



HB 577 – Dept. of Housing & Community Development - Homeless Shelter Licensing Program – Establishment
Hearing of the Environment & Transportation Committee, February 16, 2024

Position: FAVORABLE

Homeless Persons Representation Project (HPRP) is a non-profit organization that provides free civil legal services to Marylanders who are homeless or at risk of homelessness on issues that create barriers to housing and economic stability. HPRP also advocates for policies that will prevent and end homelessness statewide. Health Care for the Homeless (HCH) is Baltimore's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. HCH delivers medical care, mental health services, state-certified addiction treatment, dental care, social services, housing support services, and housing for over 10,000 Marylanders annually. HPRP and HCH strongly urge the Committee to issue a favorable report on HB 577, which authorizes the Maryland Department of Housing and Community Development to establish a licensure program and regulations governing emergency shelters.

An effective systemic response to homelessness must include immediate access to safe, inclusive, and trauma-informed emergency shelter. More than 32,000 Maryland residents experience homelessness each year. According to the U.S. Dept. of Housing & Urban Development (HUD), homelessness increased by 12% nationally from 2022 to 2023, reflecting both the highest rate of homelessness since HUD began collecting this data in 2007 and the highest annual increase on record. In addition to the overall increase, individuals experiencing unsheltered homelessness increased by 11% and those in shelters increased by 7%. All Marylanders experiencing the traumatic loss of housing need immediate access to a safe place to go. According to the National Alliance to End Homelessness, “[a]n effective crisis response system provides immediate and low-barrier access to safe and decent shelter to anyone that needs it and aims to house people as quickly as possible.” Shelters must be in buildings that comply with health and safety standards and provide dignified accommodations; they must be available equitably and without discrimination or exclusionary preconditions; and they must have the capacity to support people experiencing homelessness with skill and compassion. Effective emergency shelters protect health and safety and provide a steppingstone to housing and economic stability.

Maryland’s lack of uniform standards or oversight of emergency shelters harms unhoused community members and undermines the State’s systemic response to homelessness. The Maryland Department of Housing and Community Development (DHCD) reports that only 68 of more than 190 emergency shelters operating statewide are governed by mandated standards and regular monitoring – most shelters have no required standards or oversight. HPRP provides legal representation to people residing in government and privately funded emergency shelters, and those who are unsheltered. Many of our clients have been denied access to shelter on discriminatory grounds, treated poorly while in shelter, or terminated from shelter for minor infractions and without any due process or ability to make a grievance. HPRP has also observed

that shelters often fail to provide reasonable accommodations for residents with disabilities or to comply with other requirements of the Americans with Disabilities Act. HPRP's youth program has worked with unaccompanied youth who were separated from their families because shelters refused to admit teenage boys or to serve a family unit with adults of different genders. Maryland is an outlier with respect to oversight of emergency shelters for unaccompanied minors and youth experiencing homelessness. State regulation of shelters or programs for homeless youth is nearly universal, but Maryland does not require licensure or regulation of residential programs for youth who are not in the care or custody of the State. Some of HPRP's unsheltered clients prefer to stay in encampments, vacant buildings, cars, or other places not meant for habitation because of previous bad experiences in emergency shelters.

HB 577 is necessary to ensure that emergency shelters follow existing law and adhere to clear and consistent minimum standards. While emergency shelters are currently required to follow certain civil rights laws, such as the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act many shelters fail to comply. Even shelters that are privately owned and do not receive any government funding must comply with Title III of the ADA which prohibits discrimination against persons with disabilities in public accommodations. The ADA requires equal access to shelters for persons with disabilities which includes removing both physical barriers and administrative barriers by providing reasonable modifications and reasonable accommodations. A clear understanding of these obligations and how to implement them into emergency shelter operations is critical to effectively serving the unhoused community with many persons with disabilities. HUD recently reported that 31% of individuals experiencing homelessness fell into the "chronic homeless" category which are persons with disabilities that have been homeless for long periods of time. This is the largest number on record. Two-thirds of individuals in the chronic category are unsheltered, also the highest number on record. It is imperative that Maryland's emergency shelters are fully compliant with the ADA and provide equal access to persons with disabilities. HB 577 provides much needed oversight and mechanisms for enforcement, including a shelter residents' bill of rights and process for residents to ask the State to intervene when their rights have been denied.

DHCD is committed to an intentional and inclusive process for developing a tiered licensure framework and regulations in partnership with stakeholders. HPRP has had ongoing communications with DHCD about HB 577 and we understand that the agency plans to engage diverse stakeholders to ensure effective and nuanced implementation of the legislation. DHCD anticipates developing a tiered licensure framework that reflects the wide variety of shelters and levels of care in Maryland. In addition, DHCD intends to provide a process for stakeholders to provide input on regulations, such as administering surveys to shelter providers, meeting with people with lived experience of homelessness and providers, holding focus groups with homeless services Continuums of Care, and seeking advice from legal experts and national policy groups. DHCD is committed to providing training and technical assistance for service providers on regulations and licensure requirements, as well as supporting with connections to state and philanthropic funding sources that can assist with facilities upgrades or operations costs.

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