



TESTIMONY

COMMITTEE: House Judiciary

DATE: February 3, 2026

POSITION: Unfavorable

BILL: House Bill 104

The Maryland Municipal League (MML) respectfully opposes House Bill 104, which expands statutory constitutional civil rights for unhoused individuals. While MML supports efforts to protect unhoused individuals' rights, this bill shifts significant responsibilities and liabilities onto local governments without addressing the root causes of housing insecurity.

SB 49 creates the right to occupy public spaces for life-sustaining activities like sleeping, and a right to privacy including storing personal property in those public spaces. Granting these broad rights could create enforcement challenges for local governments. Cities and towns are responsible for ensuring that public spaces remain accessible and safe for all residents. The bill could limit their ability to regulate the use of parks, sidewalks, and other public areas, making it harder to maintain public order and sanitation and address concerns from businesses, housed residents, and law enforcement. Further, allowing life-sustaining activities in public spaces could pose health and sanitation challenges, especially if there are no corresponding public infrastructure improvements, such as increased access to restrooms and waste disposal services.

This bill also poses significant financial challenges for municipalities. Municipalities often have local ordinances addressing loitering, camping, and public health. An expanded civil rights framework for the required potentially costly code revisions and legal reviews. Further, this bill grants standing to unhoused individuals to sue municipalities for violations, which could lead to increased litigation costs and liability, straining municipal budgets. Imposing new obligations on municipalities without providing funding or resources to address homelessness (such as shelter services or outreach programs) burdens local governments with additional responsibilities without adequate support.

House Bill 104 significantly restricts the ability of municipalities to enforce local ordinances related to public spaces, potentially increasing legal liability and financial burdens without providing additional resources or funding to address the underlying challenges of homelessness. For these reasons, the League respectfully requests that the committee provide Senate Bill 49 with an unfavorable report.

For more information relating to this piece of testimony, please contact:

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MML represents 161 local governments and about 2 million Maryland residents.