



Montgomery County

Office of Intergovernmental Relations

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HB 93

DATE: February 4, 2025

SPONSOR: Chair, Environment and Transportation Committee (By Request - Departmental - Housing and Community Development)

ASSIGNED TO: Environment and Transportation Committee

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POSITION: FAVORABLE WITH AMENDMENTS (Department of Health and Human Services)

Housing and Community Development - Homeless Shelter Certification Program - Establishment

House Bill 93 would create a homeless shelter certification program within the Department of Housing and Community Development (DHCD). The program would require an owner or operator of a homeless shelter to apply for a certification from DHCD in order to use a building as a homeless shelter, and DHCD would certify a homeless shelter based on 1) the number of individuals served by the shelter; 2) the type and duration of the shelter provided; 3) the type and intensity of services provided by the shelter; 4) meeting the operational standards and minimum requirements listed in the bill at Housing and Community Development - Article 6-1404(B). The bill also mandates additional requirements for an operator of a homeless shelter such as participation in the homeless management information system and participation in the centralized or coordinated assessment system operated and administered by the local continuum of care. **Because of the potential impacts on the homeless shelter system in Montgomery County, the Montgomery County Department of Health and Human Services (MCDHHS) requests an amendment to the bill to allow a local Continuum of Care to be certified in lieu of homeless shelter providers in a local jurisdiction if certain criteria are met.**

MCDHHS currently oversees the operation of homeless shelters within the County, including by contracting with non-profit entities to operate homeless shelters, as well as implementing the County's Continuum of Care and coordinated entry process. The County holds the homeless shelter operators in the County to standards set by the U.S. Department of Housing and Urban Development (HUD) Collaborative Application for Continuum of Care, as well as to the County's building standards for permitting. These standards are very similar to those outlined in the bill that homeless shelter operators would be required to meet in order to be certified.

MCDHHS agrees with DHCD that homeless shelters should meet standards similar to those outlined in House Bill 93 and has been requiring homeless shelters to meet nearly identical standards through contracts and license agreements with homeless shelter operators for decades. However, the system of certification required by House Bill 93 presents challenges for the already well-functioning system of homeless shelter oversight in Montgomery County.

First, under House Bill 93, "homeless shelters" includes facilities that utilize hotels or motels for sleeping accommodations. MCDHHS utilizes hotels and motels when the homeless shelters in the County are filled to capacity. In these instances, hotel and motel rooms are provided to unhoused residents through contracts between the hotel/motel and the County and paid for using County funds. The hotels/motels do not provide homeless shelter services to MCDHHS' clients and solely operate as hotels/motels at which our unhoused clients stay as would any other patron. The bill language suggests that a hotel/motel would need to be certified in these circumstances despite the fact that hotels/motels

are not operating homeless shelters and do not provide shelter services.

Second, MCDHHS operates its coordinated entry process and continuum of care to meet HUD standards; the County's HUD-approved plan for shelter utilization does not include a priority hierarchy. If a County resident demonstrates a need for shelter, MCDHHS provides an appropriate form of shelter without prioritization of the applicants. This coordinated entry process facilitated by the local continuum of care could be disrupted if section 6-1405(C) of the bill were enacted as currently written. This section may require shelter operators in the County to participate in an assessment system which would differ from the current utilization of coordinated entry. If the assessment system required a prioritization of clients seeking shelter, it would fundamentally alter Montgomery County's approach to providing shelter to its residents.

Third, the bill would benefit from clarifying which entities are homeless shelter operators for the purpose of identifying which entities would need to apply for certification and for understanding when a certification may need to be obtained. For example, under the bill, if a non-profit service provider who is contracted with MCDHHS to provide homeless shelter services leases a building from another non-profit, which entity is "operating" the homeless shelter? Is it MCDHHS, the funder, contractor, and overseeing entity of the homeless shelter system in the County? Is it the non-profit that provides the shelter services? Is it the non-profit that owns the building that is leased to the shelter services provider? What if a service provider operates shelters in more than one physical space- would each building need to be certified? All of these entities could be construed to require certification under the bill as drafted, which presents a challenge for continuity of services if the service provider is replaced by a different provider in the RFP process, or if the shelter moves its physical space to a different building.

For these reasons, MCDHHS suggests amendments to the bill which would **allow a local continuum of care to be certified by DHCD as meeting standards set by the Department in lieu of requiring each homeless shelter operator in the County to be certified.** If a local continuum of care can demonstrate that it provides adequate oversight of all homeless shelters and homeless shelter service providers in the jurisdiction, the Department would be able to meet the goals of House Bill 93 without dismantling a homeless shelter system that is working well in Montgomery County.

MCDHHS respectfully urges the committee to issue a favorable report on House Bill 93 with the amendments on the following page.

AMENDMENTS TO HOUSE BILL 93
(First Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 20, after “(.)” insert “**(F) THIS SECTION DOES NOT APPLY IF A LOCAL CONTINUUM OF CARE HAS BEEN CERTIFIED BY THE DEPARTMENT.**”.

AMENDMENT NO. 2

On page 9, after line 14, insert “**6-1409. (A) THE DEPARTMENT SHALL OPERATE A CERTIFICATION PROGRAM FOR CONTINUUMS OF CARE. (B) A BUILDING MAY NOT BE USED AS A HOMELESS SHELTER UNLESS THE CONTINUUM OF CARE HAS BEEN CERTIFIED IN ACCORDANCE WITH THIS SUBTITLE. (C) AN CONTINUUM OF CARE MAY APPLY TO THE DEPARTMENT FOR A CERTIFICATION TO PROVIDE FUNDING TO HOMELESS SHELTERS IN THE LOCAL JURISDICTION ON A FORM THAT THE DEPARTMENT PROVIDES. (D) CERTIFICATION HOLDERS ARE SUBJECT TO A RECERTIFICATION PROCESS EVERY 2 YEARS, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.**

6-1410. AN APPLICATION FOR A CERTIFICATION SHALL INCLUDE: (1) A DEMONSTRATION OF ADHERENCE BY THE CONTINUUM OF CARE TO STANDARDS ADOPTED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND (2) ANY OTHER DOCUMENTATION OR INFORMATION REQUIRED BY THE DEPARTMENT IN REGULATION.

6-1411. (A) FOR CAUSE, THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A CONTINUUM OF CARE CERTIFICATION ISSUED UNDER THIS SUBTITLE. (B) GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION INCLUDE: (1) VIOLATION OF THIS SUBTITLE; (2) VIOLATION OF A REGULATION ADOPTED UNDER THIS SUBTITLE; (3) MISREPRESENTATION TO THE DEPARTMENT; AND (4) SUBMISSION OF A FALSE STATEMENT ON A CERTIFICATION. (C) THE DEPARTMENT SHALL SET FORTH IN WRITING ITS REASONS FOR DENIAL, SUSPENSION, OR REVOCATION. (D) TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE GOVERNS THE APPEAL OF A DENIAL, REVOCATION, OR SUSPENSION.”