



FROM	NAME & TITLE	William Wells, Deputy Director 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Mayor's Office of Homeless Services		
	SUBJECT	City Council Resolution 22-0191 – Homeless Shelters and Transitional Housing Units - Human Trafficking Notice		

DATE:

TO

The Honorable President and
 Members of the City Council
 City Hall, Room 400
 100 N. Holiday Street
 Baltimore, MD 21202

March 14, 2022

Position: Favorable

The Mayor's Office of Homeless Services (MOHS) is pleased to have the opportunity to review City Council Resolution 22-0191, an ordinance concerning "Homeless Shelters and Transitional Housing Units – human trafficking notice requirements, introduced by Councilmembers Burnett, Middleton, Porter and Bullock.

Background

This Resolution calls for requiring that homeless shelters and transitional housing facilities with the City of Baltimore to post notices in certain locations regarding information about the National Human Tracking Resource Center's human trafficking prevention hotline.

Comments

MOHS funds service providers through the support of various funding mechanisms, including Baltimore City General Funds, State of Maryland funds, and federal funds – primarily through grants from the Department of Housing and Urban Development (HUD). MOHS does not operate shelter or transitional housing, but contracts with nonprofits for these services. There are very limited grants for transitional housing and no new sources of transitional housing funding available at this time.

MOHS has many requirements for sub-grantees receiving MOHS funding, and were the City of Baltimore to require certain notices at their facilities, where it did not contradict federal regulations and provisions of federal grants, MOHS expects that the contracts stipulation that the provider comply with federal, state, and local laws, ordinances, rules and regulations would cover the posting of signs as envisioned under this bill.

MOHS is not the only funder of transitional housing and shelter services within the City of Baltimore, and further has no compliance, oversight, or other authority over organizations which are not funded through MOHS.

Clarifications

Definition of "Homelessness"

As defined in 22-0191, "homelessness" is: having no present possessory interest in a living accommodation and lacking the means necessary to obtain that interest, and having a possessory

interest in a living accommodation but the inability to secure entry into that accommodation or occupation of the accommodation would likely lead to violence from another occupant.

HUD defines homelessness as one or more of four categories¹:

- (1) Individuals and families who lack a fixed, regular, and adequate nighttime residence and includes a subset for an individual who resided in an emergency shelter or a place not meant for human habitation and who is exiting an institution where he or she temporarily resided;*
- (2) individuals and families who will imminently lose their primary nighttime residence;*
- (3) unaccompanied youth and families with children and youth who are defined as homeless under other federal statutes who do not otherwise qualify as homeless under this definition; and*
- (4) individuals and families who are fleeing, or are attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member.*

MOHS uses the HUD definition for determining applicable services and funding. Were the definition used in the bill to conflict with the HUD definition, there could be misunderstanding about what shelters, location, or people this bill is intended to apply to.

MOHS suggests using the established HUD definitions for “Homelessness”, even citing those standards so that updates to federal regulation will automatically be incorporated into this ordinance.

Definition of “Transitional Housing Unit”

As defined in 22-0191, “Transitional Housing Unit” is: a facility or living area that is part of a program designed to provide housing and appropriate supportive services to homeless individuals; and facilitate the movement of homeless individuals to independent living arrangements.

This definition seems overly broad and might include programs that provide housing and supportive services within the private rental market, such as Rapid Rehousing. “Transitional Housing” as defined by HUD (24 CFR section 91.5) is a project designed to provide housing and appropriate supportive services to homeless persons to facilitate movement to independent living within 24 months, or a longer period approved by HUD (except under the HOME program where there is no HUD-approved time period for moving to independent living.).

MOHS suggests either mirroring HUD’s definition or making other clarifications about what exactly is “transitional housing” to distinguish it from other short-term housing coupled with supportive services – and whether supportive services are required. Further, MOHS suggests being more specific about “independent living arrangements”, again so that it is clear what is and what is not “transitional housing

Location of signs

As defined in 22-0191, the sign is to posted by “The person in charge of the homeless shelter or transitional housing unit...”; that the placement must be in a “clear and conspicuous place where it can be easily seen and read by those staying at the shelter or transitional housing unit; and that there are three listed locations where the sign “may be placed,” including locker rooms, cafeterias, sleeping facilities, and other similar locations.

¹<https://www.govinfo.gov/content/pkg/FR-2011-12-05/pdf/2011-30942.pdf>

MOHS suggests changing the language throughout where it indicates the “person in charge” to instead be “the operator of the homeless shelter or transitional housing program”, leaving out the word “unit” as it often refers to a specific residential space, apartment, etc., and further defining what “sleeping facilities” and “other similar locations” are. These clarifications will help operators understand how to correctly apply the ordinance to either congregate or non-congregate facilities, and the variety of different types of facilities that might operate in Baltimore City.

Enforcement

MOHS is not an enforcement office and has no ability to levy fines as described in bill 22-0191. To the extent that a funded provider is not compliant with a contract for services, MOHS can take whatever steps to ensure compliance with contracts through monitoring and other mechanisms. It is unclear as to how this ordinance will be enforced and how violations would be handled, guidance addressing non-compliance would be helpful.

Conclusion

The Mayor’s Office of Homeless Services strongly supports the City’s efforts to ensure that all residents receive information about their rights and to mitigate impacts of human trafficking and exploitation.

cc: Natasha Mehu
Nina Themelis
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