

HOUSE BILL 134

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By: **Chair, Appropriations Committee and Chair, Environment and Transportation Committee (By Request – Departmental – Human Resources)**

Introduced and read first time: January 18, 2017

Assigned to: Appropriations and Environment and Transportation

Committee Report: Favorable

House action: Adopted

Read second time: March 10, 2017

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of transferring certain responsibilities relating to the Interagency Council
5 on Homelessness and the Homeless Women – Crisis Shelter Home Program from the
6 Department of Human Resources to the Department of Housing and Community
7 Development; making technical corrections; providing for the transfer of the
8 functions, powers, and duties of the Bureau of Homeless Services on a certain date;
9 providing for the transfer of certain employees to the Department of Housing and
10 Community Development without diminution of certain rights, benefits, or
11 employment or retirement status; providing that this Act may not be construed to
12 diminish certain powers or duties of the Department of Human Resources; providing
13 for the continuity of the terms of certain officials; providing for the transfer of certain
14 records, credits, assets, liabilities, obligations, rights, privileges, and appropriations
15 to the Department of Housing and Community Development on a certain date;
16 providing for the continuity of the status of certain laws, regulations, standards,
17 guidelines, policies, orders, directives, forms, plans, memberships, contracts,
18 property, investigations, rights, duties, and responsibilities; requiring the
19 Interagency Council on Homelessness to appoint a certain transition team; providing
20 for the membership and chair of the transition team; requiring the transition team
21 to provide a certain evaluation and recommendations on or before a certain date to
22 the Secretary of Housing and Community Development and the Joint Committee on
23 Ending Homelessness; requiring the publisher of the Annotated Code of Maryland,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 in consultation with and subject to the approval of the Department of Legislative
 2 Services, to correct any cross–references or terminology rendered incorrect by certain
 3 Acts and to describe any such corrections in an editor’s note following the section
 4 affected; providing for the termination of certain provisions of this Act; and generally
 5 relating to homelessness and supportive services.

6 BY transferring

7 Article – Human Services

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

11 Annotated Code of Maryland

12 (2007 Volume and 2016 Supplement)

13 to be

14 Article – Housing and Community Development

15 Section 4–2101 through 4–2108, respectively, and the subtitle “Subtitle 21.
 16 Interagency Council on Homelessness”; and 4–2201 through 4–2209,
 17 respectively, and the subtitle “Subtitle 22. Homeless Women – Crisis Shelter
 18 Home Program”

19 Annotated Code of Maryland

20 (2006 Volume and 2016 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – Housing and Community Development

23 Section 4–2101, 4–2103, 4–2201, and 4–2208

24 Annotated Code of Maryland

25 (2006 Volume and 2016 Supplement)

26 (As enacted by Section 1 of this Act)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 28 That Section(s) 6–417 through 6–424, respectively, and the part “Part III. Interagency
 29 Council on Homelessness”; and 6–430 through 6–438, respectively, and the part “Part IV.
 30 Homeless Women – Crisis Shelter Home Program” of Article – Human Services of the
 31 Annotated Code of Maryland be transferred to be Section(s) 4–2101 through 4–2108,
 32 respectively, and the subtitle “Subtitle 21. Interagency Council on Homelessness”; and
 33 4–2201 through 4–2209, respectively, and the subtitle “Subtitle 22. Homeless
 34 Women – Crisis Shelter Home Program” of Article – Housing and Community Development
 35 of the Annotated Code of Maryland.

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

38 **Article – Housing and Community Development**

39 4–2101.

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

1 (b) "Continuum of Care" means a regional or local planning body that coordinates
2 housing and services funding for homeless families and individuals.

3 (c) "Council" means the Interagency Council on Homelessness.

4 4-2103.

5 (a) The Council consists of the following members:

6 (1) the Secretary of Aging, or the Secretary's designee;

7 (2) the Secretary of Budget and Management, or the Secretary's designee;

8 (3) the Secretary of Health and Mental Hygiene, or the Secretary's
9 designee;

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

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

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

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

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

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

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

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

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

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

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

25 (ii) three representatives of local Continuums of Care;

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

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

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

7 4–2201.

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

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

11 (c) “Program” means the Homeless Women – Crisis Shelter Home Program.

12 4–2208.

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

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

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

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

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

33 **SECTION 7. AND BE IT FURTHER ENACTED,** That all of the records, credits,
34 assets, liabilities, obligations, rights, and privileges held by the Department of Human

1 Resources solely to carry out the responsibilities, authority, and functions transferred
2 under this Act shall be transferred to the Department of Housing and Community
3 Development on the effective date of this Act.

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

12 SECTION 9. AND BE IT FURTHER ENACTED, That all appropriations, including
13 State and federal funds, held by the Department of Human Resources to carry out the
14 exclusive functions of the Bureau of Homeless Services or any other program transferred
15 under this Act shall be transferred to the Department of Housing and Community
16 Development on the effective date of this Act.

17 SECTION 10. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.