



House Bill 104 – Unhoused Individuals – Rights, Civil Action, and Affirmative Defense

Position: Unfavorable

Maryland REALTORS® strongly supports addressing the housing crisis that impacts many Maryland residents and their communities. However, the REALTORS® oppose the solution offered by HB 104.

As drafted, HB 104 would impact private property and require private citizens to dedicate their property and resources to reduce homelessness. The definition of “Public Place” includes property that is “leased” in part by state or local government. Some state and local governments lease parts of private buildings which will force these private parties to comply with the bill’s requirements. Additionally, the bill defines the following private property as “Public:”

- Courtyards;
- Sidewalks;
- Parking lots;
- Shopping centers.

During the Senate hearing, proponents discussed their intent is to apply the bill’s provisions only to public property. The REALTORS® would support changes to narrow the bills scope to public property by removing the language “OR LEASED” and “IN PART” on lines 4 and 5 of page 3 and by eliminating the language listing elements of property that are tied directly to private property or are private property, such as “sidewalks” and “shopping centers.”

While the Maryland REALTORS® believe HB 104 is the wrong solution to homelessness, it believes this legislation is further evidence of the need for Maryland to explore serious solutions to housing supply and affordability.

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