



House Bill 104

Position: Opposed

Date: February 3, 2026

Committee: Senate Judicial Proceedings

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.

House Bill 104 (HB 104) 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, HB 104 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, HB 104 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, HB 104 would unintentionally create significant issues for businesses, residents, and consumers who live near or adjacent to public spaces.

HB 104'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," HB 104 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, HB 104 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 HB 104.