



**HEALTH CARE FOR THE HOMELESS TESTIMONY**  
**FAVORABLE**  
**HB 104 - Unhoused Individuals - Rights and Affirmative Defense**

**House Judiciary Committee**  
**February 3, 2026**

**Health Care for the Homeless strongly supports HB 104**, 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.

According to Health Care for the Homeless Behavioral Health Therapist, red nesbitt, LMSW, CBIS, PMH-C, rresting and fining people living outside, “criminalizes survival, and criminalizing something doesn't change the material conditions of someone's need for survival. People live outside because there aren't other options, because it feels safer than unregulated shelters where you can only take 2 bags and no pets. And locking people up doesn't solve the root cause of people living outside: poverty and a lack of good affordable housing.”

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 HB 104.

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 HB 104 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 HB 104. 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. HB 104 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 HB 104.

*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).*