

SENATE BILL 1107

C9

(4lr3061)

ENROLLED BILL

— Education, Energy, and the Environment/Environment and Transportation —

Introduced by Senators M. Washington, Elfreth, Hettleman, and Gile

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Department of Housing and Community Development – Homeless Shelter~~
3 ~~Licensing Program – Establishment~~

4 Housing and Community Development – Study on the Establishment of a
5 Homeless Shelter Licensing Program

6 FOR the purpose of establishing ~~a homeless shelter licensing program in the Department~~
7 ~~of Housing and Community Development; requiring the Department to develop~~
8 ~~certain operational and building standards for homeless shelters and minimum~~
9 ~~standards for the protection of the rights of shelter residents; and generally relating~~
10 ~~to the licensing of homeless shelters~~ the Study on the Establishment of a Homeless
11 Shelter Licensing Program in the Department of Housing and Community
12 Development; and generally relating to the Study on the Establishment of a
13 Homeless Shelter Licensing Program in the Department of Housing and Community
14 Development.

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.

Italics indicate opposite chamber/conference committee amendments.



~~BY adding to~~

~~Article — Housing and Community Development~~

~~Section 6-1201 through 6-1207 to be under the new subtitle “Subtitle 12. Homeless Shelter Licensing Program”~~

~~Annotated Code of Maryland~~

~~(2019 Replacement Volume and 2023 Supplement)~~

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,~~

~~That the Laws of Maryland read as follows:~~

~~Article — Housing and Community Development~~

~~SUBTITLE 12. HOMELESS SHELTER LICENSING PROGRAM.~~

~~6-1201.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) “HOMELESS INDIVIDUAL” MEANS AN INDIVIDUAL MEETING THE DEFINITION UNDER 42 U.S.C. § 11302.~~

~~(C) (1) “HOMELESS SHELTER” MEANS A FACILITY ESTABLISHED AND OPERATED FOR THE PURPOSE OF PROVIDING TEMPORARY SHELTER, RESIDENTIAL CARE, SUPERVISION, INFORMATION, AND REFERRAL SERVICES TO HOMELESS INDIVIDUALS WHO ARE IN NEED OF TEMPORARY ACCOMMODATIONS, SUPERVISION, AND SERVICES.~~

~~(2) “HOMELESS SHELTER” DOES NOT INCLUDE A TEMPORARY SHELTER CREATED TO RESPOND TO A DISASTER OR OTHER LARGE-SCALE, EMERGENCY SHELTERING NEED.~~

~~(D) “LICENSE” MEANS A HOMELESS SHELTER LICENSE ISSUED BY THE DEPARTMENT UNDER THIS SUBTITLE.~~

~~(E) “SHELTER RESIDENT” MEANS AN INDIVIDUAL WHO HAS COMPLETED INTAKE PROCEDURES AND WHO WILL BE RESIDING AT A HOMELESS SHELTER OVERNIGHT FOR ONE OR MORE NIGHTS.~~

~~6-1202.~~

~~(A) THE DEPARTMENT SHALL OPERATE A LICENSING PROGRAM FOR HOMELESS SHELTERS.~~

1 ~~(B) A BUILDING MAY NOT BE USED AS A HOMELESS SHELTER UNLESS THE~~
2 ~~OWNER AND ANY OPERATOR OF THE BUILDING HAS BEEN LICENSED IN~~
3 ~~ACCORDANCE WITH THIS SUBTITLE.~~

4 ~~(C) AN OWNER AND ANY OPERATOR OF A HOMELESS SHELTER SHALL APPLY~~
5 ~~TO THE DEPARTMENT FOR A LICENSE TO USE A BUILDING AS A HOMELESS SHELTER~~
6 ~~ON A FORM THAT THE DEPARTMENT PROVIDES.~~

7 ~~(D) ON REQUEST OF THE DEPARTMENT, A LICENSE HOLDER SHALL ALLOW~~
8 ~~THE DEPARTMENT IMMEDIATE ACCESS TO INSPECT THE PREMISES AND INTERIOR~~
9 ~~OF A BUILDING USED AS A HOMELESS SHELTER, BOTH FOR ROUTINE MONITORING~~
10 ~~AND UNSCHEDULED INSPECTIONS.~~

11 ~~(E) LICENSE HOLDERS SHALL BE SUBJECT TO A RELICENSING PROCESS~~
12 ~~EVERY 2 YEARS, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE~~
13 ~~DEPARTMENT.~~

14 ~~6-1203.~~

15 ~~THE APPLICATION FOR A LICENSE SHALL INCLUDE:~~

16 ~~(1) A DEMONSTRATION OF ADHERENCE BY THE OWNER AND ANY~~
17 ~~OPERATOR OF THE HOMELESS SHELTER TO THE OPERATIONAL STANDARDS AND~~
18 ~~BUILDING STANDARDS ADOPTED BY THE DEPARTMENT UNDER § 6-1204 OF THIS~~
19 ~~SUBTITLE; AND~~

20 ~~(2) ANY OTHER INFORMATION OR DOCUMENTATION REQUIRED BY~~
21 ~~THE DEPARTMENT IN REGULATION.~~

22 ~~6-1204.~~

23 ~~(A) THE DEPARTMENT SHALL DEVELOP OPERATIONAL STANDARDS FOR~~
24 ~~HOMELESS SHELTERS THAT INCLUDE, AT A MINIMUM, STANDARDS FOR:~~

25 ~~(1) ORGANIZATIONAL INCORPORATION AND GOVERNANCE~~
26 ~~DOCUMENTS;~~

27 ~~(2) FISCAL, ADMINISTRATIVE, AND LEGAL DOCUMENTS;~~

28 ~~(3) THE NUMBER AND DUTIES OF PAID STAFF MEMBERS;~~

29 ~~(4) PROCEDURES FOR VETTING VOLUNTEERS AND PAID STAFF~~
30 ~~MEMBERS;~~

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1 ~~(5) STAFF TRAINING AND DEVELOPMENT PLANS;~~

2 ~~(6) CLIENT INFORMATION COLLECTION AND TRACKING PROCESSES;~~

3 ~~(7) ADMISSIONS POLICIES AND PROCEDURES;~~

4 ~~(8) DISCHARGE POLICIES AND PROCEDURES;~~

5 ~~(9) GRIEVANCE POLICIES AND PROCEDURES;~~

6 ~~(10) THE PROTECTION OF SHELTER RESIDENTS' RIGHTS AS DEFINED~~
7 ~~BY THE DEPARTMENT IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION;~~

8 ~~(11) THE PROVISION OF OR ACCESS TO SUPPORTIVE SERVICES;~~

9 ~~(12) THE VISITATION OF RESIDENTS BY GUESTS AND EXTERNAL~~
10 ~~SERVICE PROVIDERS AT DESIGNATED TIMES;~~

11 ~~(13) RULES AND REGULATIONS THAT RESIDENTS MUST COMPLY WITH;~~

12 ~~(14) EMERGENCY PROCEDURES;~~

13 ~~(15) INFECTION CONTROL AND PREVENTION POLICIES AND~~
14 ~~PROCEDURES; AND~~

15 ~~(16) POLICIES THAT AFFIRM THAT THE HOMELESS SHELTER MAY NOT~~
16 ~~DISCRIMINATE ON THE BASIS OF RACE, COLOR, RELIGION, ANCESTRY OR NATIONAL~~
17 ~~ORIGIN, SEX, AGE, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY,~~
18 ~~DISABILITY, OR GENETIC INFORMATION.~~

19 ~~(B) THE DEPARTMENT SHALL ADOPT BUILDING STANDARDS FOR~~
20 ~~HOMELESS SHELTERS THAT INCLUDE, AT A MINIMUM, STANDARDS FOR:~~

21 ~~(1) THE MINIMUM SQUARE FOOTAGE PER BED;~~

22 ~~(2) ACCESS TO SECURE STORAGE;~~

23 ~~(3) SUFFICIENT NUMBERS AND LOCATIONS OF POINTS OF EGRESS;~~

24 ~~(4) SUFFICIENT FIRE AND CARBON MONOXIDE DETECTORS AND FIRE~~
25 ~~SUPPRESSION SYSTEMS;~~

26 ~~(5) ADEQUATE HEATING AND COOLING SYSTEMS;~~

1 ~~(6) STRUCTURAL MATERIALS AND BUILDING STABILITY;~~

2 ~~(7) SUFFICIENT ACCESS AND ACCESSIBILITY FEATURES FOR~~
3 ~~DISABLED INDIVIDUALS;~~

4 ~~(8) ADEQUATE SLEEPING AREAS AND FURNISHINGS;~~

5 ~~(9) A CONTAMINANT-FREE WATER SUPPLY;~~

6 ~~(10) SUFFICIENT SANITARY AND PERSONAL HYGIENE FACILITIES;~~

7 ~~(11) ILLUMINATION AND ELECTRICITY SYSTEMS;~~

8 ~~(12) FOOD PREPARATION FACILITIES OR AREAS;~~

9 ~~(13) LEAD-BASED PAINT AND ASBESTOS;~~

10 ~~(14) SUFFICIENT SPACES AND MATERIALS NECESSARY FOR INFANT~~
11 ~~AND TODDLER CARE, INCLUDING DESIGNATED LACTATION ROOMS;~~

12 ~~(15) COMPLIANCE WITH LOCAL BUILDING AND PROPERTY~~
13 ~~MAINTENANCE CODES, WHERE APPLICABLE; AND~~

14 ~~(16) COMPLIANCE WITH THE FEDERAL AMERICANS WITH~~
15 ~~DISABILITIES ACT.~~

16 ~~(C) THE DEPARTMENT SHALL DEVELOP MINIMUM STANDARDS FOR THE~~
17 ~~PROTECTION OF THE RIGHTS OF SHELTER RESIDENTS.~~

18 ~~6-1205.~~

19 ~~(A) FOR CAUSE, THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A~~
20 ~~LICENSE ISSUED UNDER THIS SUBTITLE.~~

21 ~~(B) (1) GROUNDS FOR A DENIAL, SUSPENSION, OR REVOCATION~~
22 ~~INCLUDE:~~

23 ~~(I) VIOLATION OF THIS SUBTITLE;~~

24 ~~(II) VIOLATION OF A REGULATION ADOPTED UNDER THIS~~
25 ~~SUBTITLE;~~

26 ~~(III) MISREPRESENTATION; AND~~

~~(IV) SUBMISSION OF A FALSE STATEMENT ON A LICENSE APPLICATION.~~

~~(2) THE DEPARTMENT SHALL SET FORTH IN WRITING ITS REASONS FOR A DENIAL, SUSPENSION, OR REVOCATION.~~

~~(C) TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE GOVERNS THE APPEAL OF A DENIAL, REVOCATION, OR SUSPENSION.~~

~~6-1206.~~

~~THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.~~

~~6-1207.~~

~~(A) (1) IN ADDITION TO THE PENALTIES PROVIDED IN § 6-1205 OF THIS SUBTITLE, A PERSON THAT OPERATES A HOMELESS SHELTER WITHOUT A LICENSE OR IN VIOLATION OF REGULATIONS ADOPTED UNDER THIS SUBTITLE IS SUBJECT TO AN ADMINISTRATIVE PENALTY NOT TO EXCEED \$10,000 FOR EACH VIOLATION.~~

~~(2) IN SETTING THE AMOUNT OF AN ADMINISTRATIVE PENALTY UNDER THIS SECTION, THE DEPARTMENT SHALL CONSIDER FACTORS INCLUDING THE NATURE, NUMBER, AND SERIOUSNESS OF THE VIOLATIONS.~~

~~(B) (1) IF AN ADMINISTRATIVE PENALTY IS IMPOSED UNDER THIS SECTION, THE DEPARTMENT SHALL ISSUE AN ORDER THAT STATES:~~

~~(I) THE BASIS ON WHICH THE ORDER IS MADE;~~

~~(II) THE AMOUNT OF THE ADMINISTRATIVE PENALTY IMPOSED;~~

~~AND~~

~~(III) THE MANNER IN WHICH THE AMOUNT OF THE ADMINISTRATIVE PENALTY WAS CALCULATED.~~

~~(2) A PERSON SUBJECT TO AN ORDER IMPOSING AN ADMINISTRATIVE PENALTY UNDER THIS SECTION SHALL HAVE THE RIGHT TO APPEAL THE ORDER IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.~~

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND.

2 That:

3 (a) There is a Study on the Establishment of a Homeless Shelter Licensing
4 Program in the Department of Housing and Community Development.

5 (b) The Department of Housing and Community Development shall hire one new
6 full-time permanent employee to conduct the Study, in consultation with political
7 subdivisions.

8 (c) The Study shall:

9 (1) review current habitability and admission standards of homeless
10 shelters in the State;

11 (2) recommend a basic habitability and admission standard for homeless
12 shelters in the State; and

13 (3) recommend a plan to establish a program within the Department of
14 Housing and Community Development to license homeless shelters in the State.

15 (d) On or before July 1, 2025, the Study shall report its findings and
16 recommendations to the Assistant Secretary of the Homeless Solutions Division of the
17 Department of Housing and Community Development and, in accordance with § 2-1257 of
18 the State Government Article, the Senate Committee on Education, Energy, and the
19 Environment and the House Environment and Transportation Committee.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2024. It shall remain effective for a period of 1 year and 1 month and, at the end of July
22 31, 2025, this Act, with no further action required by the General Assembly, shall be
23 abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.