

Chapter 105

(House Bill 134)

AN ACT concerning

Homelessness and Supportive Services – Transfer to Department of Housing and Community Development

FOR the purpose of transferring certain responsibilities relating to the Interagency Council on Homelessness and the Homeless Women – Crisis Shelter Home Program from the Department of Human Resources to the Department of Housing and Community Development; making technical corrections; providing for the transfer of the functions, powers, and duties of the Bureau of Homeless Services on a certain date; providing for the transfer of certain employees to the Department of Housing and Community Development without diminution of certain rights, benefits, or employment or retirement status; providing that this Act may not be construed to diminish certain powers or duties of the Department of Human Resources; providing for the continuity of the terms of certain officials; providing for the transfer of certain records, credits, assets, liabilities, obligations, rights, privileges, and appropriations to the Department of Housing and Community Development on a certain date; providing for the continuity of the status of certain laws, regulations, standards, guidelines, policies, orders, directives, forms, plans, memberships, contracts, property, investigations, rights, duties, and responsibilities; requiring the Interagency Council on Homelessness to appoint a certain transition team; providing for the membership and chair of the transition team; requiring the transition team to provide a certain evaluation and recommendations on or before a certain date to the Secretary of Housing and Community Development and the Joint Committee on Ending Homelessness; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct any cross-references or terminology rendered incorrect by certain Acts and to describe any such corrections in an editor’s note following the section affected; providing for the termination of certain provisions of this Act; and generally relating to homelessness and supportive services.

BY transferring

Article – Human Services

Section 6–417 through 6–424, respectively, and the part “Part III. Interagency Council on Homelessness”; and 6–430 through 6–438, respectively, and the part “Part IV. Homeless Women – Crisis Shelter Home Program”

Annotated Code of Maryland

(2007 Volume and 2016 Supplement)

to be

Article – Housing and Community Development

Section 4–2101 through 4–2108, respectively, and the subtitle “Subtitle 21. Interagency Council on Homelessness”; and 4–2201 through 4–2209,

respectively, and the subtitle “Subtitle 22. Homeless Women – Crisis Shelter Home Program”
 Annotated Code of Maryland
 (2006 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
 Article – Housing and Community Development
 Section 4–2101, 4–2103, 4–2201, and 4–2208
 Annotated Code of Maryland
 (2006 Volume and 2016 Supplement)
 (As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 6–417 through 6–424, respectively, and the part “Part III. Interagency Council on Homelessness”; and 6–430 through 6–438, respectively, and the part “Part IV. Homeless Women – Crisis Shelter Home Program” of Article – Human Services of the Annotated Code of Maryland be transferred to be Section(s) 4–2101 through 4–2108, respectively, and the subtitle “Subtitle 21. Interagency Council on Homelessness”; and 4–2201 through 4–2209, respectively, and the subtitle “Subtitle 22. Homeless Women – Crisis Shelter Home Program” of Article – Housing and Community Development of the Annotated Code of Maryland.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Housing and Community Development

4–2101.

- (a) In this [part] **SUBTITLE** the following words have the meanings indicated.
- (b) “Continuum of Care” means a regional or local planning body that coordinates housing and services funding for homeless families and individuals.
- (c) “Council” means the Interagency Council on Homelessness.

4–2103.

- (a) The Council consists of the following members:
 - (1) the Secretary of Aging, or the Secretary’s designee;
 - (2) the Secretary of Budget and Management, or the Secretary’s designee;
 - (3) the Secretary of Health and Mental Hygiene, or the Secretary’s designee;

(4) the Secretary [of Housing and Community Development], or the Secretary's designee;

(5) the Secretary **OF HUMAN RESOURCES**, or the Secretary's designee;

(6) the Secretary of Labor, Licensing, and Regulation, or the Secretary's designee;

(7) the Secretary of Public Safety and Correctional Services, or the Secretary's designee;

(8) the State Superintendent of Schools, or the State Superintendent's designee;

(9) the Secretary of Transportation, or the Secretary's designee;

(10) the Secretary of Veterans Affairs, or the Secretary's designee;

(11) the Secretary of Juvenile Services, or the Secretary's designee;

(12) the Secretary of Disabilities, or the Secretary's designee; and

(13) the following members, appointed by the Governor:

(i) one representative of the Governor's Office for Children;

(ii) three representatives of local Continuums of Care;

(iii) nine representatives from diverse geographical regions of the State engaged in homeless advocacy with a focus on housing, employment, and access to health care; and

(iv) one community representative who has personally experienced homelessness.

(b) The Governor may remove a member for incompetence or misconduct.

4-2201.

(a) In this [part] **SUBTITLE** the following words have the meanings indicated.

(b) "Client" means a woman who is in need of housing and is not eligible for other available housing services.

(c) "Program" means the Homeless Women – Crisis Shelter Home Program.

4-2208.

Housing may not be provided under this [part] **SUBTITLE** to an applicant for housing who is not a resident of the State at the time the application is made.

SECTION 3. AND BE IT FURTHER ENACTED, That the functions, powers, and duties of the Bureau of Homeless Services, including the responsibilities relating to the Interagency Council on Homelessness and the Homeless Women – Crisis Shelter Home Program, shall be transferred from the Department of Human Resources to the Department of Housing and Community Development on the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That all employees who are transferred to the Department of Housing and Community Development as a result of this Act shall be transferred on the effective date of this Act without any diminution of their rights, including collective bargaining rights, benefits, or employment or retirement status.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act may not be construed to diminish any of the powers or duties of the Department of Human Resources to investigate and respond to reports of homelessness.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, nothing in this Act affects the term of office of an appointed member of any board, commission, committee, or council. An individual who is a member of any such unit on the effective date of this Act shall remain a member for the balance of the term to which the member is appointed, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 7. AND BE IT FURTHER ENACTED, That all of the records, credits, assets, liabilities, obligations, rights, and privileges held by the Department of Human Resources solely to carry out the responsibilities, authority, and functions transferred under this Act shall be transferred to the Department of Housing and Community Development on the effective date of this Act.

SECTION 8. AND BE IT FURTHER ENACTED, That, except as otherwise provided by law, all existing laws, regulations, proposed regulations, standards and guidelines, policies, orders and other directives, forms, plans, memberships, contracts, property, investigations, administrative and judicial responsibilities, rights to sue and be sued, and all other duties and responsibilities associated with the functions of the Bureau of Homeless Services and the programs that are the subject of this Act prior to the effective date of this Act shall continue in effect under the Department of Housing and Community Development until completed, withdrawn, canceled, modified, or otherwise changed under the law.

SECTION 9. AND BE IT FURTHER ENACTED, That all appropriations, including State and federal funds, held by the Department of Human Resources to carry out the exclusive functions of the Bureau of Homeless Services or any other program transferred

under this Act shall be transferred to the Department of Housing and Community Development on the effective date of this Act.

SECTION 10. AND BE IT FURTHER ENACTED, That:

(1) the Interagency Council on Homelessness shall appoint a Bureau of Homeless Services Transition Team composed of the Chair to the Interagency Council on Homelessness, one representative of the Department of Human Resources, one representative of a local administering agency appointed by the Department of Human Resources, one representative of a local administering agency appointed by the Department of Housing and Community Development, and one representative of a local Continuum of Care appointed by the Interagency Council on Homelessness;

(2) the Chair to the Interagency Council on Homelessness shall serve as Chair to the Bureau of Homeless Services Transition Team; and

(3) on or before December 1, 2018, the Bureau of Homeless Services Transition Team shall provide to the Secretary of Housing and Community Development and, in accordance with § 2-1246 of the State Government Article, the Joint Committee on Ending Homelessness an evaluation of homeless services transferred from the Department of Human Resources to the Department of Housing and Community Development in accordance with the provisions of this Act, and recommendations to ensure the effective delivery of homeless services within each local jurisdiction.

SECTION 11. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or any other Act of the General Assembly of 2017 that affects provisions enacted by this Act. The publisher shall adequately describe any such corrections in an editor's note following the section affected.

SECTION 12. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. Section 10 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2019, with no further action required by the General Assembly, Section 10 of this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 11, 2017.