

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

House Bill 1233 (Delegate D. Davis, *et al.*)  
Health and Government Operations

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Community and Faith-Based Partnership Council

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This bill establishes a Community and Faith-Based Partnership Council to: (1) collect and disseminate information about programs that offer State or federal money to community and faith-based organizations that provide human services; (2) provide training and technical assistance to these organizations seeking financial assistance; (3) study State programs and make recommendations about ways to make the programs more accessible to these organizations; (4) develop guidelines for direct or indirect financial aid to community and faith-based organizations to ensure funds are not used for religious purposes and they comply with anti-discrimination laws; (5) develop guidelines and provide assistance to these organizations to establish separate corporate entities to operate publicly funded human service programs; and (6) report to the Governor and the General Assembly by December 1 of each year on activities and recommendations. The council will receive staff support from the Department of Human Resources (DHR); the Department of Housing and Community Development; the Department of Juvenile Services (DJS); the Department of Health and Mental Hygiene; and the Office for Children, Youth, and Families.

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Fiscal Summary

**State Effect:** Any expense reimbursements for council members and staffing costs for the specified entities could be handled with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** Potential significant impact for community and faith-based organizations that are considered small businesses and would be more aware of the availability of State and federal financial resources.

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## Analysis

**Current Law:** Title I of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 sets forth provisions that enable faith-based organizations to compete for government funds to provide welfare benefits and services under the Temporary Assistance for Needy Families Act (TANF). Thus, states and localities must allow religious organizations to compete for and receive federal funding for the provision of social services on the same basis as other service providers. This federal statute and proposed “charitable choice” regulations generally require equal treatment for faith-based organizations regardless of their religious character or affiliation. These organizations cannot be excluded from the competition for TANF funds simply because they are religious.

DHR may contract with charitable organizations, private organizations, religious organizations, and institutions of higher education. A religious organization may participate in a Family Investment Program (FIP) just as any other nongovernmental entity. A person may not be required to accept assistance from a religious organization if doing so would violate the person’s religious beliefs or practices. An organization receiving FIP funding may not discriminate against anyone receiving services under the program on the basis of religion, religious belief, or refusal to participate in a religious practice.

DJS may contract with a religious organization to provide services, including: (1) placing children in a group home or institution that provides care, diagnosis, training, education, and rehabilitation; (2) establishing a program to help runaway youths; and (3) providing nonresidential programs that offer educational, vocational, recreational, counseling, or other day services.

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

**Background:** DHR’s Faith Community Partnership Council, which consists of multi-denominational religious and secular representatives, assists DHR in implementing the charitable choice initiative, advising the department, advocating for financial and other resources, building partnerships between the State’s faith community and government, sharing information on best practices with local and national groups, and providing a forum for policy discussions.

## **Additional Information**

**Prior Introductions:** A similar bill, HB 1133 of 2003, passed in the House and received a hearing in the Senate Budget and Taxation Committee. No further action was taken on the bill in the Senate.

**Cross File:** None.

**Information Source(s):** Department of Juvenile Services, Department of Human Resources, Governor's Office (Office for Children, Youth, and Families), Department of Housing and Community Development, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2004  
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