

Chapter 748

(Senate Bill 1218)

AN ACT concerning

Ending Youth Homelessness Act of 2018

FOR the purpose of establishing the Ending Youth Homelessness Grant Program; specifying the purposes of the Program; requiring the Department of Housing and Community Development to administer the Program and establish certain procedures; authorizing certain uses of grants under the Program; establishing the Ending Youth Homelessness Grant Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Department to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring the Department to follow a certain grant ~~approval~~ making process; specifying that eligible recipients of grant funding are limited to certain types of programs; requiring the Department to establish for all grant recipients certain performance standards and reporting requirements; requiring the Department to serve as the lead State agency for a certain program; requiring the Secretary of Housing and Community Development to report to the General Assembly on or before a certain date; specifying authorized spending purposes for any funds appropriated for programs under this Act; requiring, in and after a certain year of funding, the Department to allocate a certain percentage of the money appropriated to the Fund for certain programs; authorizing the Secretary to adopt regulations under certain circumstances; defining certain terms; and generally relating to the Ending Youth Homelessness Grant Program.

BY adding to

Article – Housing and Community Development

Section 11.5–101 through 11.5–111 to be under the new title “Title 11.5. Ending Youth Homelessness Act”

Annotated Code of Maryland

(2006 Volume and 2017 Supplement)

Preamble

WHEREAS, Every night, thousands of homeless youth in Maryland go to sleep without the safety, stability, and support of a family or home; and

WHEREAS, This population is exposed to an increased level of violence, human trafficking, and exploitation resulting in a higher incidence of mental health problems, substance abuse, illness, and death; and

WHEREAS, Racial minority youth and lesbian, gay, bisexual, and transgender youth are overrepresented among unaccompanied homeless youth and young adults; and

WHEREAS, The prevention and reduction of youth and young adult homelessness, protection of unaccompanied homeless youth, and reduction of disparities based on race, sexual orientation, and gender is of key concern to the State; and

WHEREAS, The intent of the legislature is to further enhance the State's efforts to encourage family reconciliation or permanent housing and support through foster care when family reconciliation is not a viable alternative; and

WHEREAS, Providing appropriate, relevant, and readily accessible housing and services is critical for addressing one-time, episodic, or longer-term homelessness among youth and young adults, and ensuring that youth and young adults remain safe, housed, and connected to family; and

WHEREAS, It is the goal of the General Assembly that every homeless youth and young adult in our State will have the opportunity to engage in education or employment training and be able to access employment; and

WHEREAS, With both education and employment support and opportunities, young adults will have the skills they need to become self-sufficient and independent; and

WHEREAS, Successfully addressing youth and young adult homelessness ensures that homeless youth and young adults in our State have the support they need to thrive and avoid involvement in the justice system, human trafficking, long-term, avoidable use of public benefits, and extended youth homelessness; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Housing and Community Development

TITLE 11.5. ENDING YOUTH HOMELESSNESS ACT.

11.5–101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “FUND” MEANS THE ENDING YOUTH HOMELESSNESS GRANT FUND.

(C) “PROGRAM” MEANS THE ENDING YOUTH HOMELESSNESS GRANT PROGRAM.

(D) (1) “SUPPORTIVE SERVICES” MEANS THOSE INTERVENTIONS, SERVICES, AND RESOURCES NECESSARY TO ASSIST PROGRAM PARTICIPANTS IN ACCESSING AND MAINTAINING HOUSING AND ECONOMIC SELF-SUFFICIENCY.

(2) “SUPPORTIVE SERVICES” INCLUDES:

(I) SERVICES FOR FAMILIES TO PREVENT SEPARATION AND SUPPORT REUNIFICATION WHERE SAFE AND APPROPRIATE;

(II) HOUSING SEARCH, COUNSELING, RENTAL ASSISTANCE, FINANCIAL ASSISTANCE WITH EVICTION PREVENTION, UTILITIES, SECURITY DEPOSIT, AND RELOCATION, AND OTHER HOUSING SUPPORT SERVICES;

(III) EMPLOYMENT ASSISTANCE, JOB TRAINING, AND JOB PLACEMENT;

(IV) ASSISTANCE AND ADVOCACY TO ENSURE ACCESS TO FEDERAL, STATE, AND LOCAL BENEFITS;

(V) ASSISTANCE AND ADVOCACY TO ENSURE ACCESS TO EDUCATION UNDER THE MCKINNEY-VENTO HOMELESSNESS ASSISTANCE ACT, FINANCIAL SUPPORT FOR HIGHER EDUCATION UNDER THE APPLICABLE PROVISIONS OF THE COLLEGE COST REDUCTION AND ACCESS ACT, 20 U.S.C. § 10877VV(D)(1)(H), AND THE MARYLAND TUITION WAIVER PROGRAM, § 15-106.1 OF THE EDUCATION ARTICLE;

(VI) SERVICES TO PREVENT AND TREAT VIOLENCE AND CRIME VICTIMIZATION;

(VII) CASE MANAGEMENT;

(VIII) CHILD CARE OPERATIONS AND VOUCHERS;

(IX) LEGAL SERVICES;

(X) LIFE SKILLS TRAINING;

(XI) OUTPATIENT HEALTH, BEHAVIORAL HEALTH, AND SUBSTANCE ABUSE TREATMENT SERVICES;

(XII) TRANSPORTATION;

(XIII) OUTREACH SERVICES;

(XIV) HOMELESSNESS PREVENTION SERVICES;

(XV) AFTERCARE SERVICES; AND

(XVI) OTHER SERVICES AS DEEMED NECESSARY BY THE SECRETARY.

(E) (1) “UNACCOMPANIED HOMELESS YOUTH” MEANS AN INDIVIDUAL OF 24 YEARS OF AGE OR YOUNGER WHO IS NOT IN THE PHYSICAL CUSTODY OF A PARENT OR GUARDIAN AND LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE.

(2) “UNACCOMPANIED HOMELESS YOUTH” INCLUDES AN INDIVIDUAL 24 YEARS OF AGE OR YOUNGER WHO:

(I) LIVES IN A SUPERVISED PUBLICLY OR PRIVATELY OPERATED SHELTER DESIGNATED TO PROVIDE TEMPORARY LIVING ARRANGEMENTS;

(II) LIVES IN A MOTEL, HOTEL, OR CAMPGROUND DUE TO LACK OF ALTERNATIVE ADEQUATE ACCOMMODATIONS;

(III) SHARES THE HOUSING OF OTHER INDIVIDUALS DUE TO LOSS OF HOUSING, ECONOMIC HARDSHIP, OR SIMILAR REASON;

(IV) LIVES IN A TRANSITIONAL HOUSING PROGRAM OR OTHER TIME-LIMITED HOUSING; OR

(V) HAS A PRIMARY NIGHTTIME RESIDENCE WHICH IS A PUBLIC OR PRIVATE PLACE NOT DESIGNED OR ORDINARILY USED AS A REGULAR SLEEPING ACCOMMODATION FOR INDIVIDUALS, SUCH AS A CAR, A PARK, AN ABANDONED BUILDING, A BUS OR TRAIN STATION, OR AN AIRPORT.

(F) (1) “YOUTH AT RISK OF HOMELESSNESS” MEANS AN INDIVIDUAL 24 YEARS OF AGE OR YOUNGER WHOSE STATUS OR CIRCUMSTANCES INDICATE A SIGNIFICANT DANGER OF EXPERIENCING HOMELESSNESS IN THE NEAR FUTURE.

(2) “YOUTH AT RISK OF HOMELESSNESS” INCLUDES:

(I) AN INDIVIDUAL 24 YEARS OF AGE OR YOUNGER EXITING A PUBLICLY FUNDED INSTITUTION OR SYSTEM OF CARE;

(II) AN INDIVIDUAL 24 YEARS OF AGE OR YOUNGER WHO HAS PREVIOUSLY EXPERIENCED HOMELESSNESS;

(III) AN INDIVIDUAL 24 YEARS OF AGE OR YOUNGER WHOSE PRIMARY CAREGIVERS ARE CURRENTLY HOMELESS OR HAVE PREVIOUSLY BEEN HOMELESS; AND

(IV) AN INDIVIDUAL 24 YEARS OF AGE OR YOUNGER WHO EXPERIENCES SERIOUS OR SUSTAINED CONFLICT WITH THE INDIVIDUAL'S CAREGIVERS THAT IS LIKELY TO RESULT IN FAMILY SEPARATION.

11.5-102.

(A) (1) THERE IS AN ENDING YOUTH HOMELESSNESS GRANT PROGRAM.

(2) THE PURPOSE OF THE PROGRAM IS TO:

(I) PREVENT AND END YOUTH HOMELESSNESS IN THE STATE;

AND

(II) ADDRESS RELATED DISPARITIES BASED ON RACE, ETHNICITY, SEXUAL ORIENTATION, AND GENDER IDENTITY.

(B) (1) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.

(2) THE DEPARTMENT SHALL ESTABLISH:

(I) APPLICATION PROCEDURES; AND

(II) ANY OTHER PROCEDURES OR CRITERIA NECESSARY TO CARRY OUT THIS TITLE.

(C) (1) THE PROGRAM SHALL BE A COMPETITIVE, PERFORMANCE-BASED GRANT PROGRAM TO PROVIDE FUNDS TO HOUSING AND SUPPORTIVE SERVICES FOR UNACCOMPANIED HOMELESS YOUTH AND YOUTH AT RISK OF HOMELESSNESS.

(2) THE PROGRAM MAY PROVIDE A GRANT ONLY TO SERVICES THAT ARE VOLUNTARY AND INDIVIDUALIZED.

(3) RECIPIENTS OF GRANTS FROM THE PROGRAM MAY PROVIDE SUPPORTIVE SERVICES DIRECTLY, OR MAY PROVIDE SERVICES THROUGH SUB-RECIPIENTS OR PARTNERS.

(4) RECIPIENTS OF GRANTS FROM THE PROGRAM SHALL CONDUCT AN ANNUAL ASSESSMENT OF PROGRAM PARTICIPANTS AND UPDATE AND ADJUST THE SERVICES OFFERED ACCORDINGLY.

(5) GRANTS APPROPRIATED FROM THE PROGRAM SHALL BE ALLOCATED BASED ON AN ASSESSMENT OF THE GAPS IN EXISTING RESOURCES, WITH A PRIMARY FOCUS ON ENSURING ACCESS TO PERMANENT AFFORDABLE HOUSING.

11.5–103.

(A) THERE IS AN ENDING YOUTH HOMELESSNESS GRANT FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDS TO THE PROGRAM.

(C) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) THE FUND MAY BE USED ONLY FOR GRANTS MADE BY THE DEPARTMENT FOR THE PROGRAM.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

11.5–104.

(A) THE DEPARTMENT SHALL ESTABLISH A GRANT ~~APPROVAL~~ MAKING PROCESS THAT IS INCLUSIVE OF CURRENTLY AND FORMERLY HOMELESS YOUTH FROM DIVERSE GEOGRAPHIC REGIONS WITHIN THE STATE.

(B) THE GRANT ~~APPROVAL~~ MAKING PROCESS SHALL:

(1) ENSURE THAT YOUTH ARE INVOLVED IN THE PLANNING AND EVALUATION ACTIVITIES, INCLUDING BY PROVIDING OPPORTUNITIES FOR YOUTH TO PARTICIPATE IN DECISION MAKING;

~~(2) ENSURE THAT YOUTH HAVE DECISION-MAKING AUTHORITY;~~

~~(3)~~ ADEQUATELY SUPPORT YOUTH PARTICIPATION IN THE GRANT ~~APPROVAL~~ MAKING PROCESS; AND

~~(4) COMPENSATE YOUTH FOR THEIR PARTICIPATION IN THE GRANT APPROVAL PROCESS.~~

(3) TO THE EXTENT PRACTICABLE, SUPPORT YOUTH PARTICIPATION IN THE GRANT MAKING PROCESS THROUGH STIPENDS AND REASONABLE REIMBURSEMENT FOR EXPENSES.

(C) THE DEPARTMENT SHALL ENGAGE CURRENTLY OR FORMERLY HOMELESS YOUTH AND REPRESENTATIVES OF SERVICE PROVIDER OR ADVOCACY ORGANIZATIONS THAT ADDRESS YOUTH HOMELESSNESS IN THE DEVELOPMENT OF REQUESTS OR PROPOSALS OR OTHER GRANT APPLICATION MATERIALS AS MAY BE REQUIRED UNDER THIS TITLE.

11.5-105.

ELIGIBLE RECIPIENTS OF GRANT FUNDING ARE LIMITED TO THE FOLLOWING TYPES OF PROGRAMS:

(1) STREET AND COMMUNITY-BASED OUTREACH AND DROP-IN PROGRAMS THAT:

(I) LOCATE, CONTACT, AND PROVIDE INFORMATION, REFERRALS, AND SUPPORTIVE SERVICES;

(II) PROVIDE WALK-IN ACCESS TO CRISIS INTERVENTION AND ONGOING SUPPORTIVE SERVICES THAT INCLUDE ONE-TO-ONE CASE MANAGEMENT SERVICES ON A SELF-REFERRAL BASIS; OR

(III) HELP UNACCOMPANIED HOMELESS YOUTH AND YOUTH AT RISK OF HOMELESSNESS ACCESS AND MAINTAIN SAFE, DECENT, AND AFFORDABLE HOUSING;

(2) EMERGENCY SHELTER PROGRAMS THAT:

(I) PROVIDE UNACCOMPANIED HOMELESS YOUTH AND YOUTH AT RISK OF HOMELESSNESS WITH REFERRAL AND WALK-IN ACCESS TO EMERGENCY SHORT-TERM RESIDENTIAL CARE; AND

(II) PROVIDE UNACCOMPANIED HOMELESS YOUTH WITH:

1. SAFE, DIGNIFIED SHELTER WHERE PRIVACY AND SECURITY CONCERNS ARE ADDRESSED THAT INCLUDES ~~PRIVATE SHOWER FACILITIES~~, BEDS, LOCKERS OR OTHER STORAGE OPTIONS, AND ~~THREE~~ TWO MEALS EACH DAY;

2. ASSISTANCE WITH REUNIFICATION WITH THEIR FAMILY OR LEGAL GUARDIAN WHEN REQUIRED OR APPROPRIATE; AND

3. ASSISTANCE TO ACCESS AND MAINTAIN SAFE, DECENT, AND AFFORDABLE HOUSING; AND

(3) HOUSING PROGRAMS, EITHER TIME-LIMITED OR NONTIME-LIMITED, THAT:

(I) PROVIDE SUPPORTIVE SERVICES; AND

(II) AID PARTICIPANTS IN OBTAINING PERMANENT, SAFE, DECENT, AND AFFORDABLE HOUSING.

11.5-106.

(A) (1) THE DEPARTMENT SHALL FOR ALL RECIPIENTS OF A GRANT:

(I) ESTABLISH PERFORMANCE STANDARDS;

(II) MONITOR PERFORMANCE; AND

(III) REQUIRE DATA COLLECTION AND REPORTING.

(2) THE STANDARDS REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) INCORPORATE EVIDENCE-BASED PRACTICES AND INTERVENTIONS;

(II) REQUIRE GRANT RECIPIENTS TO DEMONSTRATE THE CAPACITY TO COMPETENTLY SERVE GROUPS OVERREPRESENTED IN THE HOMELESS YOUTH POPULATION, INCLUDING RACIAL AND ETHNIC MINORITY YOUTH AND LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH;

(III) EVALUATE YOUTH PARTICIPATION AND ENGAGEMENT, INCLUDING THE ABILITY TO INTEGRATE CURRENTLY AND FORMERLY HOMELESS YOUTH INTO STAFFING AND GOVERNANCE ROLES; AND

(IV) REQUIRE PARTICIPATION IN YOUTH REACH MARYLAND.

(B) THE DEPARTMENT SHALL MONITOR PERFORMANCE AND COLLECT DATA FROM GRANTEES TO ENSURE HIGH-QUALITY SERVICES AND EQUITABLE OUTCOMES.

(C) THE DEPARTMENT SHALL ENGAGE CURRENTLY AND FORMERLY HOMELESS YOUTH AND REPRESENTATIVES OF SERVICE PROVIDER OR ADVOCACY ORGANIZATIONS THAT ADDRESS YOUTH HOMELESSNESS IN THE DEVELOPMENT OF PERFORMANCE STANDARDS AND DATA COLLECTION TOOLS UNDER THIS SECTION.

11.5-107.

(A) THE DEPARTMENT SHALL SERVE AS THE LEAD STATE AGENCY FOR YOUTH REACH MARYLAND.

(B) (1) THE DEPARTMENT SHALL WORK WITH YOUTH REACH MARYLAND TO PERFORM DATA COLLECTION AND ANALYSIS IN ORDER TO DETERMINE THE NUMBER AND CHARACTER OF UNACCOMPANIED HOMELESS YOUTH IN EACH JURISDICTION IN THE STATE.

(2) THE DEPARTMENT SHALL SELECT AND MONITOR A COORDINATING ENTITY TO ~~OVERSEE~~ ASSIST THE DEPARTMENT'S INVOLVEMENT WITH YOUTH REACH MARYLAND.

(3) THE SELECTED COORDINATING ENTITY SHALL ~~OVERSEE~~ ASSIST IN THE COLLECTION OF QUANTITATIVE AND QUALITATIVE DATA THROUGH SURVEYS ADMINISTERED IN SCHOOLS AND THROUGH STREET AND COMMUNITY-BASED OUTREACH.

(C) PARTICIPATING JURISDICTIONS SHALL IMPLEMENT PROCEDURES TO CONDUCT THE DATA COLLECTION DESCRIBED IN SUBSECTION (B) OF THIS SECTION ONCE EVERY 2 YEARS.

11.5-108.

ON OR BEFORE DECEMBER 1 EACH YEAR, THE SECRETARY SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON:

(1) A LIST OF THE AREAS OF THE STATE WITH THE GREATEST NEED FOR SERVICES AND HOUSING FOR UNACCOMPANIED HOMELESS YOUTH AND YOUTH AT RISK OF HOMELESSNESS, AND THE LEVEL AND NATURE OF THE NEEDS IDENTIFIED;

(2) DETAILS ABOUT GRANTS MADE, INCLUDING DISTRIBUTION OF FUNDS THROUGHOUT THE STATE;

(3) GRANTEE OUTCOME DATA, INCLUDING OUTCOMES BY RACE, SEXUAL ORIENTATION, GENDER IDENTITY, AND OTHER DEMOGRAPHICS;

(4) FOLLOW-UP INFORMATION, IF AVAILABLE, ON THE STATUS OF UNACCOMPANIED HOMELESS YOUTH AND WHETHER THEY HAVE STABLE HOUSING ~~6 MONTHS, 12 MONTHS, AND 24 MONTHS~~ 3 MONTHS AND 6 MONTHS AFTER SERVICES ARE PROVIDED;

(5) PROCEDURAL OR SYSTEMIC BARRIERS AFFECTING UNACCOMPANIED HOMELESS YOUTH, YOUTH AT RISK OF HOMELESSNESS, AND GRANTEE PROGRAMS; AND

(6) ANY OTHER OUTCOMES FOR POPULATIONS SERVED BY THE PROGRAM TO DETERMINE THE EFFECTIVENESS OF THE PROGRAM AND THE EFFICACY OF FUNDING.

11.5-109.

(A) FUNDS APPROPRIATED OR OTHERWISE ALLOCATED FOR PROGRAMS UNDER THIS TITLE MAY BE EXPENDED FOR ANY LAWFUL PURPOSE AUTHORIZED BY THIS TITLE, AS WELL AS:

(1) OUTREACH;

(2) TECHNICAL ASSISTANCE; ~~AND~~

(3) CAPACITY BUILDING FOR RECIPIENT AND PROSPECTIVE RECIPIENT ENTITIES WITH THE GOAL OF BUILDING CAPACITY TO EFFECTIVELY MEET THE GREATEST NEED ON A STATEWIDE BASIS; AND

(4) ADMINISTRATIVE COSTS TO THE DEPARTMENT.

(B) IN AND AFTER THE THIRD YEAR OF FUNDING, EACH YEAR THE DEPARTMENT SHALL ALLOCATE AT LEAST 50% OF THE MONEY APPROPRIATED TO THE FUND FOR HOUSING PROGRAMS AS DESCRIBED IN § 11.5-105(3) OF THIS TITLE.

(C) THE DEPARTMENT MAY PARTNER OR CONTRACT TO PROVIDE PROGRAMS OR SERVICES AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION, INCLUDING CONDUCTING TRAINING ON RACIAL EQUITY, HARM REDUCTION, TRAUMA-INFORMED CARE, AND NEEDS OF OVERREPRESENTED OR PARTICULARLY VULNERABLE GROUPS, INCLUDING:

(1) RACIAL MINORITY YOUTH;

(2) LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH;

(3) MINORS;

(4) VICTIMS OF HUMAN TRAFFICKING AND INTIMATE PARTNER VIOLENCE;

(5) YOUTH WITH DISABILITIES;

(6) PREGNANT AND PARENTING YOUTH; AND

(7) IMMIGRANT YOUTH.

11.5-110.

THE SECRETARY SHALL ADOPT REGULATIONS NECESSARY FOR THE EFFECTIVE ADMINISTRATION OF THIS TITLE.

11.5-111.

THIS TITLE MAY BE CITED AS THE ENDING YOUTH HOMELESSNESS ACT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 15, 2018.