



**BALTIMORE CITY COUNCIL
PUBLIC SAFETY AND
GOVERNMENT OPERATIONS
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Public Safety and Government Operations will be responsible for matters concerning public safety, including, but not limited to; emergency preparedness, police services, fire/EMS, and the executive, administrative, and operational functions of the city government and libraries.

**The Honorable Mark Conway
Chairman**

PUBLIC HEARING

**Wednesday, March 23, 2022
1:00 PM**

**Council Bill: 21 – 0191
Homeless Shelters and Transitional Housing Units -
Human Trafficking Notice Requirements**

CITY COUNCIL COMMITTEES

ECONOMIC AND COMMUNITY DEVELOPMENT (ECD)

Sharon Green Middleton, Chair
John Bullock – Vice Chair
Mark Conway
Ryan Dorsey
Antonio Glover
Odette Ramos
Robert Stokes
Staff: Jennifer Coates

WAYS AND MEANS (W&M)

Eric Costello, Chair
Kristerfer Burnett
Ryan Dorsey
Danielle McCray
Sharon Green Middleton
Isaac “Yitzy” Schleifer
Robert Stokes
Staff: Marguerite Currin

PUBLIC SAFETY AND GOVERNMENT OPERATIONS (SGO)

Mark Conway – Chair
Kristerfer Burnett
Zeke Cohen
Erick Costello
Antonio Glover
Phylicia Porter
Odette Ramos
Staff: Samuel Johnson

EDUCATION, WORKFORCE, AND YOUTH (EWY)

Robert Stokes – Chair
John Bullock
Zeke Cohen
Antonio Glover
Sharon Green Middleton
Phylicia Porter
James Torrence
Staff: Marguerite Currin

HEALTH, ENVIRONMENT, AND TECHNOLOGY (HET)

Danielle McCray – Chair
John Bullock
Mark Conway
Ryan Dorsey
Phylicia Porter
James Torrence
Isaac “Yitzy” Schleifer
Staff: Matthew Peters

RULES AND LEGISLATIVE OVERSIGHT (OVERSIGHT)

Isaac “Yitzy” Schleifer, Chair
Kristerfer Burnett
Mark Conway
Erick Costello
Sharon Green Middleton
Odette Ramos
James Torrence
Staff: Richard Krummerich



BILL SYNOPSIS

Committee: Public Safety and Government Operations

Bill 22 – 0191

**Homeless Shelters and Transitional Housing Units
– Human Trafficking Notice Requirements**

Sponsor: Councilman Kris Burnett

Introduced: January 10, 2022

Purpose:

For the purpose of requiring homeless shelters and transitional housing units within the City of Baltimore to place a notice regarding a certain human trafficking prevention hotline in certain locations; providing that the required human trafficking notices may be obtained from the United States Department of Homeland Security’s Blue Campaign website; providing for certain penalties; and generally relating to human trafficking notice requirements for homeless shelters and transitional housing units.

Effective: 30th Day after enactment.

Agency Reports

Law Department	
Mayor’s Office of Neighborhood Safety and Engagement	
Mayor’s Office of Human Services	
Department of General Services	
Department of Finance	

Analysis

Background

The United States Department of Homeland Security administers the national public awareness Blue Campaign, designed to educate the public, law enforcement and other industry partners to recognize the indicators of human trafficking, and how to appropriately respond to possible cases. Located within the Office of Partnership and Engagement, Blue Campaign leverages partnerships with the private sector, Non-Governmental Organizations, law enforcement and state/local authorities to maximize national public engagement on anti-human trafficking efforts. Blue Campaign's educational awareness objectives consists of two foundational elements, prevention of human trafficking and protection of exploited persons.

Human trafficking involves the use of force, fraud, or coercion in exchange for labor services, or a commercial sex act. The United States Department of Homeland Security has stated that everybody can play a role in ending human trafficking by learning key indicators of the crime, raising awareness of human trafficking within your community or industry, and reporting suspected trafficking incidents. Individuals working in particular industries or with specific audiences may be more likely to observe human trafficking by nature of their day-to-day job duties or surroundings.

If enacted, Bill 22-0191 would require the person in charge of a homeless shelter or transitional housing unit to place human trafficking signage in a clear and conspicuous place where it can be easily seen and read by individuals staying in those locations within the City of Baltimore. These signs should be placed in locker rooms, cafeteria's, sleeping facilities, and other similar locations.

42A-4.. Penalties for Failure to Post Signage.

A. In General.

(1) Prerequisite to Issuance.

A citation under this section may only be issued after the issuance of a written warning and a failure to correct the violation within 30 days of the date of the warning.

(2) Authorization to Issue.

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an Environmental Citation under City Code Article 1, Subtitle 40.

B. Process not exclusive.

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

C. Each day a separate offense.

Each day a violation continues is a separate offense.

Additional Information

Information Source(s):

Analysis by: Samuel Johnson
Analysis Date: March 23, 2022

Direct Inquiries to: (410) 396-1091

**CITY OF BALTIMORE
COUNCIL BILL 22-0191
(First Reader)**

Introduced by: Councilmembers Burnett, Middleton, Porter, Bullock

Introduced and read first time: January 10, 2022

Assigned to: Public Safety and Government Operations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of General Services, Mayor's Office of Neighborhood Safety and Engagement, Mayor's Office of Homeless Services

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Homeless Shelters and Transitional Housing**
3 **Units - Human Trafficking Notice Requirements**

4 FOR the purpose of requiring homeless shelters and transitional housing units within the City of
5 Baltimore to place a notice regarding a certain human trafficking prevention hotline in certain
6 locations; providing that the required human trafficking notices may be obtained from the
7 United States Department of Homeland Security's Blue Campaign website; providing for
8 certain penalties; and generally relating to human trafficking notice requirements for
9 homeless shelters and transitional housing units.

10 BY adding

11 Article 15 - Licensing and Regulation
12 Section(s) 42A-1 through 42A-4 to be under the new subtitle designation
13 "Subtitle 42A. Temporary Shelter Human Trafficking Notice Requirements"
14 Baltimore City Code
15 (Edition 2000)

16 BY repealing and re-ordaining, with amendments,
17 Article 1 - Mayor, City Council, and Municipal Agencies
18 Section 40-14(e)(2)
19 Baltimore City Code
20 (Edition 2000)

21 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
22 Laws of Baltimore City read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 22-0191

Baltimore City Code

Article 15. Licensing and Regulation

SUBTITLE 42A. TEMPORARY SHELTER HUMAN TRAFFICKING NOTICE REQUIREMENTS

§ 42A-1. Definitions.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANING INDICATED.

(B) *HOMELESS; HOMELESSNESS.*

“HOMELESS” OR “HOMELESSNESS” MEANS AN INDIVIDUAL’S STATE OF:

(1) HAVING NO PRESENT POSSESSORY INTEREST IN A LIVING ACCOMMODATION AND LACKING THE MEANS NECESSARY TO OBTAIN THAT INTEREST; AND

(2) HAVING A POSSESSORY INTEREST IN A LIVING ACCOMMODATION BUT:

(I) THE INABILITY TO SECURE ENTRY INTO THAT ACCOMMODATION; OR

(II) OCCUPATION OF THE ACCOMMODATION WOULD LIKELY LEAD TO VIOLENCE FROM ANOTHER OCCUPANT.

(C) *HOMELESS SHELTER.*

“HOMELESS SHELTER” MEANS A FACILITY THAT:

(1) PROVIDES TEMPORARY SHELTER WITH OVERNIGHT SLEEPING ACCOMMODATIONS FOR HOMELESS INDIVIDUALS; AND

(2) DOES NOT REQUIRE OCCUPANTS TO SIGN A LEASE.

(D) *HUMAN TRAFFICKING.*

(1) *IN GENERAL.*

“HUMAN TRAFFICKING” MEANS THE RECRUITMENT, HARBORING, TRANSPORTATION, PROVISION, OR OBTAINING OF A PERSON FOR LABOR OR SERVICES, THROUGH THE USE OF FORCE, FRAUD, OR COERCION FOR THE PURPOSE OF SUBJECTION TO INVOLUNTARY SERVITUDE, PEONAGE, DEBT BONDAGE, SLAVERY, OR COMMERCIAL SEXUAL EXPLOITATION.

Council Bill 22-0191

1 (2) *INCLUSIONS.*

2 “HUMAN TRAFFICKING” INCLUDES LABOR TRAFFICKING AND SEX TRAFFICKING.

3 (E) *TRANSITIONAL HOUSING UNIT.*

4 “TRANSITIONAL HOUSING UNIT” MEANS A FACILITY OR LIVING AREA THAT IS PART OF A
5 PROGRAM DESIGNED TO:

6 (1) PROVIDE HOUSING AND APPROPRIATE SUPPORTIVE SERVICES TO HOMELESS
7 INDIVIDUALS; AND

8 (2) FACILITATE THE MOVEMENT OF HOMELESS INDIVIDUALS TO INDEPENDENT LIVING
9 ARRANGEMENTS.

10 **§ 42A-2. SIGN TO BE POSTED.**

11 (A) *IN GENERAL.*

12 THE PERSON IN CHARGE OF THE HOMELESS SHELTER OR TRANSITIONAL HOUSING UNIT
13 MUST POST A SIGN THAT STATES THE FOLLOWING:

14 **“REPORT HUMAN TRAFFICKING**

15 National Human Trafficking Resource Center

16 **Call 1-888-373-7888 or text “BeFree” (233733)**

17 CALL FOR HELP IF YOU OR SOMEONE YOU KNOW:

- 18 • is being forced to have sex without consent
- 19 • has had an ID or documents taken away
- 20 • is being threatened by or is in debt to an employer
- 21 • wants to leave a job but cannot freely do so

22 TOLL-FREE ‡ 24/7 ‡ CONFIDENTIAL ‡ INTERPRETERS AVAILABLE

23 This sign is required by Baltimore City law”.

24 (B) *REQUIREMENTS.*

25 (1) THE SIGN MUST:

26 (I) BE AT LEAST 16 BY 20 INCHES IN SIZE;

27 (II) CONTAIN THE TEXT REQUIRED UNDER THIS SECTION IN ENGLISH, SPANISH, AND
28 ANY OTHER LANGUAGES REQUIRED BY THE FEDERAL VOTING RIGHTS ACT FOR
29 VOTING MATERIALS IN BALTIMORE CITY; AND

Council Bill 22-0191

(III) DRAW ATTENTION TO THE PHONE AND TEXT NUMBERS OF THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE BY SHOWING THE PHONE AND TEXT NUMBERS IN BOLD TYPE.

(2) THE PERSON IN CHARGE MAY MEET THE REQUIREMENTS OF THIS SECTION BY:

(I) CREATING SIGNS USING A FONT SIZE OF NOT LESS THAN 30 POINTS FOR THE HOTLINE AND TEXT NUMBERS AND A FONT SIZE OF NOT LESS THAN 12 POINTS FOR THE BODY TEXT; OR

(II) USING COPIES OF THE SIGNS CREATED AND MADE AVAILABLE ONLINE BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY’S BLUE CAMPAIGN WEBSITE.

§ 42A-3. SIGN PLACEMENT.

(A) *IN GENERAL.*

A COPY OF THE HUMAN TRAFFICKING SIGN REQUIRED BY § 42A-2 {“SIGN TO BE POSTED”} OF THIS SUBTITLE SHALL BE POSTED BY THE PERSON IN CHARGE AT THE HOMELESS SHELTER OR TRANSITIONAL HOUSING UNIT IN A CLEAR AND CONSPICUOUS PLACE WHERE IT CAN BE EASILY SEEN AND READ BY INDIVIDUALS STAYING AT THE HOMELESS SHELTER OR TRANSITIONAL HOUSING UNIT.

(B) *INCLUSIONS.*

LOCATIONS WHERE THE REQUIRED HUMAN TRAFFICKING SIGN MAY BE PLACED INCLUDE:

- (1) LOCKER ROOMS;
- (2) CAFETERIAS;
- (3) SLEEPING FACILITIES; AND
- (4) OTHER SIMILAR LOCATIONS.

§ 42A-4. ENFORCEMENT BY CITATION.

(A) *IN GENERAL.*

(1) *PREREQUISITE TO ISSUANCE.*

A CITATION UNDER THIS SECTION MAY ONLY BE ISSUED AFTER THE ISSUANCE OF A WRITTEN WARNING AND A FAILURE TO CORRECT THE VIOLATION WITHIN 30 DAYS OF THE DATE OF THE WARNING.

(2) *AUTHORIZATION TO ISSUE.*

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTAL

Council Bill 22-0191

1 CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {“ENVIRONMENTAL CONTROL
2 BOARD”}.

3 (B) *PROCESS NOT EXCLUSIVE.*

4 THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING
5 ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

6 (C) *EACH DAY A SEPARATE OFFENSE.*

7 EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

8 **Article 1. Mayor, City Council, and Municipal Agencies**

9 **Subtitle 40. Environmental Control Board**

10 **§ 40-14. Violations to which subtitle applies.**

11 (e) *Provisions and penalties enumerated.*

12 (2) **Article 15. Licensing and Regulation**

13	Subtitle 12. Commercial Parking Facilities	\$1,000
14	Subtitle 13. Special-Event Parking Lots	\$750
15	Subtitle 17. Street Vendors	\$500
16	Subtitle 21. Third-Party Food Delivery Platform	\$1,000
17	Subtitle 42. Human Trafficking Notice Requirements	
18	1st offense	\$500
19	Subsequent offense	\$1,000
20	SUBTITLE 42A. TEMPORARY SHELTER HUMAN TRAFFICKING	
21	NOTICE REQUIREMENTS	\$50
22	Subtitle 43. Public Restrooms	\$100
23	Subtitle 48. Short-Term Residential Rentals	
24	§ 48-6. License required {for host}	\$500
25	§ 48-16. {Operational requirements for} hosting platforms	\$1,000
26	§ 48-21. {Offenses there listed as cause for} denial,	
27	suspension, or revocation of license	\$500
28	All other provisions	\$250

Council Bill 22-0191

1 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

**PUBLIC SAFETY AND
GOVERNMENT OPERATIONS
COMMITTEE**

AGENCY REPORTS

FROM

NAME & TITLE	Chichi Nyagah-Nash, Director
AGENCY NAME & ADDRESS	Department of General Services 200 N. Holliday Street, Rm 800
SUBJECT	City Council Bill 22-0191

CITY OF
BALTIMORE
MEMO



DATE:

February 25, 2022

TO The Honorable President and Members of the City Council
City Hall, Room 400, 100 North Holliday Street

Position: Does Not Oppose

The Department of General Services (DGS) is in receipt of and reporting herein on City Council Bill 22-0191: Homeless Shelters and Transitional Housing Units – Human Trafficking Notice Requirements.

Background/Explanation

This bill would require homeless shelters and transitional housing units within the City of Baltimore to post notices in certain locations with information regarding the National Human Trafficking Resource Center’s human trafficking prevention hotline.

Comments

The Department of General Services does not expect any significant operational or fiscal impact for the agency associated with the identified bill.

DGS has one (1) City-owned building (620 Fallsway) within its Facilities portfolio that currently serves as a homeless shelter, the Weinberg Housing and Resource Center. While the building is City-owned, the shelter’s programming and services are administered through the Mayor’s Office of Homeless Services (MOHS). Therefore, DGS requests additional clarification on the following language in the bill:

§ 42A-2. SIGN TO BE POSTED. (A) IN GENERAL. THE PERSON IN CHARGE OF THE HOMELESS SHELTER OR TRANSITIONAL HOUSING UNIT MUST POST A SIGN THAT STATES THE FOLLOWING:

Conclusion

The Department of General Services does not oppose City Council Bill 22-0191.

If you have any questions, please do not hesitate to contact DGS’ Legislative Liaison Annie Fullas at annie.fullas@baltimorecity.gov or at 667-208-0380.

Sincerely,

Chichi Nyagah-Nash
Director, DGS

CITY OF BALTIMORE

BRANDON M. SCOTT

Mayor



DEPARTMENT OF LAW

JAMES L. SHEA, CITY SOLICITOR

100 N. HOLLIDAY STREET

SUITE 101, CITY HALL

BALTIMORE, MD 21202

March 10, 2022

The Honorable President and Members
of the Baltimore City Council

Attn: Executive Secretary

Room 409, City Hall

100 N. Holliday Street

Baltimore, Maryland 21202

Re: City Council Bill 22-0191- Homeless Shelters and Transitional Housing
Units – Human Trafficking Notice Requirements

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 22-0191 for form and legal sufficiency. The bill is for the purpose of requiring homeless shelters and transitional housing units within the City of Baltimore to place a notice regarding a certain human trafficking prevention hotline in certain locations; providing that the required human trafficking notices may be obtained from the United States Department of Homeland Security’s Blue Campaign website; providing for certain penalties; and generally relating to human trafficking notice requirements for homeless shelters and transitional housing units.

To raise awareness and combat the problem of human trafficking, the City may require that these signs be posted in places where victims of human trafficking may travel. State law currently requires the posting of similar notices in rest areas, welcome centers and transportation centers, bus stations, truck stops, adult entertainment establishments, and in certain hotels where crimes related to human trafficking have occurred. MD Code, Trans. § 8-655, Bus. Reg., § 15-207, § 19-103.

This posting requirement is a valid exercise of the City’s police and general welfare powers. City Charter, Art. II, §§ (27), (47). Police powers can be legitimately exercised when the regulations are rationally related to preserving the public health, safety, morals or general welfare of the public. When such justification is present, the City is entitled to “great deference” in determining how it addresses its problems. *New Orleans v. Dukes*, 427 U.S. 297, 303-304 (U.S. 1976).

The exercise of police power by the City is, however, subject to the constraints of the State and Federal Constitutions. *Wells v. Chevy Chase Bank*, F.S.B., 377 Md. 197, 209 (2003) (Supremacy Clause of the U.S. Constitution requires that federal law prevail over any state or local law that directly conflicts).

Requiring those in charge of homeless shelters or transitional housing units to post information may raise potential First Amendment issues. However, the required disclosure is factual and does not endorse a particular viewpoint on a controversial topic. *See, e.g.*, May 18, 2010, Letter of the Attorney General to the Honorable Martin O'Malley (noting that courts have merely required a reasonable relationship between the government interest and the disclosure in the commercial context, but the compelled endorsement of a particular viewpoint would be different).

Cases examining the doctrine of compelled speech under the First Amendment have recently been called into question by the Supreme Court, which extended the holding of *Reed v. Town of Gilbert*, 576 U.S. 155 (2015), a case which drastically broadened the scope of speech that is deemed "content-based" and therefore subject to strict scrutiny, to the area of compelled speech. *National Institute of Life and Family Advocates v. Becerra*, 138 S. Ct. 2361, 2371 (2018). The Court clarified in dicta, however, that cases involving the disclosure of factual, uncontroversial information were unscathed by this extension and that these disclosures were not subject to strict scrutiny. *Id.* at 2376 ("we do not question the legality of health and safety warnings long considered permissible, or purely factual and uncontroversial disclosures about commercial products.").

While the disclosure required by this bill does not fit neatly into the case law, it involves factual, uncontroversial information and is therefore similar to disclosures that have been upheld by the courts. Therefore, although the bill is vulnerable on these grounds, the courts have not yet decided the issue. Generally speaking, if the goal is to raise awareness of an uncontroversial topic through the disclosure of factual information, as it is here, the disclosure will be upheld if reasonably related to the government interest. *See, e.g., American Meat Institute v. United States Department of Agriculture*, 760 F.3d 18, 26 (D.C.Cir. 2014) (required disclosure of country-of-origin information about meat products upheld).

Assuming that data reveals that these shelters are frequented by human trafficking victims, there would be the necessary nexus between the requirement and the government interest to raise awareness. The Law Department recommends bolstering the legal sufficiency of the bill with further information concerning these types of shelters and housing units and how they have been historically places where victims of human trafficking pass. This will increase the likelihood that a court will find a connection between the purpose of the bill and the required disclosure.

This bill's application to City-owned buildings that serve as homeless shelters does not raise constitutional concerns. Posting in City-owned buildings is government speech and not subject to the same constraints.

The Law Department recommends clarifying who is required to post the sign on line 12 on page 3 of the bill or amending the bill to say that a sign must be posted without identifying specifically who is required to post it (just that it is required to be posted in the building in the specified places).



Subject to the above, the bill could be approved for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ashlea Brown', written over a light blue horizontal line.

Ashlea Brown
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Hilary Ruley, Chief Solicitor

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
Irene Agustin



March 23, 2022

Honorable President and Members of the Baltimore City Council
City Hall, Room 400
100 N. Holliday Street
Baltimore, Maryland 21202

**RE: City Council Bill 21-0191
Homeless Shelters and Transitional Housing Units - Human Trafficking Notice
Requirements**

Dear Council President Mosby and Members of the City Council:

The Mayor's Office of Neighborhood Safety and Engagement (MONSE) has reviewed Council Bill 21-0191. It is the understanding of the Agency that this bill requires homeless shelters and transitional housing units in the City of Baltimore to post information about human trafficking and the national human trafficking hotline.

Agency Position: Support

MONSE supports the passage of Council Bill 21-0191. The legislation builds upon a 2019 bill which required signs promoting the human trafficking prevention hotline in all hotel rooms in the city, as well as a bill passed last year requiring the hotline to be posted in city-owned and city-occupied buildings. This bill is another valuable step in raising awareness of the hotline and available services.

The intersection between unhoused individuals and human trafficking is especially important when it relates to youth. A 2016 ten city report by Loyola University New Orleans found that "[h]omeless youth are vulnerable to both sex and labor trafficking because they tend to experience a higher rate of the primary risk factors to trafficking: poverty, unemployment, a history of sexual abuse, and a history of mental health issues... Homeless youth indicated that they struggled to find paid work, affordable housing, and support systems that would help them access basic necessities. They had experienced discrimination in their jobs and in housing. A confluence of factors made the homeless youth we interviewed vulnerable to both sex and labor traffickers who preyed on their need. It also made them more likely to turn to the sex trade for survival." It is our hope that this bill will help connect vulnerable youth and adults to human trafficking services.

Thank you for allowing us to express our support today.

Respectfully submitted,

Nick Wilson
Associate Director of Policy & Research
Mayor's Office of Neighborhood Safety and Engagement

cc: Nina Themelis, Legislative Liaison, Mayor's Office of Government Relations
Natasha Mehu, Director, Mayor's Office of Government Relations
Shantay Jackson, Director, Mayor's Office of Neighborhood Safety and Engagement