

# 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

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## A BILL ENTITLED

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,  
24 in consultation with and subject to the approval of the Department of Legislative  
25 Services, to correct any cross-references or terminology rendered incorrect by certain  
26 Acts and to describe any such corrections in an editor's note following the section  
27 affected; providing for the termination of certain provisions of this Act; and generally  
28 relating to homelessness and supportive services.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY transferring  
 2 Article – Human Services  
 3 Section 6–417 through 6–424, respectively, and the part “Part III. Interagency  
 4 Council on Homelessness”; and 6–430 through 6–438, respectively, and the  
 5 part “Part IV. Homeless Women – Crisis Shelter Home Program”  
 6 Annotated Code of Maryland  
 7 (2007 Volume and 2016 Supplement)  
 8 to be  
 9 Article – Housing and Community Development  
 10 Section 4–2101 through 4–2108, respectively, and the subtitle “Subtitle 21.  
 11 Interagency Council on Homelessness”; and 4–2201 through 4–2209,  
 12 respectively, and the subtitle “Subtitle 22. Homeless Women – Crisis Shelter  
 13 Home Program”  
 14 Annotated Code of Maryland  
 15 (2006 Volume and 2016 Supplement)
- 16 BY repealing and reenacting, with amendments,  
 17 Article – Housing and Community Development  
 18 Section 4–2101, 4–2103, 4–2201, and 4–2208  
 19 Annotated Code of Maryland  
 20 (2006 Volume and 2016 Supplement)  
 21 (As enacted by Section 1 of this Act)

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

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

33 **Article – Housing and Community Development**

34 4–2101.

- 35 (a) In this [part] SUBTITLE the following words have the meanings indicated.
- 36 (b) “Continuum of Care” means a regional or local planning body that coordinates  
 37 housing and services funding for homeless families and individuals.
- 38 (c) “Council” means the Interagency Council on Homelessness.

1 4-2103.

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

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

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

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

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

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

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

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

14 (8) the State Superintendent of Schools, or the State Superintendent's  
15 designee;

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

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

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

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

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

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

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

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

26 (iv) one community representative who has personally experienced  
27 homelessness.

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

1 4-2201.

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

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

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

6 4-2208.

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

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

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

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

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

27 **SECTION 7. AND BE IT FURTHER ENACTED**, That all of the records, credits,  
28 assets, liabilities, obligations, rights, and privileges held by the Department of Human  
29 Resources solely to carry out the responsibilities, authority, and functions transferred  
30 under this Act shall be transferred to the Department of Housing and Community  
31 Development on the effective date of this Act.

32 **SECTION 8. AND BE IT FURTHER ENACTED**, That, except as otherwise provided  
33 by law, all existing laws, regulations, proposed regulations, standards and guidelines,  
34 policies, orders and other directives, forms, plans, memberships, contracts, property,  
35 investigations, administrative and judicial responsibilities, rights to sue and be sued, and

1 all other duties and responsibilities associated with the functions of the Bureau of Homeless  
2 Services and the programs that are the subject of this Act prior to the effective date of this  
3 Act shall continue in effect under the Department of Housing and Community Development  
4 until completed, withdrawn, canceled, modified, or otherwise changed under the law.

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

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

11 (1) the Interagency Council on Homelessness shall appoint a Bureau of  
12 Homeless Services Transition Team composed of the Chair to the Interagency Council on  
13 Homelessness, one representative of the Department of Human Resources, one  
14 representative of a local administering agency appointed by the Department of Human  
15 Resources, one representative of a local administering agency appointed by the Department  
16 of Housing and Community Development, and one representative of a local Continuum of  
17 Care appointed by the Interagency Council on Homelessness;

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

20 (3) on or before December 1, 2018, the Bureau of Homeless Services  
21 Transition Team shall provide to the Secretary of Housing and Community Development  
22 and, in accordance with § 2–1246 of the State Government Article, the Joint Committee on  
23 Ending Homelessness an evaluation of homeless services transferred from the Department  
24 of Human Resources to the Department of Housing and Community Development in  
25 accordance with the provisions of this Act, and recommendations to ensure the effective  
26 delivery of homeless services within each local jurisdiction.

27 SECTION 11. AND BE IT FURTHER ENACTED, That the publisher of the  
28 Annotated Code of Maryland, in consultation with and subject to the approval of the  
29 Department of Legislative Services, shall correct, with no further action required by the  
30 General Assembly, cross–references and terminology rendered incorrect by this Act or any  
31 other Act of the General Assembly of 2017 that affects provisions enacted by this Act. The  
32 publisher shall adequately describe any such corrections in an editor’s note following the  
33 section affected.

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