

BILL NO: House Bill 0104
TITLE: Unhoused Individuals - Rights and Affirmative Defense
COMMITTEE: Judiciary
HEARING DATE: February 3, 2026
POSITION: **SUPPORT**

Homelessness is a policy choice and the Women's Law Center of Maryland vehemently supports House Bill 0104's protections of our unhoused community. Each year, more than 30,000 people experience homelessness in Maryland, as the result of generations of racist and discriminatory policies that have systemically denied residents of economic mobility, health care, and housing, particularly for our Black and brown neighbors. In 2024, 72% of the people served by Maryland's Homeless Persons Representation Project identified as Black or African American, and while HB 0104 will not solve Maryland's growing housing crisis, it will relieve those suffering inhumane marginalization by society from further persecution for simply existing.

Over the last 15 years, Baltimore's public housing stock has diminished by 40%. At time of writing, no county on the Maryland Department of Housing and Community Development website has an open waitlist for the Housing Choice (Section 8) Voucher Program. Every day, many of our clients must choose between risking their physical safety in their abuser's home or taking their chances – and that of their children's – on the streets because there is simply not shelter space available. HB 0104 protects our neighbors from being criminalized for engaging in certain life-sustaining activities such as eating, sleeping, protecting themselves from the elements and more when denied access to adequate alternative indoor living space (i.e. safe housing), either by demand or disqualifying factors such as not wanting to separate from children or pets, issues with addiction, etc. This criminalization is both immoral and counterproductive by reducing chances for self-sufficiency and burdening the unhoused with a criminal record while adding additional costs to the state.

Black, immigrant, disabled, elderly and trans women are particularly vulnerable to being unhoused, with statistics ranging from 30-40% experiencing homelessness at some point in their lives. With criminalization of homelessness escalating post *Grants Pass* (2024) combined with Maryland's dearth of available housing, many women are forced to stay in violent relationships, increasing their risk of homicide and danger to their children. Economic disparities between parties are common in most of the family law cases litigated by the Women's Law Center, however we have never taken an unhoused client to trial because no judge would rule in their favor for matters such as child custody. Women are therefore faced with the impossible choice of abuse at home or criminalization and abuse on the street.

Despite our government signing several international human rights treaties and declarations recognizing adequate housing as a basic human right, housing remains a commodity in this country. We are also facing a time of enormous economic upheaval, including state budget cuts and federal funding freezes. The Women's Law Center was founded to protect the marginalized and abused women of Maryland, and we support this legislation's intent to not make life worse for our friends, family members, and neighbors struggling with housing needs. We strongly support this bill, and further implore our lawmakers to enshrine into Maryland's constitution an individual's fundamental right to adequate housing.

The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.