

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 280

(Delegate Moon, *et al.*)

Health and Government Operations

Finance

Birth Certificates - Homeless Individuals - Prohibition on Collection of Fee

This bill prohibits the Department of Health and Mental Hygiene (DHMH) from collecting a fee for issuing a certified or abridged copy of a birth certificate to a homeless individual, as defined in the federal McKinney-Vento Homeless Assistance Act. As proof of homelessness, DHMH must accept a signed written statement from a homeless services provider in the State that affirms that the individual is homeless and that includes the address to which to send the copy of the birth certificate. A homeless individual may receive one copy of a birth certificate without a fee in a single transaction. DHMH must adopt regulations to implement these requirements.

Fiscal Summary

State Effect: General fund revenues decrease minimally beginning in FY 2017 due to the bill's fee provision. A reliable estimate cannot be made, as discussed below. Expenditures are not affected.

Local Effect: None. The bill does not prohibit local health departments from setting and collecting fees for the issuance of birth certificates to homeless individuals.

Small Business Effect: None.

Analysis

Current Law/Background: In Maryland, birth certificates are available in person, by mail, and online. Applicants can obtain birth certificates in person, with same-day service, at DHMH's Division of Vital Records in Baltimore and at all local health departments (except Montgomery County, Baltimore City, and Baltimore County) for individuals born

after 1939. Applicants must either present a valid, unexpired, government-issued photo identification or two pieces of alternative documentation.

Currently, a certified or abridged copy of a birth certificate may be issued only (1) on order of a court; (2) on request of an individual requesting his or her own birth certificate; (3) on request of a parent, guardian, surviving spouse, or other authorized representative of the individual named on the certificate; or (4) in accordance with the adoption provisions in Title 5, Subtitle 3A or Subtitle 4B of the Family Law Article.

DHMH collects a fee of \$24 to issue a copy of a birth certificate. All fees collected by DHMH for this service must be transferred to the general fund. DHMH may not collect a fee for a copy of a vital record issued to a current or former member of the U.S. Armed Forces or the surviving spouse or child of the member, if the copy will be used in connection with a claim for a dependent or beneficiary of the member.

A local health department may set and collect its own fee for processing and issuing a birth certificate. The fee may cover the administrative costs of providing the service. From each fee collected, \$20 must be transferred to the general fund. A local health department must enter into a memorandum of understanding with DHMH that outlines the local health department's fee structure. The Maryland Association of County Health Officers (MACHO) advises that fees vary among local health departments, but that the highest fee is about \$30.

The definition of "homeless individual" under the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11302(a)) includes several categories of qualifying individuals, including an individual who lacks a fixed, regular, and adequate nighttime residence; an individual who resides in a shelter; and an individual who will imminently lose housing and has no subsequent residence.

Chapter 427 of 2014 established the Joint Committee on Ending Homelessness to study issues related to homelessness, including housing, income, health care, education, government support, and veterans experiencing homelessness. The committee issued its interim report in December 2015. Citing statistics from the U.S. Department of Housing and Urban Development, the committee reported that, in 2014, the total homeless population in Maryland was 7,856 individuals.

State Fiscal Effect: DHMH's Vital Statistics Administration (VSA) advises that, in 2015, the Division of Vital Records issued 140,052 birth certificates. VSA additionally estimates that about 2,000 birth certificates will be issued to homeless individuals each year under the bill and will not be subject to fees. Based on this assumption, VSA advises that general fund revenues decrease by approximately \$36,000 in fiscal 2017 and \$48,000 annually thereafter.

The Department of Legislative Services (DLS) agrees that general fund revenues decrease minimally but notes that it is not clear how often or how many homeless individuals may request a birth certificate under the bill. The DHMH estimate reflects more than 25% of the homeless population receiving a free birth certificate each year. DLS advises that it is not likely that all homeless individuals who obtain their birth certificate will do so directly from the Division of Vital Records; some portion of them may go to their local health department instead and are, therefore, still subject to payment of a fee. (MACHO advises that many local health departments offer services to help homeless individuals obtain their birth certificates.)

Regardless, the Division of Vital Records staffing needs and related funding do not change.

DLS notes that Senate Bill 389/House Bill 459 (the Administration's Fee, Surcharge and Tax Reduction Act of 2016) *as originally introduced* would, among other things, reduce the current fee to issue a birth certificate from \$24 to \$12.

Additional Information

Prior Introductions: None.

Cross File: SB 931 (Senator Zucker, *et al.*) - Finance.

Information Source(s): Maryland Association of County Health Officers, Department of Health and Mental Hygiene, Department of Legislative Services

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