



Maryland Department of Housing and Community Development

**Maryland Homeless Shelter Certification Recommendations
Phase 1 Report**

January 2025

PREPARED FOR:

Senate Committee on Education Energy and the Environment
House Committee on Environment and Transportation

AS REQUIRED BY:

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HB 577/Ch. 151, 2024

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Introduction

Report & Recommendation Development Process

During the 2024 state legislative session, the Maryland General Assembly passed, and Governor Moore signed into law two bills, HB577 and SB1107, requiring the Department of Housing and Community Development (DHCD) to study and develop proposed recommendations for the establishment of a new state homeless shelter certification process by July 2025.

This Phase 1 Report outlines the current funding and regulatory system for the operation of homeless shelters, key gaps in oversight, compliance, and services that impact the accessibility and safety of shelters for individuals, and DHCD's initial set of recommendations for a state shelter certification system, implementation timeline, and minimum operating regulations. The Phase 1 Report recommendations were developed using data, research, evidence-based practices, stakeholder interviews, and best practice models of care published by national leaders such as:

- U.S. Department of Housing and Urban Development (HUD)
- U.S. Interagency Council on Homelessness (USICH)
- National Alliance to End Homelessness (NAEH)
- National Coalition for the Homeless
- National Coalition for Homeless Veterans
- National Homelessness Law Center (NHLIC)
- National Health Care for the Homeless Policy Council
- National League of Cities (NLC)
- University of California San Francisco Benioff Homelessness and Housing Initiative (UCSF)

The report also incorporates findings and guidance from:

- FY24 DHCD assessment of 68 state-funded homeless shelters, conducted collaboratively and with input from Maryland Continuums of Care
- YouthREACH, Maryland's survey and needs assessment of youth experiencing homelessness and housing instability
- Federal, state, and local laws, regulations, executive orders, ordinances, and case law that currently govern the operation of homeless shelters and public facilities
- Feedback received during after the 2024 state legislative session from over 10 counties and cities, 25+ homeless shelters, and all 10 Continuums of Care
- High-performing Continuums of Care in other states
- States and local governments that regulate homeless shelters

While robust community engagement on the report recommendations is not required specifically by statute, DHCD is deeply committed to ensuring community partners and people who are experiencing homelessness have an opportunity to consider, respond to, and inform a final set of recommendations on shelter certification prior to a formal regulatory review process.

During Phase 2, from January to April 2025, DHCD will conduct in-depth focus groups, interviews, and surveys on the Phase 1 Report findings and recommendations. Key stakeholders will include individuals experiencing unsheltered homelessness, homeless shelter residents, homeless shelter staff and leadership, county governments, municipalities, and Continuums of Care. Individuals experiencing homelessness will be compensated for their time and expertise provided during these engagements.

This process will include an opportunity for every homeless shelter in the state to proactively self-assess and report to DHCD how specific Phase 1 Report recommendations would impact the operation of their specific program model and facility. DHCD will utilize feedback collected during Phase 2 to subsequently update and republish this report with revised recommendations.

Homeless Services Governance

In the United States, the homeless services system is governed by a patchwork of few federal laws with limited enforcement capacity and government-funded programs at the federal, state, and local level. There is no one single organization, government agency, or certifying body that develops common regulations for how all homeless programs must operate nor one that has the legal authority to comprehensively oversee their compliance or compel corrective action.

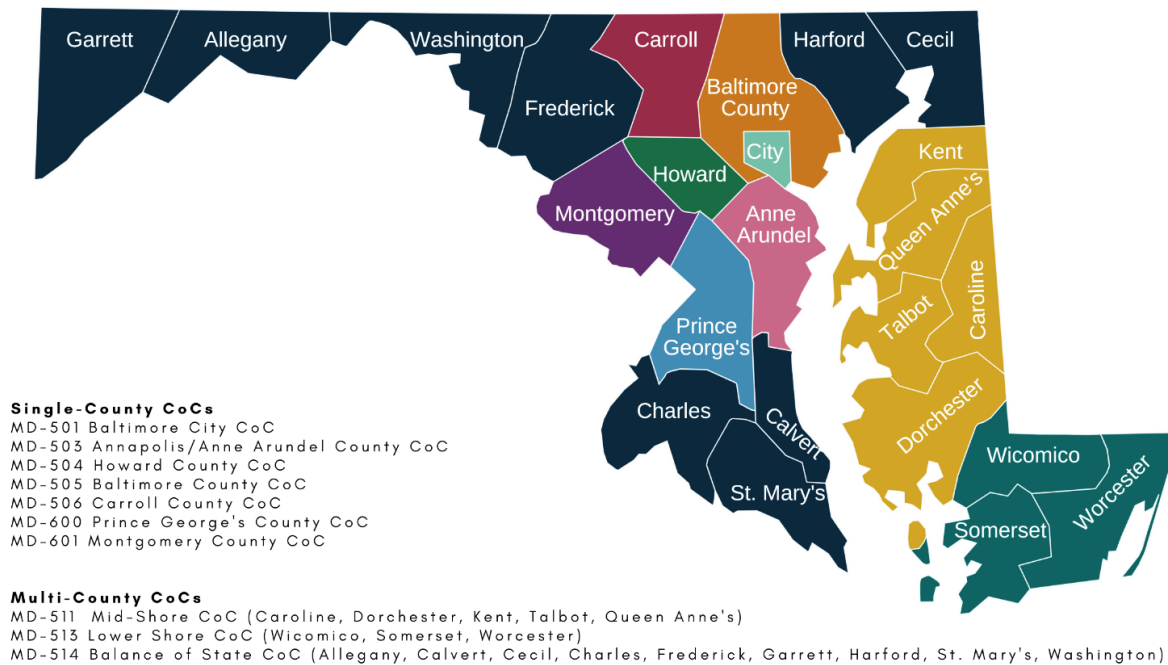
The U.S. Department of Housing and Urban Development, other federal agencies funding homeless services programs, and the Maryland Department of Housing and Community Development have implemented comprehensive and detailed regulations and administrative policies for programs that receive federal or state funds. Generally, Maryland DHCD aligns its funding policies and standards with federal agencies as much as possible to streamline the operation of homeless programs and reduce administrative barriers. Most programs receiving federal and state funds are organized, coordinated, and overseen at the local level by Continuums of Care (CoCs).

In 1994, the U.S. Department of Housing and Urban Development developed the Continuum of Care planning process, which established a coordinated procedure for the distribution of several competitive homeless assistance programs. Prior to the CoC process, organizations applied individually for funding from several federal homeless assistance programs, including those that were pass-through grants to state and local governments. As a result, there was little coordination between these programs or between different organizations receiving funding in the same community. The CoC process was established to promote coordination within communities and between programs. It was also designed to bring together a broader collection of stakeholders such as public agencies, the faith and business communities, and mainstream service providers. Guidelines for the CoC planning process were included in annual HUD Notices of Funding Availability (NOFAs). HUD regularly modified the process. On May 20, 2009, President Barack Obama signed the HEARTH Act (Public Law 111-22), providing Congressional authorization of the CoC process. Since that time, HUD has adopted multiple federal rules and regulations under the Continuum of Care Program and Emergency Solutions Grant program that govern the operation of federally-funded shelters.

Today, there are over 380 CoCs in operation across the country. CoCs have different geographies and coverage areas – some include a single county, multiple counties, or even an entire state – and often are not contiguous jurisdictions. These are the primary bodies that oversee policy, compliance, quality, and admissions for homeless shelters and permanent housing programs. While HUD establishes some minimal requirements for CoC structure and responsibilities, CoCs are largely self-governing.

Each CoC has a membership body which adopts and amends a CoC governance charter periodically and elects a governance board and committees empowered with specific responsibilities, rights, and roles. The CoC board and committees are charged with establishing policies for funded programs, making funding decisions on behalf of the CoC, implementing data collection and performance outcome standards, and developing and managing a Coordinated Entry System (the CoC's assessment and prioritization process for an at-risk or homeless individual to receive shelter and housing). The board designates a nonprofit or government entity as the CoC's lead agency, which can enter into agreements and covenants legally on the CoC's behalf and accept funding.

In Maryland, there are currently ten CoCs overseeing homeless services programs, three of which are regional or multi-county CoCs:



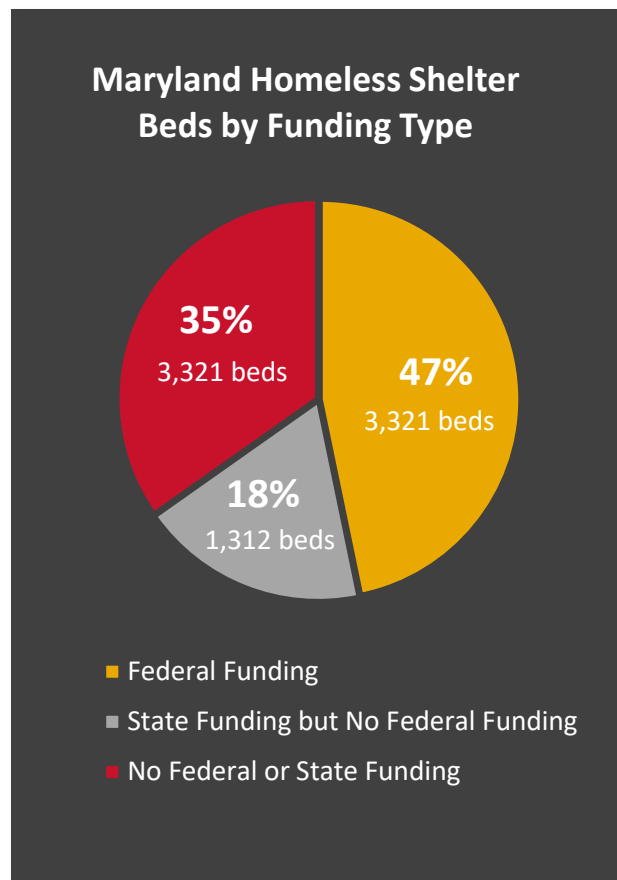
Continuum of Care	Lead Agency Type			Lead Agency Name
	Local Government	State Government	Nonprofit	
MD-501 - Baltimore City	✓			City of Baltimore Mayor's Office of Homeless Services
MD-503 - Annapolis/Anne Arundel County			✓	Arundel Community Development Services
MD-504 - Howard County	✓			Howard County Department of Housing and Community Development
MD-505 - Baltimore County	✓			Baltimore County Department of Housing and Community Development
MD-506 - Carroll County	✓			Board of Carroll County Commissioners
MD-511 - Mid-Shore Regional			✓	Mid-Shore Behavioral Health
MD-513 – Lower Shore Regional	✓			Somerset County Health Department
MD-514 - Maryland Balance of State		✓		Maryland Department of Housing and Community Development
MD-600 - Prince George's County	✓			Prince George's County Department of Social Services
MD-601 - Montgomery County	✓			Montgomery County Department of Health and Human Services

The Need for a State Homeless Shelter Certification System

Each year, a comprehensive homeless shelter and housing inventory is conducted by Continuums of Care in alignment with guidance and requirements published by the U.S. Department of Housing and Urban Development. Known as the Housing Inventory Count (HIC), the report collects key data points on every homeless shelter in operation, regardless of funding source. Data collected includes shelter operator, location, facility type, federal funding sources, population served, bed and unit counts, seasonal vs. year-round availability, and number of people enrolled on the night of the inventory.

A cross-reference of data from the 2023 Housing Inventory Count with state funding allocations indicates that of Maryland's 192 homeless shelters and 7,103 beds:

- 47% received funding from HUD, VA, DOJ, or another federal agency (3,321 beds)
- 18% received state funding but no federal funding (1,312 beds)
- 35% received no federal or state funding (2,470 beds)



While there are relatively robust regulations and monitoring requirements homeless shelters must follow if they receive federal or state funds, there are significant gaps in oversight and policy:

- Federal laws governing homeless shelters are extremely limited and often apply only to federally-funded programs. Current federal laws do not explicitly prevent shelters from discriminating on the basis of citizenship or immigration status, criminal background, veteran status, current use of substances, level of client need/vulnerability, or other potential factors. Enforcement and interpretation of key federal laws, such as the Fair Housing Act and Americans with Disabilities Act, primarily happens through regulation and executive branch policy guidance, which is subject to being rescinded when federal administrations and executive branch priorities change. For example, during the first Trump Presidential term (2017-2021), the administration removed key policy guidance and resources for the Equal Access Rule and Fair Housing from the HUD website.
- Enforcement resources to receive, respond to, and take action against shelters who violate federal laws are extremely limited and are handled on an individual complaint basis.
- There are no state or local laws in Maryland that codify homeless shelters must have non-discriminatory admissions practices, minimum operating standards, habitability standards, implement grievance and due process procedures, or provide supportive services. As a point of comparison, Maryland passed a law in 2017 requiring minimum standards of care for animal shelters.ⁱ

- Funding regulations and policy for federal, state, and local government-funded shelters can vary widely. While DHCD has adopted universal low-barrier and housing first requirements for all state-funded shelters, not all federal or locally-funded programs require shelters to implement these practices.
- Privately funded shelters operate with minimal to no oversight of their admissions practices or operations beyond basic local requirements for health, fire, and occupancy permits. They do not have to comply with nor participate in any proactive monitoring, compliance, or inspections of their shelter practices by any entity unless they are under a court order to do so.
- While federal homeless program laws and HUD program regulations establish minimum habitability standards and operating requirements to be eligible for funding, CoCs have significant discretion as to whether they adopt additional local standards and to what extent they monitor programs or enforce compliance. These factors are heavily influenced by the staffing capacity and funding a CoC has available (typically very limited), as well as the discretion of the CoC's board and committee membership. Typically, a large portion of the CoC board and committee membership is made up of the homeless services providers themselves. The self-governing nature of a CoC and its membership can sometimes create a potential or actual conflict of interest when it comes to adopting strong performance targets, standards of care, or taking corrective action against a non-compliant program.
- The CoC's legal or contractual right to require habitability standards, regulate program admissions, enforce program compliance, or reallocate funding due to policy violations is limited to only HUD and DHCD-funded homeless programs. CoCs cannot force other local homeless programs to comply with its requirements – including programs funded by local government, private or philanthropic sources, or other non-HUD federal homeless programs. The exception to this limitation is if the CoC lead agency is a state or local government and voluntarily chooses to cross-apply practices and policies adopted by the CoC's board to programs funded by those sources.

Key Federal and State Requirements Governing Homeless Shelters

Key: ✓ Major requirements, ~ Some limited requirements, — No requirements

	Fair Housing Act ⁱⁱ	Americans with Disabilities Act ⁱⁱⁱ	Section 504 ^{iv}	Violence Against Women Act ^v	HUD Funding Regulations ^{vi}	State Funding Regulations
Core Requirement	May not discriminate on the basis of race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status, disability	Shelters must not exclude or deny program benefits to people with disabilities, and shelters must meet physical accessibility standards	May not deny qualified individuals services on the basis of disability, must provide reasonable accommodations, and communicate effectively with individuals who have vision, hearing, or speech disabilities	Someone who has experienced domestic violence, dating violence, sexual assault, and/or stalking (VAWA violence/abuse) cannot be denied admission to or assistance because of the VAWA violence/abuse committed against them.	Continuum of Care Program, Emergency Solutions Grant, Equal Access Rule	Homelessness Solutions Program Policies
Applicability	All shelters except those operated by religious organizations and private clubs who limit occupancy to church members	All shelters except religious organizations that operate their own shelter (if a church rents space to an outside operator for a shelter, the operator must comply with ADA) ^{vii}	Federally-funded shelters (DHCD cross-applies to state funded shelters)	HUD-funded shelters (DHCD cross-applies to state funded shelters)	HUD-funded shelters (DHCD cross-applies to state funded shelters)	DHCD-funded shelters
Enforcement Entities	HUD, Civil/Human Rights Agencies, Maryland OAG, Judicial System (Civil Suit)	HUD, DHCD, CoCs, Maryland OAG, Civil/Human Rights Agencies	HUD, DHCD, CoCs, Maryland OAG, Civil/Human Rights Agencies	DOJ, HUD, DHCD, CoCs, Maryland OAG, Civil/Human Rights Agencies	HUD, DHCD, CoCs	DHCD, CoCs
Admissions	✓	✓	✓	✓	✓	✓
Operating Standards	—	~	—	—	✓	✓
Site & Habitability Standards	—	✓	—	—	✓	✓
Supportive Services	—	—	—	—	~	~
Grievance/Due Process	✓	✓	✓	✓	✓	✓
Reasonable Accommodations	—	✓	✓	—	✓	✓
Coordination of Care (HMIS and Coordinated Entry)	—	—	—	Domestic violence shelters prohibited from using HMIS	✓	✓

Shelter Types and Definitions

The term “homeless shelter” is broad and inclusive, and can be used to describe a variety of shelter models, facilities, and programs. For the purposes of this report and the proposed state homeless shelter certification process, the different types of homeless shelters are described below. Generally, a program would be considered a homeless shelter if the person being assisted:

- Is staying there temporarily, and
- Does not have a rental lease and/or does not have legal protections under regular federal, state, and local tenant laws for rental housing, and
- Does not pay rent

Year-Round Shelter – These are shelters that are open year-round and have residents occupying the shelter every night. The operation and capacity of these shelters can vary dramatically from program to program. The most robust emergency shelters offer a private bedroom and bathroom with reserved beds, 24-hour access, all meals, case management, and other supportive services. Alternatively, some shelters utilize a congregate dormitory style, are tiny homes or villages, may require first-come first-served access each night, may have curfews or daytime restrictions, may not offer meals, and may not have case management. Each shelter has individual rules regarding maximum length of stay.

Safe Haven – Safe Havens are a type of HUD-funded supportive shelter that provides 24-hour residence for homeless individuals with severe mental illness. These programs have an overnight capacity of 25 or fewer people and must offer private or semi-private accommodations. There is no maximum length of stay, though most individuals move directly into permanent supportive housing within 2 years. For the purposes of shelter certification, safe havens would be classified as a year-round shelter.

Transitional Shelter – Transitional programs typically provide accommodations for up to 2 years, though maximum time limits may vary. Transitional shelters usually provide more private and independent accommodations than an emergency shelter, such as an entire apartment or a house shared by 2-3 households. These shelters sometimes, but not always, have on-site supervision and meals provided. Programs typically include case management and supportive services. The type of facility can include apartments or single room occupancy in a single-site building, or regular houses in the community that the program rents or owns. The distinguishing factor for whether a transitional program would be considered a shelter versus housing is whether the participant has a rental lease that affords them all the typical rights and responsibilities of a tenant under the law. For the purposes of shelter certification, transitional shelters would be classified as a year-round shelter.

Medical Respite/Specialized Care Shelter – In addition to providing regular year-round emergency shelter, these programs also provide a higher level of care to meet the unique healthcare, personal care, activities of daily living, or mobility needs of shelter residents. For example, a medical respite shelter may have nurses on staff or visiting healthcare professionals to provide care post-hospital discharge to shelter residents. For the purposes of shelter certification, medical respite shelters would be classified as a year-round shelter.

Seasonal Emergency Shelter – These are shelter beds or whole facilities that open for an entire season or for a predetermined time period (such as November-February for cold weather). Typically, seasonal shelters are congregate or dorm-style shelters. Examples of seasonal shelters include local governments that open a school gym for nightly shelter beds in the winter season, or interfaith winter shelters that rotate church locations on a nightly or weekly basis. These shelters are typically only open at night and are available on a first-come first-serve basis, though every shelter is operated differently. Additionally, these shelters often are not able to provide case management or additional supportive services to residents given the time-limited nature. A

seasonal shelter would also include shelters that activate based on a temperature or weather condition but are not part of the county's emergency operations plan.

Disaster/Hazard/Mass Care Emergency Shelter – These are temporary shelters that are part of the county's emergency operations plan and open at a specific temperature designation, during inclement weather, or due to a natural disaster or hazard. These shelters are typically funded by local government or emergency management resources.

Motel-Based Shelter/Vouchers – Some communities supplement traditional shelter options with motel or hotel vouchers/contracts when shelters are full or a family has individual needs that make traditional shelter an unsafe or unviable option.

Guiding Principles for Shelter Certification

Stakeholder Engagement

- Implement informal advisory workgroup(s) to guide launch and ongoing annual revisions of the certification process, regulations, and shelter resident bill of rights. The advisory workgroup(s) shall include, at a minimum, representatives who are currently or recently experienced homelessness, homeless shelter operators, local governments, and Continuums of Care.
- Engage advisory workgroup(s) to receive feedback on draft regulations, draft application forms, organizational document requirements, and checklists for compliance prior to their implementation

Application and Approval Process

- Allow at least one year from the date regulations are adopted for shelters to apply and come into compliance
- Publish all final application forms, supporting document requirements, and checklists for compliance at least 9 months prior to application deadline
- Authorize administrative flexibilities for DHCD to waive certain regulations or extend compliance deadlines to shelters who have extenuating circumstances (example: a shelter operating in a building with a historic property designation may be unable to comply with certain physical site requirements or may need a longer timeline to come into compliance due to local approval processes for renovations).

Training and Technical Assistance

- Provide robust training and technical assistance resources to shelters ahead of implementation to achieve a high first-time pass rate
- Provide template forms and best practice/example policies and procedures to shelters for as many required application documents as possible
- Develop free, online, easy to access trainings for shelter staff and volunteers that can fulfill core training requirements

Regulations

- Adopted regulations should be central to ensuring shelters are safe, accessible, low-barrier, and non-discriminatory
- The state should be measured and strategic in adopting regulations that would require shelters to make significant new financial investments, by being selective in requirements and implementing a phase-in approach over a multi-year period (example: specific staff to client ratios, fire system installations, etc)

Recommendations: Shelter Certification Process

Shelter Certification Levels

DHCD proposes implementing a tiered system for homeless shelter certification that categorizes shelters according to the type, duration of stay, and number of people served. Hazard/Natural Disaster/Mass Care shelters that are included in the county's emergency operations plan are excluded from the shelter certification requirements and shelter regulations.

Class	Type of Shelter
Level 1	Year-Round Shelter
Level 2	Seasonal Shelter
Level 3	Motel/Hotel-Based Shelter
Level 4	Other Shelters

Implementation Timeline

The following timeline and milestones are contingent on the allocation of adequate staff positions in the FY26 and FY27 adopted state budgets.

Due to the large number of existing homeless shelters (nearly 200) that would need to be newly certified, a staggered approval process is recommended to ensure that shelter applications are processed efficiently, quality site visits and inspections can be conducted, technical assistance can be provided to shelters, and certifications are issued timely. A staggered initial approval timeline also ensures that future annual reports and certification renewals do not all fall within the same time period.

To accomplish this, DHCD would assign shelters in operation as of October 1, 2025 into cohorts and assign them corresponding application deadlines (no earlier than October 1, 2026). Homeless shelters included in the January 2025 HUD Housing Inventory Count would be notified in October 2025 of their assigned class and initial application cohort. Existing homeless shelters in operation as of October 1, 2026 will be notified of their classification and assigned a cohort and deadline to file the initial application for certification. Shelters may continue to operate without a certification until their initial application deadline, but must comply with all other regulations by the effective date.

Target Date	Milestone
April 2025	Maryland General Assembly Passes Shelter Certification Law
May 2025	Governor Signs Shelter Certification Law
June 2025	Finalize Draft COMAR Regulations
July-September 2025	COMAR Regulatory Review Process
October 2025	Effective Date for Shelter Certification Law COMAR Regulations Adopted Complete Classification of Existing Shelters into Levels and Assign Application Cohorts
January 2026	Publish Shelter Certification Website, Application Forms, Online Shelter Staff Training Modules, and Compliance Guidance

Target Date	Milestone
January-September 2026	Training and Technical Assistance for Shelters on New Regulations and Certification Process
October 1, 2026	Effective Date for Shelters to Comply with Regulations for Shelter Admissions, Habitability, Operations, Supportive Services, Care Coordination, and Grievances
October 2026	Cohort 1 Application Deadline
January 2027	Cohort 2 Application Deadline
April 2027	Cohort 3 Application Deadline
July 2027	Cohort 4 Application Deadline
October 2027	Cohort 5 Application Deadline
January 2028	Cohort 6 Application Deadline
April 2028	Cohort 7 Application Deadline
July 2028	Cohort 8 Application Deadline
Ongoing	Certified Shelters Submit Renewal Request at 2-Year Anniversary and Change in Operator/Location
Ongoing	Organizations Planning to Open a Class 1 or Class 2 shelter after October 1, 2026 may not start operations until they have submitted a new certification application and received state approval

Certification and Renewal Process

The following certification process and application requirements would apply to all shelters in all classes, unless otherwise noted. Seasonal shelters that utilize multiple buildings or locations on a rotating basis may submit one application that includes copies of relevant permits for each individual location.

For shelters that must temporarily relocate residents or operations due to an emergency habitability issue (ex: fire, plumbing, HVAC repairs), the shelter may operate in the temporary location for 7 days without the need to notify DHCD. After 7 days, the shelter must notify DHCD of the temporary relocation and anticipated timeline for returning to the certified location. If the estimated return timeframe exceeds 60 days, DHCD may require the shelter to provide proof of approved permits for health, fire, occupancy, lead, or other building approvals for the temporary space.

Component	Recommended Requirement
Applicant Organization	Must be the organization managing the day to day operations of the shelter and providing direct services. If the shelter is operating in a facility not owned by the organization, property owner must provide attestation as part of the application packet
Application and Renewal Certification Content	- Organizational Documents - Organization name, EIN, Unique Entity Identifier, location, key contacts, property owner information - Articles of Incorporation (nonprofit only) 501c3 Determination Letter (nonprofit only) - List of Board of Directors (nonprofit only) - Secretary of State Charity Registration (nonprofit only) - Maryland Certificate of Good Standing - Shelter staff organizational chart and schedule

Component	Recommended Requirement
	○ Shelter staff job descriptions ○ Operations budget for current year with list of funding sources and amounts ● Fiscal, Administrative, and Legal Documents ○ Copy of most recent Single Audit or 990 (nonprofit only) ○ Copy of health, fire, occupancy, and food service permits (except Level 3 shelters) ○ Copy of any additional permits or certifications required by local county/city (except Level 3 shelters) ○ Copy of lead certificate (except Level 3 shelters) ○ Copy of disability access and reasonable accommodations plan ○ Copy of language access plan ○ Copy of overdose prevention and reversal plan and documentation that overdose reversal drugs are in stock on site and available to staff (except Level 3 shelters) ○ Copy of hazard control, blood-borne pathogen, and contagious illness prevention and mitigation plan (except Level 3 shelters) ○ Copy of emergency transfer plan for survivors of domestic violence, dating violence, sexual assault, and stalking ○ Procedures for screening and training staff ○ Documentation of required staff training completion ○ Procedures for screening and training volunteers ○ Procedures and forms for resident intake, assessment, bed/room assignments, and recordkeeping ○ Signed HMIS participation agreement and proof of training from local Continuum of Care ○ Signed Coordinated Entry agreement and proof of training from local Continuum of Care ○ Procedures for staff HMIS and CES data entry ○ Policies and procedures for resident admissions, intake, discharge, and recordkeeping (including nondiscrimination requirements) ○ Policies and procedures for resident grievances ○ Policies and procedures for protecting resident confidentiality, privacy, and safety ○ Policies and procedures for ensuring safety and connection to specialized services for survivors of domestic violence, dating violence, sexual assault, and stalking ○ Policies and procedures for engaging shelter residents in program design, feedback, and continuous improvement ○ Copy of critical incident form and emergency plan procedures ○ Policies and procedures for shelter residents (aka “rights and responsibilities”) ○ Supportive services plan outlining the types of case management, meals, basic needs assistance, and other critical services that will be provided ○ Family shelters only: Copy of service/resource plan for pregnant and parenting individuals, infants, children ○ If separate from above documents, policies and procedures for resident medication management and safe storage, use of medical devices, pets,

Component	Recommended Requirement
	possessions/storage, hours of operation/curfew, provision of meals and other supportive services (except Level 3 shelters) • DHCD will conduct a scheduled on-site visit and inspection as part of the initial application and at the 2-year renewal (except Level 3 shelters). The visit will include meetings with key staff and organizational leaders. • DHCD will conduct unscheduled visits and inspection as necessary, either for routine quality monitoring or for cause
Application Fees	• Free
Approval Time	• DHCD provide determination within 60 days of initial application and recertification submissions (approval, conditional approval, or response outlining necessary revisions)
Duration of Certification	• Valid for 2 years from the date of issuance unless revoked or suspended
Interim Update Report	By the annual anniversary of most recent certification/renewal (off years): • List of governing board members, officers, and executive staff with contact information • Audit or audit review report and 990 for the last fiscal year • Operations budget for the current year • Verification of employee training completion • Agency self-evaluation
Renewal of Certification	• DHCD must notify the certified organization of the need to renew certification at least 120 days prior to expiration date • Shelter's completed renewal application must be on file at least 60 days before the expiration of the current certification (to ensure no lapse in certification) • If the shelter files the completed renewal application on time and as required, and DHCD is unable to redetermine the shelter's eligibility before the certification expires, DHCD may extend the expiration date for a period not to exceed 60 days.
Submission Method	• Maryland OneStop Portal or another electronic system to be developed by DHCD
Conditional Approvals	• DHCD's Secretary or designee may provide a conditional approval to a shelter that is deemed to meet most certification requirements but is unable to achieve compliance for good cause and the shelter has submitted evidence that they are making adequate progress in addressing the issue of noncompliance • As part of the conditional approval, DHCD may choose to enter into a corrective action plan or compliance agreement with the shelter

Component	Recommended Requirement
Suspension or Revocation of Certification	• Grounds for denial, suspension, or revocation include violation of the authorizing statute or adopted regulations, misrepresentations to DHCD, submission of false statements on a certification application • DHCD must provide reasons for denial, suspension, or revocation in writing to the shelter • DHCD will provide applicants an informal review if the shelter submits an appeal to the department • If DHCD and the shelter cannot reach a mutually agreed satisfactory resolution, Title 10 – Subtitle 2 of the State Government Article governs the appeal of a denial, revocation, or suspension
Sanctions/Fines	• If a shelter operates without a certification or in violation of regulations, DHCD may impose an administrative penalty not to exceed \$10,000 for each violation

Compliance Monitoring

Through onsite monitoring, DHCD can determine whether the provider's standards meet shelter certification requirements and can improve performance by providing guidance and information to help the provider meet and maintain shelter certification requirements. The specific purposes of monitoring are to:

- Ensure provider meets established health and safety standards.
 - Ensure residents' rights and confidentiality are maintained.
 - Verify staff training and qualifications meet established standards.
 - Ensure facilities meet all habitability standards.
 - Assess for fiscal management and accountability.
 - Confirm community engagement and partnership.
 - Validate the accuracy of information presented in the shelter certification documents/reports.
 - Ascertain the provider's ability to ensure that activities carried out by subcontractors (if applicable) meet certification requirements.
 - Verify the accuracy of the provider's records.
 - Identify apparent causes of any problem(s); and
 - Follow up on problems identified during the initial shelter certification process. If problem persists, provider may be placed on Management Improvement Plan (MIP) or Corrective Action Plan (CAP).
 - Identify and promote best practices
1. DHCD will conduct unscheduled site visits, inspections, and desk reviews of program files and documentation periodically between certification windows based on:
 - a. An annual risk assessment, OR
 - b. For cause, based on a complaint or grievance filed with DHCD
 2. Upon request, shelters shall allow DHCD staff unrestricted access to the shelter site, to speak with program staff, volunteers, or clients, or review program records and documentation.

3. DHCD will establish a centralized form and process to receive grievances, residential appeals, and complaints from individuals seeking shelter or residing in shelter who feel they have been discriminated against, believe a shelter is not operating in compliance with regulations, or have otherwise been denied their rights as outlined in the Shelter Resident Bill of Rights. This process provides the shelter and individuals with a systematic way of responding to and appealing case decisions or treatment for all shelter programs.
 - a. For shelters that receive funding through the Continuum of Care structure (federal and DHCD funds):
 - i. DHCD will provide a copy of the complaint to the shelter and the CoC for initial investigation and resolution directly with the individual (per current practices). If the complaint indicates concern for personal safety and/or retaliation, DHCD will not provide a copy to the shelter and will work directly with the CoC to investigate the complaint.
 - ii. The shelter and CoC will notify DHCD of the outcome of the grievance/complaint and whether the individual is choosing to appeal the determination.
 - b. For shelters that receive funding through local government only:
 - i. DHCD will provide a copy of the complaint to the shelter and the local government funder for initial investigation and resolution directly with the individual (per current practices). If the complaint indicates concern for personal safety and/or retaliation, DHCD will not provide a copy to the shelter and will work directly with the local government to investigate the complaint.
 - ii. The shelter and local government will notify DHCD of the outcome of the grievance/complaint and whether the individual is choosing to appeal the determination.
 - c. For shelters that are privately funded:
 - i. DHCD will investigate the grievance/complaint directly with the shelter

Recommendations: Shelter Standards

Admissions and Terminations

All requirements in this section apply to all homeless shelters.

Component	Recommended Requirement
Non-Discrimination	Shelters may not deny admission, terminate assistance, or refuse services on the basis of an individual's: 1. Race 2. Color 3. Religion 4. National Origin, Citizenship, or Immigration Status 5. Sex 6. Disability Status 7. Marital Status 8. Familial Status or Composition 9. Sexual Orientation 10. Gender Identity (actual or perceived) 11. Age 12. Criminal History, except in the case of a shelter serving minor children, in which case an individual who has been convicted of a sexual offense may be denied services 13. Current or past use of alcohol or illegal drugs, except an individual who is acting in a way that presents an immediate threat to the health, safety, or property of others 14. Lack of valid identification 15. Past or current experience of domestic violence, dating violence, sexual assault, and/or stalking
Family/Household Definition	• Any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, are considered to be a family and must be served together as such. Shelters cannot discriminate against a group of people presenting as a family based on the composition of the family (e.g., adults and children or just adults), the age of any family member, the disability status of any members of the family, or actual or perceived sexual orientation, gender identity, or marital status of the family members. A child who is temporarily away from the home because of placement in foster care is considered a member of the family. • Shelters may not require proof of marriage and may not limit assistance to couples based on sexual orientation. Ex: A shelter that serves families with children cannot deny a household because they have a boy child over a certain age.
Family Shelters	• A shelter may limit assistance to households with children. If they do, they may not limit assistance to one type of household with children (single women with child, two parent family with child).

Component	Recommended Requirement
Eligibility and Intake	• Shelters may not require proof of residency, proof of address, identification, proof of income, or background checks as a condition of shelter • Shelter staff may not ask individuals seeking shelter about medical conditions, mental health, substance use, or disability when determining eligibility for shelter enrollment (doing so puts shelters at high risk of violating Fair Housing Act, ADA, and Section 504 federal laws as well as state non-discrimination requirements) • Shelters may not require individuals to submit to drug or alcohol screenings as a condition of shelter, unless they are providing substance abuse treatment services • Shelter staff may not ask intrusive questions, such as questions about anatomy or prior medical care. Staff may not ask for documentary/physical/medical proof of gender identity. • Shelters must incorporate an assessment and safety plan into the intake process for people who have or are experiencing domestic violence, dating violence, sexual assault, and/or stalking • Shelters must provide a copy of the Maryland Shelter Resident Bill of Rights to each individual completing the shelter intake process
Bed/Room Assignments	• Shelters must serve all individuals in accordance with their self-determined gender identity. This includes shared sleeping quarters and shared bathing facilities. • Shelters may ask an individual what their gender identity and pronouns are to help determine bed and room assignments. • Shelters may not implement policies that isolate or segregate clients based upon gender identity (ex: having a separate room for people who are transgender). If a shelter has a gender-neutral option, it can be offered to the person, but the shelter cannot require that person to use gender-neutral facilities
Accessibility	• Shelters may not exclude or deny benefits or services to people with disabilities • Shelters must develop a disability access plan and language access plan for people with limited English proficiency in accordance with DHCD guidance. • Shelters must provide reasonable accommodations to individuals with disabilities in accordance with guidance to be developed by DHCD. A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy the shelter, including public and common use spaces, or to fulfill their program obligations.
Terminations	• Shelters may not permanently ban people for anything other than violence, harassment, or other criminal actions. • Shelter residents must be provided a minimum of 14 days notice of the shelter's intent to terminate services or give a bed to another individual. The shelter must provide notice in writing with the reasons for termination, instructions for appealing the termination (documented in the residential appeal process), and a copy of the Maryland Shelter Resident Bill of Rights. Exceptions to the advance notice requirement include: ○ Terminations for a current episode of violence, harassment, or other criminal actions ○ Past shelter terminations for an episode of violence, harassment, or other criminal actions. In these cases, the shelter must consider how long ago the

Component	Recommended Requirement
	incident occurred, steps the individual has taken to stabilize and/or change behavior, and severity/nature of the prior incident. In general, shelters should strive to have bans that last no longer than 30 days ○ Shelters may turn away individuals or implement a waitlist when they reach full capacity as outlined in their certification and/or occupancy permit ○ The individual has not resided in the shelter for at least 3 days and has not provided a reasonable explanation (ex: if the individual was admitted to the hospital for medical care and notified the shelter, they should not be terminated)

Shelter Operations

Component	Recommended Requirement	Shelter Classes
Staff Qualifications	- All shelter staff must complete a sex offender registry check and a CJIS criminal background check with fingerprinting before the first day of employment - Shelters must verify professional licenses for staff roles that typically require formal training, education, or certification, such as healthcare or counseling roles, to ensure residents receive competent and qualified care - Staff screenings must be recompleted annually - Staff must complete tuberculosis screening upon hiring and annually thereafter to prevent the spread of the disease among staff and residents.	1, 2, 3
Staff Training	All shelter staff must complete the following mandatory trainings within 30 days of their hire date: - Low-Barrier Shelter Best Practices* - Anti-Discrimination* - Privacy and Confidentiality, Data Security* - Disability Access and Accommodations* - Language Access and Accommodations* - Mandated Reporting for Child and Adult Abuse/Neglect* - Overdose Response and Prevention (including administration of naloxone/narcan)* - Safe practices and requirements for serving domestic violence, dating violence, sexual assault, and/or stalking survivors* - Infection and disease prevention and mitigation measures* - Non-Violent Crisis Intervention & De-Escalation (Basic) - Basic Life Support skills such as First Aid and CPR, use of automated external defibrillators, etc. - Emergency protocols for life, health, and safety situations such as fire, tornado, and evacuations All shelter staff must complete the following mandatory trainings within 90 days of their hire date: - Trauma-Informed Care - Motivational Interviewing (case management staff only) - Cultural Sensitivity Training for diversity and inclusion, communication across barriers, and addressing implicit bias* *For these topics, virtual on-demand training will be provided to all shelters by DHCD, at no cost	1, 2, 3
Volunteer Qualifications	- Volunteers serving at a family shelter with children must complete a sex offender registry check and CJIS criminal background check with fingerprinting before volunteering if they will have unsupervised or indirectly supervised contact with a child (regardless of number of hours/shifts) - Volunteers serving at a family shelter with children must complete a sex offender registry check and CJIS criminal background check with fingerprinting if they will have supervised contact with a child and volunteer more than 4 times a month	1, 2, 3

Component	Recommended Requirement	Shelter Classes
	- Volunteers serving at adult-only shelters must complete a criminal background check, through a process/scope determined by the shelter - Volunteer screenings must be recompleted annually - Shelters may establish stricter standards than the state minimums	
Volunteer Training	Shelters must provide volunteers with an orientation or training that is appropriate and specific to the work being performed. For example, if volunteers will be working in the kitchen and preparing food, they should receive basic training on hygiene and safe food handling practices.	1, 2, 3
Overdose Prevention	- Shelters must have an overdose prevention and response plan, and provide training to all staff - Shelters must have overdose prevention and response supplies, such as naloxone, located throughout the building in clearly marked and easily accessible locations to all individuals, not only staff	1, 2, 3
Environmental Hazards	Shelters must have a hazard control, blood-borne pathogen, and contagious illness prevention and mitigation plan	1, 2, 3
Storage & Possessions	- Shelters must offer secure storage of vital documents to all residents. - Shelters must offer secure storage for resident medication (including those requiring refrigeration). Individuals with emergency and life-saving medications (ex: epipens, rescue inhalers, etc) must be allowed to carry their medications on them or store them in their personal belongings. - Shelters must allow residents to bring and use medically necessary devices (ex: CPAP and BiPAP machines) - Shelters must provide reasonable space for the client to store and access their personal belongings	1, 2, 3
Family Shelters	- Shelters must designate a staff member who will support the coordination of McKinney-Vento educational rights and services for homeless students. The designee must attend virtual training provided by DHCD, advise families upon intake into the shelter of their educational rights, and connect the family to the McKinney-Vento liaison at their school of choice so they can be provided with appropriate supports as needed (school transfer, transportation, uniforms, etc). - Shelters must provide 24-hour access to a private, secure space that is not a bathroom or kitchen for individuals who are lactating or nursing to pump or feed their child. Shelters must provide safe, refrigerated storage options for milk and access to a kitchen or equivalent space to allow for cleaning and sterilization of pump parts, bottles, and other feeding accessories. - Shelters must provide safe, appropriate, and secure storage for formula, milk, or other feeding supplies for infants and toddlers - Shelters must provide a crib, bassinet, portable crib, play yard or other safe sleep bed for infants until they have reached at least 12 months of age	1, 2, 3
Low-Barrier Practices	Shelters may not charge residents fees or require they contribute SNAP, WIC, or other food assistance benefits for shelter use	1, 2, 3

Component	Recommended Requirement	Shelter Classes
	- Shelters may require residents to participate in case management meetings and as a condition of shelter - Shelters may not require participation in services, classes, or other activities as a condition of shelter - Shelters may not require an individual to receive substance abuse treatment or mental health treatment as a condition of shelter - Shelters may not require participation in religious services as a condition of receiving shelter. "Participation" includes requiring residents to attend a religious service, prayer, or other similar spiritual practice. Shelters may offer and provide voluntary religious services to residents. - Shelters must provide accommodations and flexibilities for curfews or attendance requirements for individuals who demonstrate good cause such as employment, education, significant family event, death/bereavement. Shelters may require residents to inform them of planned outings or schedule conflicts with resident policies.	1, 2, 3
Client Privacy and Confidentiality	- Shelters may not disclose information about residents or confirm the resident is residing at the shelter without a subpoena or court order from a law enforcement or judicial representative. Shelters may only disclose resident information to other organizations with the express written consent of the resident. - Shelters must make reasonable efforts waive or adjust program policies that would prevent a resident from completing required parole and probation activities and/or result in them being terminated from shelter	1, 2, 3
Service Animals	Shelters must allow service animals and may not separate the resident from their service animal. A service animal is a dog or other common domestic animal individually trained to do work for or perform tasks for the benefit of a qualified person with a disability. The "training" of a service animal need not be formal or professional, nor result in any special license or certification. Staff should not ask about the person's disability or ask that the animal demonstrate its ability to perform the work or task. Participants that require the assistance of a service animal are not required to provide any form of documentation.	1, 2, 3

Site and Habitability Standards

Component	Recommended Requirement	Shelter Classes
Structure and Materials	- The shelter building is structurally sound to protect the residents from the elements and not pose any threat to the health and safety of the residents. - The shelter was built after January 1, 1978 OR has documentation that the shelter building is lead-free and all Lead-Based Paint has been identified, removed, & clearance achieved.	1, 2, 3 1, 2

Component	Recommended Requirement	Shelter Classes
Access	The shelter is accessible in accordance with: • Section 504 of the Rehabilitation Act (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; • The Fair Housing Act (42 U.S.C. 3601 et seq.) and implementing regulations at 24 CFR part 100; and • Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) and 28 CFR part 35.	1, 2, 3
Space and Security	• The shelter provides each program participant with an acceptable place to sleep and adequate space and security for themselves and their belongings. • The shelter provides a pillow, linens, and blankets for each resident • Beds and individual sleeping areas are spaced a minimum of 6 feet apart if there is no partition, and 3 feet apart if there is a partition	1, 2
Interior Air Quality	• Each room or space within the shelter has a natural or mechanical means of ventilation. The interior air is free of pollutants at a level that might threaten or harm the health of residents. • The shelter provides residents with personal protective equipment such as masks upon request	1, 2, 3
Water Supply	• The shelter's water supply is free of contamination.	1, 2, 3
Sanitary Facilities	• Each program participant in the shelter has access to sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.	1, 2, 3
Thermal Environment	• The shelter has any necessary heating/cooling facilities in proper operating condition for the season and outside temperature.	1, 2, 3
Illumination and electricity	• The shelter has adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There are sufficient electrical sources to permit the safe use of electrical appliances in the shelter.	1, 2, 3
Food preparation	• The shelter has a valid food service permit issued by the Maryland Department of Health or local health department appropriate to the type of meals being served and kitchen facilities on site (if applicable) • Food preparation areas, if any, contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.	1, 2
Sanitary conditions	• The shelter is maintained in a sanitary condition and has established a regular cleaning schedule with appropriate products that sanitize and disinfect: ○ Clean high-touch surfaces regularly (for example, pens, counters, shopping carts, door handles, stair rails, elevator buttons, touchpads, restroom fixtures, and desks). Follow cleaning with an EPA-registered disinfecting product for high-traffic areas or where ill individuals have touched surfaces.	1, 2

Component	Recommended Requirement	Shelter Classes
	○ Clean other surfaces when they are visibly dirty. • Cleaning chemicals and other potentially hazardous materials are clearly labeled and kept in a secure location out of reach of children and animals. • The shelter has a pest prevention and treatment plan and there is no evidence of pests in the shelter	
Fire safety	• The shelter has a valid fire and occupancy permit from the local county • There is at least one working smoke detector in each occupied room of the shelter. Where possible, smoke detectors are located near sleeping areas. • All public areas of the shelter have at least one working smoke detector. • The fire alarm system is designed for hearing-impaired residents. • There is a second means of exiting the building in the event of fire or another emergency.	1, 2

Supportive Services

Component	Recommended Requirement	Shelter Classes
Case Management	Shelters must provide case management services to all residents at a 1:25 staff to client ratio, either directly through hired staff or through a contract/MOU with an external partner agency. Shelters must provide a plan for how case management services will be provided as part of the certification process. <i>Proposed Effective Date: October 1, 2027</i>	1
HMIS Participation	Shelters must complete an intake, annual update assessment, and exit assessment for each shelter resident and enter the data into the Homeless Management Information System (HMIS) in accordance with their Continuum of Care's local policies and procedures.	All
Coordinated Entry Participation	Shelters must complete a Coordinated Entry assessment with each shelter resident to ensure they are added to the community's housing prioritization list, in accordance with their Continuum of Care's local policies and procedures. <i>Proposed Effective Date: October 1, 2027</i>	1

Maryland Homeless Shelter Resident Bill of Rights

As someone who is seeking or receiving homeless shelter services, you have certain rights under Maryland state law. You have:

1. The right to not be discriminated against on the basis of your:
 - Race
 - Color
 - Religion
 - National Origin, Citizenship, or Immigration Status
 - Sex
 - Disability Status
 - Marital Status
 - Familial Status or Composition
 - Sexual Orientation
 - Gender Identity (actual or perceived)
 - Age
 - Criminal History, with the exception of individuals who have a sex offense and are seeking shelter in a family that serves children
 - Current or past use of alcohol or illegal drugs, with the exception of individuals who are actively threatening health, safety, or property of others
 - Lack of valid identification
2. The right to dignity and a caring environment free from abuse, mistreatment, neglect, and physical restraint
3. The right to a shelter environment that is safe, sanitary, and provides adequate private space to bathe, dress, and use the restroom
4. The right to confidentiality and protection of your personal information, and the right to receive copies of documentation and records that relate to your shelter stay
5. The right to exercise choice and autonomy in the types of voluntary services you are referred to and participate in
6. The right to receive information and services in a language you understand
7. The right to receive reasonable accommodations or bring a service animal into the shelter if you have a disability
8. The right to not pay fees for shelter services and retain your income and benefits for personal use
9. The right to participate in social, religious, and community activities
10. The right to be notified in writing at least 14 days in advance of your shelter's plan to terminate or end services, and the reasons why
11. The right to appeal a termination of services or file a grievance without fear of retaliation

If you need additional information about your rights, want a right explained to you, or want to file a complaint because you believe your rights have been violated, you may contact the **Maryland Department of Housing and Community Development, Division of Homeless Solutions**, at PHONE or WEBSITE

References

- ⁱ <https://mda.maryland.gov/vetboard/Documents/Shelter%20Regs%202019.pdf>
- ⁱⁱ https://www.hud.gov/program_offices/fair_housing_equal_opp
- ⁱⁱⁱ <https://archive.ada.gov/pcatoolkit/chap7shelterprog.htm>
- ^{iv} <https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf>
- ^v <https://www.hud.gov/vawa#close>
- ^{vi} <https://www.hudexchange.info/homelessness-assistance/coc-esg-virtual-binders/>
- ^{vii} <https://adata.org/factsheet/religious-entities-under-americans-disabilities-act>