



BILL NO: House Bill 104
TITLE: Unhoused Individuals - Rights, Civil Action, and Affirmative Defense
COMMITTEE: Judiciary
HEARING DATE: February 3, 2026
POSITION: FAVORABLE

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that works to lead diverse community partners toward the common purpose of reducing the occurrence and impact of intimate partner violence. **MNADV urges the House Judicial Proceedings Committee to issue a favorable report on HB 104.**

House Bill 104 would offer unhoused people dignity and a voice in how they are treated. HB 104 creates a “bill of rights” for the unhoused. HB 104 would prohibit discrimination against unhoused people or the appearance of being unhoused. It would prohibit threatening or imposing civil or criminal punishments on people engaged in life sustaining activities, as defined in the bill. Doing so would be a violation of protections against cruel and unusual punishment as defined. “Life sustaining activity” means moving, resting, sitting, standing, lying down, sleeping eating, drinking or protecting oneself from the elements. A person harmed would have the ability to sue civilly any government entity or agency that violated the law. The attorney general may also sue the government entity that violated the law. Attorney fees may be awarded.

In addition, HB 104 creates an affirmative defense to some specific charges if the person was engaged in a “life sustaining activity.”

Unhoused people are usually unhoused due to other issues in their lives, be it poverty, mental illness, or something else, such as being a victim of domestic violence. **Thirty eight percent of all domestic violence victims become homeless at some point in their lifetime.** In addition, more than 90 percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Domestic violence survivors can experience obstacles both in looking for housing and maintaining safe housing. These obstacles are often amplified depending on a survivor’s race, immigration status, or English language proficiency.¹ Often, survivors who require assistance with housing encounter long wait times, lack of openings, scarcity of affordable housing options, and administrative delays. For example, in one day in 2022, 1642 domestic

¹ https://www.americanbar.org/groups/domestic_violence/Initiatives/five-for-five/five-facts-homelessness/. Last viewed 2/3/2025.



violence programs were unable to meet over 6748 requests made for housing services. On average, it takes a homeless family 6 to 10 months to secure housing.²

Many survivors of domestic violence are financially dependent on their abuser, often by the latter's design. This dependency often traps survivors in abusive relationships, making it difficult for them to seek help or escape. Also, coping with abuse can lead to poor rental, credit, and employment histories that make it hard for survivors to qualify for rental housing.³ In addition, the scarcity of affordable housing options means that women fleeing domestic violence frequently find themselves without a safe place to go.⁴ Abusers often work to cut off or alienate their partners from their friends and family, weakening or eliminating survivors' supportive social networks. This can leave women without the option to stay with someone they know. In addition, domestic violence shelters are often at capacity, especially during winter, leaving women with few housing alternatives.⁵

Offering the unhoused the ability to take care of themselves, not taking away their only belongings, and not subjecting them to debilitating fines or incarceration is the only way to treat people in these extraordinarily difficult circumstances.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on HB 104.**

² Id.

³ Id.

⁴ Id.

⁵ Id.