



February 3, 2026

**House Judiciary Committee  
TESTIMONY IN SUPPORT**

*HB 104 - 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 HB 104 - 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 in public spaces. This 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 HB 104 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 House Judiciary Committee to support HB 104.**

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