solidarity, reinforcing Maryland’s commitment to justice and equity. For these reasons, the Legislative Black Caucus of Maryland strongly supports HB104/SB49.

Legislative Black Caucus of Maryland

**SB 49 - Unhoused Rights - SWASC - FAV.pdf**

Uploaded by: UM SWASC

Position: FAV

---

**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.<sup>1</sup> 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' 8<sup>th</sup> 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.<sup>2</sup>

**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.<sup>3</sup> 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

---

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

<sup>2</sup> 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>

<sup>3</sup> 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.<sup>4</sup>

**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.<sup>5</sup> 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.<sup>6,7</sup>

**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.<sup>8</sup>

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.*

---

<sup>4</sup> 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>

<sup>5</sup>National 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/>.

<sup>6</sup> 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/>

<sup>7</sup> 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/>

<sup>8</sup>*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/>

**MMHA - 2026 - SB49 - FWA.pdf**

Uploaded by: Matthew Pipkin

Position: FWA



## Senate Bill 49

**Committee: Judicial Proceedings**

**Bill: Senate Bill 49 Unhoused Individuals – Rights and Affirmative Defense**

**Date: January 27, 2025**

**Position: Favorable w/ Amendments**

---

The Maryland Multi-Housing Association (MMHA) is a professional trade association established in 1996, whose members consist of owners and managers of more than 214,000 rental housing homes in over 1015 apartment communities. Our members house over 571,000 residents of the State of Maryland. MMHA also represents over 270 associate member companies who supply goods and services to the multi-housing industry.

Senate Bill 49 (“SB 49”) seeks to provide certain rights to unhoused individuals conducting life-sustaining activities on certain public places. Additionally, SB 49 establishes an affirmative defense of necessity to certain criminal charges relating to trespassing 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 SB 49’s language may inadvertently affect housing providers and tenants. Many of the public places as outlined in the bill are abutting or are included within apartment communities, and it remains unclear if a privately managed plaza, courtyard, parking lot, sidewalk, or park are included in the definition.

Under SB 49, housing providers may run into difficult situations with unhoused individuals who have previously harassed, threatened, or conducted nuisance behavior towards 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 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.

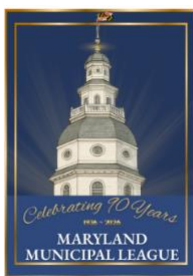
**Therefore, MMHA requests amendments to SB 49 that would specify that a “Public Place” may not include locations adjacent to, or abutting, residential property (including multifamily residential). Additionally, MMHA requests an amendment to specify intently that private property is excluded for this legislation (ex. privately owned parking lots, sidewalks 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](mailto:mpipkin@mmhaonline.org) with any questions.

**SB 49 - MML - UNFAV.pdf**

Uploaded by: Angelica Bailey Thupari

Position: UNF



## TESTIMONY

**COMMITTEE:** Senate Judicial Proceedings

**DATE:** January 27, 2026

**POSITION:** Unfavorable

**BILL:** SB 49

The Maryland Municipal League (MML) respectfully opposes Senate Bill 49, which expands statutory constitutional civil 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 insecurity.

SB 49 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. An expanded civil rights framework for the required potentially costly code 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.

SB 49 significantly restricts the ability of municipalities to enforce local ordinances related to public spaces, potentially increasing legal liability and financial burdens without providing additional resources or funding to address the underlying challenges of homelessness. For these reasons, the League respectfully requests that the committee provide Senate Bill 49 with an unfavorable report.

---

For more information relating to this piece of testimony, please contact:

Angelica Bailey Thupari: Director, Advocacy and Public Policy, [angelicab@mdmunicipal.org](mailto:angelicab@mdmunicipal.org)

*MML represents 161 local governments and about 2 million Maryland residents.*

**SB0049 Unhoused Ind. Unfavorable - 2026 (1-23).pdf**

Uploaded by: Ella Ennis

Position: UNF



January 23, 2026

The Honorable William C. Smith, Jr., Chairman  
and Members of the Judicial Proceedings Committee  
Senate of Maryland, Annapolis, Maryland

RE: **SB0049** – Unhoused Individuals – Affirmative Defense – **UNFAVORABLE**

Dear Chairman Smith and Committee Members,

The Maryland Federation of Republican Women opposes SB 0049 for the following reasons:

- This bill will prohibit counties and municipalities from enacting laws that restrict or impose penalties for unhoused individuals carrying out life sustaining activities where the jurisdiction does not provide unlimited free alternative housing and services [“life–sustaining activity” defined as moving, resting, sitting, standing, lying down, sleeping (including sleeping in one’s vehicle), eating, drinking, or protecting oneself and family or one’s property from the elements].
- “Public place” is broadly defined and would allow an unhoused individual to camp out on public sidewalks adjacent to private homes, businesses, and schools.
- Removing the ability of local governments to set limits on sleeping in public places will negatively impact the safety of their citizens. Parks, playgrounds, and public plazas will become increasingly unsanitary and unsafe for children and adults (picture Los Angeles and Portland OR). This is totally unacceptable.

Local governments use a good portion of their budgets to provide services to these individuals. Citizens’ tax payments fund those efforts. Citizens also volunteer their time and make charitable contributions to assist individuals facing economic difficulties, mental health issues, and addiction.

But local governments have a responsibility to maintain public safety for the community at large. They are closest to the people and in the best position to make and enforce health and safety standards regarding activities in their public spaces.

Please vote an **UNFAVORABLE** report for **SB0049**.

Sincerely,

Ella Ennis  
Legislative Co-Chair  
(443) 295-3989

Sharon Carrick  
Legislative Co-Chair  
(301) 464-1954

**MDCC\_SB 49\_UNF\_2026.pdf**

Uploaded by: Grason Wiggins

Position: UNF



## Senate Bill 49

Date: January 27, 2026

Committee: Senate Judicial Proceedings

**Position: Opposed**

---

Founded in 1968, the Maryland Chamber of Commerce (Maryland Chamber) is a statewide coalition of more than 7,000 members and federated partners working to develop and promote strong public policy that ensures sustained economic growth and opportunity for all Marylanders.

Senate Bill 49 (SB 49) seeks to create a right for individuals to sleep, store personal property, and undertake other activities in public places that include, but are not limited to, sidewalks, parking lots, and shopping centers. Further, SB 49 seeks to establish an affirmative defense for individuals against criminal trespass, disturbing the peace, or disorderly conduct charges if the individuals were not offered access to an adequate alternative indoor space and a reasonable storage option for personal property.

As noted in the fiscal note, SB 49 would have a significant impact on local government finances and operations, complicate transportation operations, and negatively impact Maryland's businesses. For example, Maryland has many central business districts that are mixed-use commercial areas, which utilize sidewalks and parking lots to ensure Marylanders can access businesses, grocery stores, and other critical services. As noted by numerous organizations at last year's bill hearing, SB 49 would unintentionally create significant issues for businesses, residents, and consumers who live near or adjacent to public spaces.

SB 49's creation of broad affirmative defenses for criminal and civil offenses like trespassing and disturbing the peace risks weakening the consistent enforcement of laws that exist to protect public safety and shared public spaces. By effectively creating exemptions to criminal conduct based on an overly broad definition of "unhoused individual," SB 49 would place local governments and businesses in ambiguous positions that severely reduce their ability to respond appropriately to legitimate safety and operation concerns.

The Maryland Chamber supports initiatives to develop more affordable housing in Maryland. Unfortunately, SB 49 does nothing to promote the creation of more housing and instead creates a substantial risk for unintended, negative consequences. For these reasons, the Maryland Chamber respectfully requests an unfavorable report on SB 49.

**MD SB49 Unhoused Individ. UNF.pdf**

Uploaded by: Hugo Cantu

Position: UNF



**Bill:** Senate Bill 49- Unhoused Individuals - Rights, Civil Action, and Affirmative Defense

**Committee:** Judicial Proceedings

**Date:** January 27, 2026

**Position:** Unfavorable

The Apartment and Office Building Association (AOBA) of Metropolitan Washington is a non-profit trade association representing the owners and managers of more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George’s counties. AOBA submits the following testimony in opposition to Senate Bill 49.

SB 49 prohibits counties from imposing civil or criminal penalties against unhoused individuals for life-sustaining activities in public places. Life-sustaining activities include eating, drinking, sleeping, or sheltering from the elements. It also grants unhoused individuals an affirmative defense against criminal trespass, disorderly conduct or disturbing the peace charges when committing life-sustaining activities in public places.

While AOBA does not support criminalizing poverty or homelessness, members are concerned that SB 49 will exacerbate issues with unhoused individuals in Central Business Districts (CBDs); the affirmative defense provision will make nuisance behavior more difficult to regulate; and the bill misinterprets the unhoused living experience.

1. Central Business Districts

CBDs are mixed-use commercial areas that often have public and private places directly abutting one another. Montgomery County has several CBDs, including Wheaton, Silver Spring, and Bethesda. AOBA members in these areas frequently express concerns with unhoused individuals harassing tenants or otherwise committing nuisance behavior in the public spaces that abut their properties. This bill will only exacerbate this issue by giving unhoused individuals the right to occupy public places in perpetuity regardless of its proximity to private property.

2. Nuisance behavior



---

Tenants and property management staff are often left with little recourse for dealing with harassing, unwelcome or nuisance behavior from unhoused individuals. This behavior either fails to rise to a level of criminality for law enforcement to deal with or it must be directly observed by a law enforcement officer for them to act. For example, an unhoused individual in a public place next to an apartment can get away with making lewd comments or gestures towards a female tenant of the building if the individual does not get physical with her. Providing an affirmative defense for criminal behavior by unhoused individuals will only make it more difficult to regulate this behavior.

### 3. The unhoused living experience

SB 49 presumes that unhoused individuals never have access to alternate indoor spaces for shelter, but that isn't always the case. Unhoused individuals frequently turn down offers to be relocated to county or non-profit shelters. Unhoused individuals may turn down this assistance out of fear that their belongings will be stolen or that their personal safety may be at risk by going to a shelter. The state needs a policy solution that focuses on the causes of being unhoused rather than focusing on the symptoms. AOBA believes that the solution is to make housing and shelters safer and more accessible to unhoused individuals.

For these reasons, AOBA urges an unfavorable report on Senate Bill 49. For more information, please contact Hugo Cantu at [hcantu@aoba-metro.org](mailto:hcantu@aoba-metro.org).

**MCPA-MSA SB 49 Unhoused Rights OPP.pdf**

Uploaded by: Samira Jackson

Position: UNF



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chair and  
Members of the Judicial Proceedings 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: January 27, 2026

RE: **SB 49 Unhoused Individuals – Rights, Civil Action, and Affirmative Defense**  
POSITION: **OPPOSE**

The Maryland Chiefs of Police and the Maryland Sheriffs' Association (MCPA-MSA) **OPPOSE SB 49**. SB 49 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 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, SB 49 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 SB 49 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 SB 49, 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, SB 49 and the Ninth Circuit ground their approaches on a misunderstanding of a constitutional prohibition against “cruel and unusual punishment.”<sup>1</sup> 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 SB 49 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 SB 49** and urge an **UNFAVORABLE** committee report.

---

<sup>1</sup> SB 49 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).

**SB0049-JPR\_MACo\_OPP.pdf**

Uploaded by: Sarah Sample

Position: UNF



## Senate Bill 49

### *Unhoused Individuals – Rights and Affirmative Defense*

MACo Position: **OPPOSE**

To: Judicial Proceedings Committee

Date: January 27, 2026

From: Sarah Sample

The Maryland Association of Counties (MACo) **OPPOSES** SB 49. This bill attempts to offer new protections for unhoused individuals but inadvertently has the potential to exacerbate an already difficult situation for those experiencing housing insecurity. Additionally, it bars certain types of local interventions that are designed to keep communities and unhoused individuals safe. As such, the consequences for local authority as well as public health and safety are significant and worrisome.

SB 49 has multiple local effects:

- preempts local authority to enforce local ordinances and policies;
- creates a new cause of action against local governments that can expose them to significantly increased liability and insurance premiums; and
- increases the threat to community health and safety as well as operating costs to manage those threats.

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 services 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 and could be a major setback for these ongoing efforts.

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 limited options for intervention without the risk of significant civil liability. Worse, these policies could result in 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 enforcement of certain policies and ordinances eliminates a tool local authorities use to encourage participation in services and programs as well as ensure safety. 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 who is struggling.

Counties can appreciate that SB 49 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 local efforts, while exposing communities to more danger. For these reasons, MACo **OPPOSES** SB 49.

**sb49.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:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne Pelz  
410-260-1523  
**RE:** Senate Bill 49  
Unhoused Individuals – Rights and  
Affirmative Defense  
**DATE:** January 21, 2026  
(1/27)  
**POSITION:** Oppose

---

The Judiciary takes no position on the bill's policy aim of increasing the rights of the unhoused, but opposes SB 49 given its operational impact on the Judiciary and the safety and security concerns attendant thereto.

The bill creates several statutory rights for all "unhoused individuals," which is broadly defined and required to be "liberally construed" under the bill's provisions. 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. The broad language suggests that individuals would have the right to engage in certain activities and move freely in all public places, including courthouses and adjacent courtyards. This unfettered access creates substantial operational and security difficulties, interfering with the ability to ensure the safety of personnel and the citizens accessing our courts. The bill further provides a right to privacy in personal property stored on or about public places to the same extent as personal property stored in private dwellings. This would appear to limit

the ability to conduct normal security screenings at courthouse entries and other public areas.

The bill also prohibits civil and criminal enforcement for certain individuals in certain places. This broad language includes traffic and parking enforcement, which may interfere with the ability to ensure a safe and orderly avenue for ingress and egress at public buildings. The bill also creates a necessity defense if an individual was not offered certain resources but does not make provisions for such resources. As such, it is unclear how that defense would be generated or demonstrated.

Finally, the bill declares that “threatening or imposing civil or criminal punishments on unhoused individuals for undertaking life-sustaining activities...violates unhoused individuals’ right to be free from cruel and unusual punishment and excessive fines guaranteed by Article 25 of the Declaration of Rights.” This legislative declaration of a constitutional violation usurps the Judiciary’s constitutional authority, posing separation-of-powers concerns.

cc. Hon. C. Anthony Muse  
Judicial Council  
Legislative Committee  
Kelley O’Connor

**SB 49\_realtors\_unf.pdf**

Uploaded by: William Castelli

Position: UNF



**Senate Bill 49** – Unhoused Individuals – Rights, Civil Action, and Affirmative Defense

**Position: Unfavorable**

Maryland REALTORS® strongly supports addressing the housing crisis that impacts many Maryland residents and their communities. However, the REALTORS® oppose the solution offered by SB 49.

As drafted, SB 49 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 will force these private parties to comply with the bill’s requirements. Additionally, the bill defines the following private property as “Public:”

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

Under SB 49, 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 or hinder the “ordinary course of a private entity.” While it is unclear how a court would interpret this, the legislation is clear that the court “**SHALL LIBERALLY CONSTRUE THE SUBTITLE TO MAXIMIZE THE PROTECTIONS AFFORDED BY IT TO UNHOUSED INDIVIDUALS.**”

That standard makes it unclear how much private courtyards, parking lots, sidewalks can be hindered or obstructed. Does that mean that a homeless encampment can take over a garden apartment’s courtyard or park in a resident’s assigned parking spot?

If the homeless were obstructing the operation of private property, it would be difficult to impose any penalty for that given that the bill also creates affirmative defenses for defendants as long as they were deemed to be engaged in “life sustaining” activity under the bill.

While the Maryland REALTORS® believe SB 49 is the wrong solution to homelessness, it believes this legislation is further evidence of the need for Maryland to explore serious solutions to housing supply and affordability.

**For more information contact [lisa.may@mdrealtor.org](mailto:lisa.may@mdrealtor.org) or  
[christa.mcgee@mdrealtor.org](mailto:christa.mcgee@mdrealtor.org)**