

HOUSE BILL 93

C9
SB 1107/24 – EEE

(PRE-FILED)

5lr0136
CF SB 234

By: **Chair, Environment and Transportation Committee (By Request –
Departmental – Housing and Community Development)**

Requested: October 4, 2024

Introduced and read first time: January 8, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Housing and Community Development – Homeless Shelter Certification**
3 **Program – Establishment**

4 FOR the purpose of establishing a homeless shelter certification program in the
5 Department of Housing and Community Development; requiring the Department to
6 develop certain operational and building standards for homeless shelters and
7 minimum standards for the protection of the rights of shelter residents; requiring
8 the operator of a homeless shelter to participate in a certain Homeless Management
9 Information System; and generally relating to the certification of homeless shelters.

10 BY adding to

11 Article – Housing and Community Development

12 Section 6–1401 through 6–1408 to be under the new subtitle “Subtitle 14. Homeless
13 Shelter Certification Program”

14 Annotated Code of Maryland

15 (2019 Replacement Volume and 2024 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Housing and Community Development**

19 **SUBTITLE 14. HOMELESS SHELTER CERTIFICATION PROGRAM.**

20 **6–1401.**

21 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (B) "CENTRALIZED OR COORDINATED ASSESSMENT SYSTEM" MEANS A
2 CENTRALIZED OR COORDINATED PROCESS, OPERATED BY A CONTINUUM OF CARE,
3 DESIGNED TO COORDINATE PROGRAM PARTICIPANT INTAKE ASSESSMENT AND
4 PROVISION OF REFERRALS.

5 (C) "CERTIFICATION" MEANS A HOMELESS SHELTER CERTIFICATION
6 ISSUED BY THE DEPARTMENT UNDER THIS SUBTITLE.

7 (D) "CONTINUUM OF CARE" MEANS A REGIONAL OR LOCAL PLANNING BODY
8 THAT COORDINATES HOUSING AND SERVICES FUNDING FOR HOMELESS FAMILIES
9 AND INDIVIDUALS.

10 (E) "GENDER IDENTITY" MEANS THE GENDER WITH WHICH AN INDIVIDUAL
11 IDENTIFIES, REGARDLESS OF THE GENDER ASSIGNED TO THAT INDIVIDUAL AT
12 BIRTH OR IDENTIFIED IN DOCUMENTS.

13 (F) "HOMELESS INDIVIDUAL" HAS THE MEANING STATED IN 24 U.S.C. §
14 11302.

15 (G) "HOMELESS MANAGEMENT INFORMATION SYSTEM" MEANS THE
16 INFORMATION SYSTEM DESIGNATED BY A CONTINUUM OF CARE TO COMPLY WITH
17 THE RELEVANT REQUIREMENTS PRESCRIBED BY THE U.S. DEPARTMENT OF
18 HOUSING AND URBAN DEVELOPMENT.

19 (H) (1) "HOMELESS SHELTER" MEANS A FACILITY THAT IS OPERATED
20 FOR THE PRIMARY PURPOSE OF PROVIDING TEMPORARY OVERNIGHT SLEEPING
21 ACCOMMODATIONS, MEALS, BASIC NEEDS ASSISTANCE, AND SUPPORTIVE SERVICES
22 FOR CASE MANAGEMENT AND HOUSING NAVIGATION TO HOMELESS INDIVIDUALS.

23 (2) "HOMELESS SHELTER" INCLUDES FACILITIES THAT UTILIZE
24 HOTELS OR MOTELS FOR SLEEPING ACCOMMODATIONS.

25 (3) "HOMELESS SHELTER" DOES NOT INCLUDE:

26 (I) A SHELTER CREATED OR AUTHORIZED BY A STATE OR
27 LOCAL GOVERNMENTAL ENTITY TO RESPOND TO A DISASTER OR OTHER
28 LARGE-SCALE EMERGENCY SHELTER NEEDS; OR

29 (II) A FACILITY OR PROGRAM WHERE THE PARTICIPANT SIGNS
30 A LEASE OR LEGAL AGREEMENT FOR A RENTAL UNIT OR PAYS RENT FOR THE USE OF
31 THE FACILITY.

1 (I) "SEXUAL ORIENTATION" MEANS AN INDIVIDUAL'S EMOTIONAL,
2 ROMANTIC, OR PHYSICAL ATTRACTION TO A PARTICULAR SEX OR GENDER.

3 (J) "SHELTER RESIDENT" MEANS AN INDIVIDUAL WHO HAS COMPLETED
4 INTAKE PROCEDURES AND IS OR WILL BE RESIDING AT A HOMELESS SHELTER.

5 **6-1402.**

6 (A) THE DEPARTMENT SHALL OPERATE A CERTIFICATION PROGRAM FOR
7 HOMELESS SHELTERS.

8 (B) A BUILDING MAY NOT BE USED AS A HOMELESS SHELTER UNLESS THE
9 OWNER AND ANY OPERATOR HAVE BEEN CERTIFIED IN ACCORDANCE WITH THIS
10 SUBTITLE.

11 (C) AN OWNER AND ANY OPERATOR OF A HOMELESS SHELTER SHALL APPLY
12 TO THE DEPARTMENT FOR A CERTIFICATION TO USE A BUILDING AS A HOMELESS
13 SHELTER ON A FORM THAT THE DEPARTMENT PROVIDES.

14 (D) ON REQUEST OF THE DEPARTMENT, A CERTIFICATION HOLDER SHALL
15 ALLOW THE DEPARTMENT IMMEDIATE ACCESS TO INSPECT THE PREMISES AND
16 INTERIOR OF A BUILDING USED AS A HOMELESS SHELTER, BOTH FOR ROUTINE
17 MONITORING AND UNSCHEDULED INSPECTIONS.

18 (E) CERTIFICATION HOLDERS ARE SUBJECT TO A RECERTIFICATION
19 PROCESS EVERY 2 YEARS, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE
20 DEPARTMENT.

21 **6-1403.**

22 AN APPLICATION FOR A CERTIFICATION SHALL INCLUDE:

23 (1) A DEMONSTRATION OF ADHERENCE BY THE OWNER AND ANY
24 OPERATOR OF THE HOMELESS SHELTER TO THE OPERATIONAL AND BUILDING
25 STANDARDS ADOPTED BY THE DEPARTMENT UNDER § 6-1404 OF THIS SUBTITLE;
26 AND

27 (2) ANY OTHER DOCUMENTATION OR INFORMATION REQUIRED BY
28 THE DEPARTMENT IN REGULATION.

29 **6-1404.**

1 **(A) THE DEPARTMENT SHALL ESTABLISH BY REGULATION A TIERED**
2 **SYSTEM FOR HOMELESS SHELTER CERTIFICATIONS BASED ON:**

3 **(1) THE NUMBER OF INDIVIDUALS BEING SERVED BY THE SHELTER;**

4 **(2) THE TYPE AND DURATION OF SHELTER PROVIDED; AND**

5 **(3) THE TYPE AND INTENSITY OF SERVICES PROVIDED.**

6 **(B) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ESTABLISH**
7 **OPERATIONAL STANDARDS AND MINIMUM REQUIREMENTS FOR EACH HOMELESS**
8 **SHELTER CERTIFICATION CLASS THAT MAY INCLUDE:**

9 **(1) ORGANIZATIONAL, INCORPORATION, AND GOVERNANCE**
10 **DOCUMENTS;**

11 **(2) FISCAL, ADMINISTRATIVE, AND LEGAL DOCUMENTS;**

12 **(3) STAFFING REQUIREMENTS;**

13 **(4) PROCEDURES FOR SCREENING AND TRAINING STAFF AND**
14 **VOLUNTEERS;**

15 **(5) SHELTER RESIDENT INFORMATION COLLECTION AND TRACKING;**

16 **(6) ADMISSIONS, DISCHARGE, AND GRIEVANCE POLICIES AND**
17 **PROCEDURES;**

18 **(7) PROTECTION OF THE RIGHTS OF SHELTER RESIDENTS;**

19 **(8) PROTECTION OF SHELTER RESIDENT PRIVACY AND**
20 **CONFIDENTIALITY;**

21 **(9) PROTECTIONS AND SAFETY PROTOCOLS FOR INDIVIDUALS WHO**
22 **ARE SURVIVORS OF:**

23 **(I) DOMESTIC VIOLENCE;**

24 **(II) DATING VIOLENCE;**

25 **(III) SEXUAL ASSAULT; OR**

26 **(IV) STALKING;**

- 1 **(10) ACCESS TO SUPPORTIVE SERVICES;**
- 2 **(11) VISITATION BY GUESTS AND EXTERNAL SERVICE PROVIDERS;**
- 3 **(12) RULES AND REGULATIONS THAT RESIDENTS MUST COMPLY WITH;**
- 4 **(13) EMERGENCY PROCEDURES;**
- 5 **(14) HEALTH AND SAFETY POLICIES AND PROCEDURES;**
- 6 **(15) NONDISCRIMINATION POLICIES AND PROCEDURES;**
- 7 **(16) THE MINIMUM SQUARE FOOTAGE PER BED;**
- 8 **(17) ACCESS TO SECURE STORAGE;**
- 9 **(18) FIRE PREVENTION MEASURES;**
- 10 **(19) HEATING AND COOLING SYSTEMS;**
- 11 **(20) STRUCTURAL MATERIAL AND BUILDING REQUIREMENTS;**
- 12 **(21) ACCESSIBILITY FOR DISABLED INDIVIDUALS;**
- 13 **(22) SANITARY AND PERSONAL HYGIENE FACILITIES;**
- 14 **(23) WATER SUPPLY;**
- 15 **(24) ILLUMINATION AND ELECTRICITY SYSTEMS;**
- 16 **(25) FOOD PREPARATION FACILITIES AND AREAS;**
- 17 **(26) LEAD-BASED PAINT AND ASBESTOS;**
- 18 **(27) PROVISIONS FOR:**
 - 19 **(I) PREGNANT INDIVIDUALS;**
 - 20 **(II) NURSING INDIVIDUALS;**
 - 21 **(III) INFANTS; AND**

1 (IV) CHILDREN;

2 (28) COMPLIANCE WITH LOCAL BUILDING AND PROPERTY
3 MAINTENANCE CODES, WHERE APPLICABLE;

4 (29) COMPLIANCE WITH:

5 (I) THE FEDERAL AMERICANS WITH DISABILITIES ACT;

6 (II) THE FEDERAL FAIR HOUSING ACT; AND

7 (III) OTHER APPLICABLE FEDERAL LAWS; AND

8 (30) LIABILITY INSURANCE COVERAGE.

9 (C) THE DEPARTMENT SHALL DEVELOP AND PUBLISH A SHELTER
10 RESIDENT BILL OF RIGHTS ESTABLISHING MINIMUM STANDARDS FOR THE
11 PROTECTION OF THE RIGHTS OF SHELTER RESIDENTS.

12 (D) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A GRIEVANCE
13 PROCESS FOR HOMELESS INDIVIDUALS AND SHELTER RESIDENTS TO NOTIFY THE
14 DEPARTMENT OF ALLEGED VIOLATIONS OF THIS SUBTITLE OR REGULATIONS
15 ESTABLISHED UNDER THIS SUBTITLE.

16 (E) THE DEPARTMENT MAY:

17 (1) DEVELOP TRAININGS AND TECHNICAL ASSISTANCE FOR
18 HOMELESS SHELTERS ON OPERATIONAL STANDARDS DEVELOPED UNDER THIS
19 SUBTITLE; AND

20 (2) REQUIRE ORGANIZATIONS THAT OWN AND OPERATE HOMELESS
21 SHELTERS TO COMPLETE TRAININGS.

22 **6-1405.**

23 (A) AN OPERATOR OF A HOMELESS SHELTER SHALL PARTICIPATE IN THE
24 HOMELESS MANAGEMENT INFORMATION SYSTEM OPERATED BY THE LOCAL
25 CONTINUUM OF CARE.

26 (B) AN OPERATOR OF A HOMELESS SHELTER SHALL ENTER SHELTER
27 RESIDENT INTAKE AND EXIT ASSESSMENTS INTO THE HOMELESS MANAGEMENT
28 INFORMATION SYSTEM FOR EACH RESIDENT WHO CONSENTS TO SHARE THIS
29 INFORMATION.

1 **(C) AN OPERATOR OF A HOMELESS SHELTER SHALL PARTICIPATE IN THE**
2 **CENTRALIZED OR COORDINATED ASSESSMENT SYSTEM OPERATED AND**
3 **ADMINISTERED BY THE LOCAL CONTINUUM OF CARE.**

4 **(D) AN OPERATOR OF A HOMELESS SHELTER MAY NOT DENY ADMISSION OR**
5 **SERVICES TO ANY HOMELESS INDIVIDUAL BECAUSE OF THE INDIVIDUAL'S:**

6 **(1) RACE;**

7 **(2) COLOR;**

8 **(3) RELIGION;**

9 **(4) NATIONAL ORIGIN;**

10 **(5) SEX;**

11 **(6) DISABILITY STATUS;**

12 **(7) MARITAL STATUS;**

13 **(8) FAMILIAL STATUS;**

14 **(9) SEXUAL ORIENTATION;**

15 **(10) GENDER IDENTITY;**

16 **(11) AGE;**

17 **(12) CRIMINAL HISTORY, EXCEPT AN INDIVIDUAL CONVICTED OF A**
18 **SEXUAL OFFENSE;**

19 **(13) CURRENT OR PAST USE OF ALCOHOL OR ILLEGAL DRUGS, EXCEPT**
20 **AN INDIVIDUAL ASSESSED BY SHELTER STAFF AS A THREAT TO THE HEALTH,**
21 **SAFETY, OR PROPERTY OF OTHERS; OR**

22 **(14) LACK OF VALID IDENTIFICATION.**

23 **6-1406.**

24 **(A) FOR CAUSE, THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A**
25 **HOMELESS SHELTER CERTIFICATION ISSUED UNDER THIS SUBTITLE.**

1 (B) GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION INCLUDE:

2 (1) VIOLATION OF THIS SUBTITLE;

3 (2) VIOLATION OF A REGULATION ADOPTED UNDER THIS SUBTITLE;

4 (3) MISREPRESENTATION TO THE DEPARTMENT; AND

5 (4) SUBMISSION OF A FALSE STATEMENT ON A CERTIFICATION
6 APPLICATION.

7 (C) THE DEPARTMENT SHALL SET FORTH IN WRITING ITS REASONS FOR
8 DENIAL, SUSPENSION, OR REVOCATION.

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

11 **6-1407.**

12 (A) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS
13 SUBTITLE.

14 (B) HOMELESS SHELTERS SHALL HAVE NOT LESS THAN 12 MONTHS FROM
15 THE DATE REGULATIONS ARE ADOPTED UNDER THIS SUBTITLE TO COMPLY WITH
16 THE REGULATIONS.

17 (C) THE SECRETARY, OR THE SECRETARY'S DESIGNEE, MAY ALLOW
18 EXTENSIONS OF THE DEADLINE FOR A HOMELESS SHELTER TO COMPLY WITH THE
19 REQUIREMENTS OF THIS SUBTITLE OR REGULATIONS ADOPTED UNDER THIS
20 SUBTITLE ON A CASE-BY-CASE BASIS:

21 (1) FOR GOOD CAUSE; AND

22 (2) IF THE DEPARTMENT HAS RECEIVED EVIDENCE THAT THE
23 HOMELESS SHELTER IS ENGAGED IN A CORRECTIVE ACTION PLAN AND MAKING
24 ADEQUATE PROGRESS IN ADDRESSING NONCOMPLIANCE.

25 **6-1408.**

26 (A) IN ADDITION TO THE PENALTIES PROVIDED IN § 6-1406 OF THIS
27 SUBTITLE, A PERSON THAT OPERATES A HOMELESS SHELTER WITHOUT A
28 CERTIFICATION OR IN VIOLATION OF REGULATIONS ADOPTED UNDER THIS

1 SUBTITLE IS SUBJECT TO AN ADMINISTRATIVE PENALTY NOT TO EXCEED \$10,000
2 FOR EACH VIOLATION.

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

6 (C) IF AN ADMINISTRATIVE PENALTY IS IMPOSED UNDER THIS SECTION,
7 THE DEPARTMENT SHALL ISSUE AN ORDER THAT STATES:

8 (1) THE BASIS ON WHICH THE ORDER IS MADE;

9 (2) THE AMOUNT OF THE ADMINISTRATIVE PENALTY IMPOSED; AND

10 (3) THE MANNER IN WHICH THE AMOUNT OF THE PENALTY WAS
11 CALCULATED.

12 (D) A PERSON SUBJECT TO AN ORDER IMPOSING AN ADMINISTRATIVE
13 PENALTY UNDER THIS SECTION SHALL HAVE THE RIGHT TO APPEAL THE ORDER IN
14 ACCORDANCE WITH TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
16 1, 2025.