



House Bill 104

Committee: Judicial Proceedings

Bill: House Bill 104 - Unhoused Individuals – Rights and Affirmative Defense

Date: February 3rd, 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.

House Bill 104 (“HB 104”) seeks to provide certain rights to unhoused individuals conducting life-sustaining activities on certain public places. Additionally, HB 104 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 HB 104’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 HB 104, 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 HB 104 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 with any questions.