

Youth Action Board of Baltimore City
HB-0104 - Unhoused Individuals - Rights and Affirmative Defence in the
Judiciary Committee

Position: FAVORABLE

The Baltimore City Youth Action Board believes house bill #0104 is a critical measure to ensure that unhoused individuals are not penalized for engaging in life-sustaining activities. The Youth Action Board also is in favor of life-sustaining activities including storing personal property from elements, and protecting oneself from the elements.

The Baltimore City Youth Action Board is a Youth led board with lived experience of homelessness. The YAB works to advocate for Baltimore City youth who may be experiencing homelessness.

HB-0104 is a bill that we believe will ensure the fair treatment that any person deserves. We strongly believe that imposing civil or criminal punishments on unhoused individuals for engaging in life-sustaining activities like sleeping or taking shelter in an unobstructed manor on public land when there is no alternative indoor shelter is in fact cruel and unusual punishment. Criminalizing these life-sustaining activities is a direct violation of an unhoused individual's right to life.

With many shelters often being at capacity, unhoused people have to turn elsewhere to care for themselves. Many establishments such as shopping centers, restaurants, and more too often create more barriers for unhoused people to engage in life-sustaining activities. The confounding factors along with penalizing unhoused people directly impacts their well-being. It is extremely unfair to add to the burden of being unhoused when people have limited capacity to exit homelessness.

No one should be discriminated against for moving freely in public places based on actual or perceived housing status. Inflicting excessive fines for engaging in life-sustaining activities is a direct violation of Article 25 of the Constitution of Maryland.

HB-0104 will REDUCE the potential violation of unhoused individuals' human rights.

The Baltimore City Youth Action Board urges a favorable report on HB-0104.

Micah Avery, (masters) Public Policy PhD. Candidate
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Judiciary Committee

Position: FAVORABLE

To the Members of the Maryland General Assembly and Judiciary Committee,

Today, I submit this written testimony in strong, unwavering support of HB0104/ SB0049.

Let me be very clear: the fact that this bill is even necessary is a moral failure. This bill is not radical. It is not reckless. It is not permissive. It is human. Right now, Maryland operates within a system that routinely criminalizes people for being poor, for being unhoused, and for existing in public space without money or property. We penalize people not for harming others—but for failing to afford a system that is exponentially expensive, deeply unforgiving, and entirely devoid of compassion.

This bill recognizes something that our laws have repeatedly refused to acknowledge: unhoused people are still people. They are entitled to basic rights, dignity, and legal protection from being punished for their own survival. Criminalizing survival is state-sanctioned cruelty.

This bill establishes an affirmative defense of necessity for charges like trespass or disturbing the peace—charges that are routinely used against unhoused individuals simply for sleeping, resting, or existing in spaces when they have nowhere else to go. Let's call this what it is. When someone is cited or arrested for sleeping outside because shelters are full, unsafe, inaccessible, or nonexistent, that is not public safety—it is cruelty disguised as governance. When someone is charged for trespassing because they stepped into a hallway, a vacant building, or a covered area to avoid hypothermia or heat stroke, that is not law and order—it is punishment for survival. This bill tells the truth that our current laws refuse to: You cannot punish people out of homelessness.

Youth are disproportionately harmed—and we see it every day. Youth aging out of foster care, young parents, students, LGBTQ+ youth, and young people estranged from family. These are young Marylanders who are already navigating trauma, instability, and limited access to resources. And yet, instead of support, what they often receive is policing. Tickets they cannot pay. Charges they may not understand. Records that follow them into adulthood. We are actively sabotaging their future and then pretending to be shocked when they cannot “get back on their feet.”

This bill hopefully interrupts that cycle. It acknowledges that survival is not a crime, and that necessity should never be treated as criminal intent. The repeal of municipal authority to prohibit vagrancy is one of the most important aspects of this bill.

Vagrancy laws are not about safety. They are about visibility and discomfort. They exist to remove poor people from public view—to make poverty someone else's problem. These laws are historically rooted in discrimination and have been used to target Black communities, disabled individuals, and people experiencing mental health crises. Continuing to allow municipalities to enforce them is a choice—and it is the wrong one.

Maryland should not be in the business of giving local governments permission to criminalize existence. This bill does not excuse harm. It does not prevent accountability for real crimes. What it does is draw a necessary line between dangerous behavior and desperate behavior. It affirms that:

- People have the right to exist in public space
- People should not be jailed because housing is inaccessible
- People should not be punished for a system that has failed them

At a time when housing costs are skyrocketing, wages are stagnant, and social services are stretched thin, continuing to rely on punishment as policy is not just ineffective—it is inhumane.

I am angry because young people are watching their peers be arrested for sleeping.

I am angry because survival should never require a legal defense.

I am angry because compassion should not have to be legislated.

This bill is a step toward a Maryland that values human life over property lines, dignity over punishment, and solutions over scapegoating.

I urge the General Assembly to issue a favorable report on HB0104/SB0049 and to finally stop treating poverty as a crime. People deserve the basic right to live.

Thank you for your time and consideration.

Micah Avery, Youth Action Board
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Today, I submit this written testimony in strong, unwavering support of HB0104/ SB0049. I am a board member of the Baltimore city Youth Action Board which focused on advocating for homeless youth.

Let me be very clear: the fact that this bill is even necessary is a moral failure. This bill is not radical. It is not reckless. It is not permissive. It is human. Right now, Maryland operates within a system that routinely criminalizes people for being poor, for being unhoused, and for existing in public space without money or property. We penalize people not for harming others—but for failing to afford a system that is exponentially expensive, deeply unforgiving, and entirely devoid of compassion.

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