

**HB 104: Unhoused Individuals – Rights and Affirmative Defense**  
**Hearing before the House Judiciary Committee on February 3, 2026**

**Position: FAVORABLE**

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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 HB 104 and asks for a favorable report because Housing is Human Right, and HB 104 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.

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## 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. HB 104 will protect Maryland residents from these draconian federal policies.

### HB 104 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. HB 104 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, HB 104:

- 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 HB 104**. If you have any questions, please contact Carolyn Johnson, [johnsonc@publicjustice.org](mailto:johnsonc@publicjustice.org) (410) 625-9409 Ext. 280.