

MEMORANDUM

June 22, 2020

TO: Health and Human Services Committee

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Bill 7-20, Interagency Commission on Homelessness – Membership and Duties¹

PURPOSE: Worksession – Committee to make recommendations on Bill

Expected Attendees

Amanda J. Harris, Chief of Services to End and Prevent Homelessness, Department of Health and Human Services

Bill 7-20, Interagency Commission on Homelessness – Membership and Duties, sponsored by Lead Sponsors Councilmembers Glass, Albornoz, and Rice, and Co-Sponsors Councilmembers Jawando and Navarro, Council Vice-President Hucker, Council President Katz, and Councilmembers Friedson and Riemer, was introduced on February 25, 2020. A public hearing was held on June 16 at which one speaker testified in support of the bill.

Bill 7-20 would alter the membership and duties of the Interagency Commission on Homelessness.

BACKGROUND

The Interagency Commission on Homelessness (ICH) is a 25-member commission created by the County Council in 2014 to coordinate public and private programs to reduce homelessness in the County.

The ICH has requested that several modifications and updates be made to its membership and duties. The purpose of these amendments is to improve the governance and effectiveness of the ICH, as well as to clarify the mission of the ICH to “end and prevent” homelessness, as opposed to simply “reducing” homelessness.

¹ #MoCoCommissionOnHomelessness

BILL DESCRIPTION

Under Bill 7-20, the ICH would remain a 25-member commission, but its composition would change. At the request of the ICH, certain ex officio slots would be replaced with more public representatives, including homeless service providers, healthcare providers, family services providers, and affordable housing providers.

Regarding operations of the ICH, the bill would require the ICH to maintain a governance committee co-chaired by the ICH Chair and the Chief of Services to End and Prevent Homelessness of the Department of Health and Human Services. The bill also would clarify that a majority of the ICH constitutes a quorum for the transaction of business.

Importantly, the bill would update certain policy approaches of the ICH. In particular, it would provide that the ICH's purpose is to end and prevent homelessness (*i.e.*, bring homelessness to functional zero), rather than simply reducing homelessness. It also would explicitly prioritize finding permanent housing for homeless individuals and valuing client choice.

PUBLIC HEARING

At the public hearing on June 16, the Chair of the ICH, Jeff Goldman, spoke in support of the bill. Mr. Goldman explained that the bill was developed by a subgroup of the ICH to:

1. Emphasize the need to “end and prevent” homelessness rather than just address the issue;
2. Elevate the approach of Housing First from that of a single initiative to a core value of the homeless continuum of care;
3. Allow flexibility in recruitment and selection of members based on goals and priorities;
4. Balance the overrepresentation of criminal justice and government generally;
5. Increase emphasis on involvement of private organizations, like business, housing development, and philanthropy; and
6. Establish a governance committee to guide the work of the Commission and its committees

ISSUES FOR DISCUSSION

1. Ability of Committees to Add Members under the Charter

In connection with Bill 7-20, the Office of the County Attorney (OCA) has raised the question of whether a County board, committee, or commission (BCC) may, consistent with the Charter, add members of its own volition without an appointment by the Executive and confirmation by the Council. Under the current Code, subcommittees of the ICH may add members. Likewise, the County Code permits certain other boards and commissions (such as the Commission for Women under Section 27-30) to add their own members.

According to the OCA, allowing a BCC to add its own members might be inconsistent with Charter Section 215, which provides:

...Except for commissions appointed to advise the Council, the County Executive shall appoint, subject to the confirmation of the Council, all members of boards and commissions unless otherwise prescribed by state law or this Charter.

To remedy this potential problem under the current ICH law, the following amendment to lines 142-145 could be adopted.

Any [subcommittee] committee action is not the action of the Commission and must not bind the Commission or its members. A [subcommittee] committee may [[include]] consult a person who is not a member of the Commission.

2. Staff-recommended Technical Amendments

Several non-substantive technical amendments should be made, which are reflected in the attached version of the bill (Bill 5).

NEXT STEPS

The HHS Committee will vote on whether to recommend approval of Bill 7-20. Staff recommends that if the Committee recommends approval of the bill, the Committee should adopt the technical amendments reflected in version 5 of the bill (enclosed at ©1) and might also wish to consider the amendment described under Issue #1.

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Bill No. 7-20
Concerning: Interagency Commission on Homelessness – Membership and Duties
Revised: 06/22/2020 Draft No. 5
Introduced: February 25, 2020
Expires: August 25, 2021
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Glass, Albornoz, and Rice
Co-Sponsors: Councilmembers Jawando and Navarro, Council Vice-President Hucker, Council President Katz, and Councilmembers Friedson and Riemer

AN ACT to:

- (1) alter the membership of the Interagency Commission on Homelessness;
- (2) alter the duties of the Commission; and
- (3) generally amend the law regarding the Commission.

By amending

Montgomery County Code
Chapter 24, Health and Sanitation
Sections 24-62, 24-63, 24-65, 24-66, 24-67, and 24-68

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 24-62, 24-63, 24-65, 24-66, 24-67, and 24-68, are amended**
 2 **as follows:**

3 **Sec. 24-62. Legislative findings and statement of policy.**

4 (a) The County has a goal to ensure that everyone has a home in the County,
 5 and that homelessness will be rare, brief, and non-recurring. In order to
 6 achieve this goal, the County will:

- 7 (1) end homelessness among veterans;
- 8 (2) end homelessness among chronically homeless individuals;
- 9 (3) end homelessness among families with children;
- 10 (4) end homelessness among unaccompanied youth;
- 11 (5) end homelessness among seniors; and
- 12 (6) end homelessness among all individuals in the County.

13 [(a)] (b) The County Council finds that [reducing] ending and preventing
 14 homelessness [requires] require substantial coordination and cooperation
 15 among federal, state, and local governments, as well as private sector
 16 service providers and community organizations.

17 [[b)] (c) Montgomery County Continuum of Care is a group of
 18 governmental entities and community representatives that carries out the
 19 responsibilities of the Continuum of Care program established pursuant
 20 to the federal Homeless Emergency Assistance and Rapid Transition to
 21 Housing Act of 2009 (the HEARTH Act).

22 [[c)] (d) The County Council intends that the Interagency Commission on
 23 Homelessness established under this Article be constituted and function
 24 in such a manner that it may serve as the governing board of Montgomery
 25 County Continuum of Care, and in serving this function comply with
 26 applicable federal regulations governing the Continuum of Care program.

27 **24-63. Definitions.**

28 When used in this Article:

29 *[100,000 Homes Campaign* means an initiative in special needs housing
 30 that gives priority to placing the most vulnerable, chronically homeless
 31 people in permanent supportive housing through a Housing First model;]
 32 *Commission* means the Interagency Commission on Homelessness[[]];
 33 *Continuum of Care* means a community program, established under the
 34 HEARTH Act, to organize and deliver housing and services to meet the
 35 specific needs of people who are homeless as they move to stable housing
 36 and maximum self-sufficiency[[]]; [and]

37 *End homelessness or ending homelessness* means:

38 [(A)] (1) reaching functional zero for an identified type of
 39 homelessness; and

40 [(B)] (2) having systems in place adequate to house all
 41 individuals entering homelessness during a specific time
 42 period.

43 *Housing First Initiative* means a [process for placing homeless people
 44 into housing that discourages imposing conditions on placement related
 45 to health, employment, or sobriety, and seeks to reduce the time in shelter
 46 or transitional programs and provide the needed supports to people in a
 47 permanent home] public policy approach to homeless assistance that:

48 [(A)] (1) prioritizes providing permanent housing to people
 49 experiencing homelessness;

50 [(B)] (2) reduces barriers to accessing housing and other key
 51 services; and

52 [(C)] (3) is guided by the theories that:

53 [(i)] (A) people need basic necessities like food and
 54 housing before attending to other needs, such as

55 employment, budgeting, or substance abuse
56 treatment;

57 ~~[(ii)]~~ (B) client choice is valuable in housing selection
58 and supportive service participation; and

59 ~~[(iii)]~~ (C) exercising a choice in housing is likely to
60 make a client more successful in remaining housed
61 and improving the client's life.

62 * * *

63 **24-65. Members.**

64 (a) The Commission has 25 members.

65 (b) The Executive must appoint the following to serve as ex officio members:

66 (1) Director of the Department of Health and Human Services or the
67 Director's designee;

68 (2) Chief of Services to End and Prevent Homelessness of the
69 Department of Health and Human Services or the Chief's
70 designee;

71 ~~[(3)]~~ Chief of Behavioral Health and Crisis Services of the Department
72 of Health and Human Services;

73 (4) Director of the Department of Correction and Rehabilitation;

74 ~~(5)]~~ (3) Director of the Department of Housing and Community
75 Affairs or the Director's designee; and

76 ~~[(6)]~~ Assistant Chief for Field Services of the Montgomery County
77 Police Department; and

78 ~~(7)]~~ (4) A representative from the Office of the County Executive.

79 (c) The Executive must invite the following to serve as ex officio members:

80 (1) A ~~[member]~~ Councilmember or staff member of the County
81 Council, selected by the Council President;

- 82 (2) Executive Director of the Housing Opportunities Commission or
83 the Executive Director's designee; and
- 84 [(3) Director of Student Services of the Montgomery County Public
85 Schools;
- 86 (4) The Mayor or the representative of the Mayor of the City of
87 Gaithersburg;
- 88 (5) The Mayor or the representative of the Mayor of the City of
89 Rockville;
- 90 (6) The Mayor or the representative of the Mayor of the City of
91 Takoma Park;
- 92 (7) A representative of either the United States Department of
93 Veterans Affairs or the Maryland Department of Veterans Affairs;
- 94 (8) The Montgomery County Sheriff or the representative of the
95 County Sheriff; and
- 96 (9)] (3) A member of the County Legislative Delegation selected
97 jointly by the Chairs of the House and Senate Delegations.
- 98 (d) The Executive must appoint [5] 4 members [that] who are representatives
99 of [the Montgomery County Continuum of Care] government agencies.
- 100 (e) The Executive must appoint 4 members who are representatives of
101 homeless service organizations that:
- 102 (1) prevent homelessness or assist homeless families, single adults, or
103 youth; or
- 104 (2) help households to exit homelessness and maintain stable,
105 permanent housing.
- 106 (f) The Executive must appoint 4 members who are representatives of
107 private organizations that provide behavioral health, children and family

108 services, healthcare, domestic violence services, aging and senior
 109 services, disability services, or veterans' services.

- 110 [(e)] (g) The Executive must appoint [4 members of the public]:
- 111 (1) [At] at least 1 [public] member [must be] who is a homeless or
 112 formerly homeless resident of Montgomery County; [and]
 - 113 (2) at least 1 member [must be] who is a representative of a hospital
 114 or other healthcare provider located in Montgomery County;
 - 115 (3) at least 1 member who is a representative of a private philanthropic
 116 organization or foundation; and
 - 117 (4) at least 1 member who is a representative of an affordable housing
 118 developer.

119 (h) The Executive must appoint 2 members of the general public who are
 120 residents of the County.

121 [(f)] (i) The term of each non-ex officio member is 3 years. If a member
 122 is appointed to fill a vacancy before a term expires, the successor serves
 123 the rest of the unexpired term.

- 124 (j) Recommendations by the Commission.
- 125 (1) The Commission may recommend to the Executive persons to
 126 serve on the Commission under subsections (d), (e), and (f).
 - 127 (2) The Executive should appoint members under subsections (d), (e),
 128 and (f) from among the persons recommended by the Commission.

129 **24-66. Voting, officers, chairs, meetings, compensation; [subcommittees]**
 130 **committees.**

- 131 (a) Each member of the Commission is a voting member.
- 132 (b) The [Executive] Commission must [designate] elect a Chair and Vice
 133 Chair from among its members.
- 134 (c) The Commission must meet at least 4 times each year.

135 (d) A majority of the members of the Commission constitutes a quorum for
 136 the transaction of business.

137 [(d)] (e) A member serves without compensation. However, a member may
 138 request reimbursement for mileage and dependent care costs at rates
 139 established by the County.

140 [(e)] (f) The Commission may establish 1 or more [subcommittees]
 141 committees to assist in carrying out any function of the Commission.
 142 Any [subcommittee] committee action is not the action of the
 143 Commission and must not bind the Commission or its members. A
 144 [subcommittee] committee may include a person who is not a member of
 145 the Commission.

146 (g) The Commission must establish a governance committee to ensure
 147 effective coordination of the Continuum of Care. The governance
 148 committee must:

149 (1) be co-chaired by the Chair of the Commission and the member
 150 appointed under Section 24-65(b)(2); and

151 (2) include the member appointed under Section 24-65(b)(3) and a
 152 representative of each committee established under subsection (f).

153 **24-67. Duties.**

154 The Commission must:

155 (a) promote a community-wide goal to end and prevent homelessness;

156 (b) develop a strategic plan to prevent and [reduce] end homelessness and
 157 minimize the trauma and dislocation caused to homeless families and
 158 individuals;

159 (c) review and monitor any program that is a component of the Continuum
 160 of Care[, 100,000 Homes Campaign,] and Housing First Initiative,
 161 including:

- 162 (1) permanent housing, including permanent supportive housing and
 163 rapid re-housing;
- 164 (2) transitional housing;
- 165 (3) supportive services;
- 166 (4) homeless management information system;
- 167 (5) homelessness prevention; [and]
- 168 (6) emergency shelter; and
- 169 (7) outreach;
- 170 (d) recommend to the Executive and Council any improvements to [the
 171 Continuum of Care, including process changes, to reduce any barrier to
 172 housing and minimize the time needed to move someone from
 173 homelessness to housing] local policies to end and prevent homelessness;
- 174 (e) educate the community about homelessness, best practices to [reduce]
 175 end and prevent homelessness, resources needed to [reduce] end and
 176 prevent homelessness, and long term savings that are achieved by
 177 providing permanent stable housing; [and]
- 178 (f) recommend and promote partnerships with any private organization,
 179 business, corporation, philanthropic organization or foundation, and any
 180 municipal, state, or federal government agency to improve the County's
 181 ability to prevent and [reduce] end homelessness; and
- 182 (g) establish procedures for the effective coordination of the Continuum of
 183 Care.

184 **24-68. Annual report.**

185 By November 30 of each year, the Commission must submit to the Executive
 186 and Council a report that:

- 187 (a) provides data and trends regarding homelessness, including data from the
188 Council of Government's Point-in-Time survey [and the 100,000 Homes
189 Campaign survey];
- 190 (b) identifies gaps in the Continuum of Care that prevent or impede the
191 County's ability to address needs identified through the review of data on
192 [homeless] homelessness;
- 193 (c) makes recommendations for the capital and operating budget [for the
194 following fiscal year];
- 195 (d) makes [recommendation] recommendations for any legislative or
196 regulatory changes needed to implement the Continuum of Care strategic
197 plan; and
- 198 (e) reports on any educational or public outreach activities undertaken during
199 the preceding year.

200 **Sec. 2. Transition.** Non-ex officio members of the Interagency Commission
201 on Homelessness on the effective date of this Act continue to serve on the Commission
202 until the end of their terms.

LEGISLATIVE REQUEST REPORT

Bill 7-20

Interagency Commission on Homelessness – Membership and Duties

DESCRIPTION:	Interagency Commission on Homelessness – Membership and Duties
PROBLEM:	Update and modify the membership and duties of the Interagency Commission on Homelessness.
GOALS AND OBJECTIVES:	Bill 7-20 would alter the membership of the Interagency Commission of Homelessness (ICH) to include fewer ex officio members and more public members. The bill would update the duties of the ICH to, among other things, prioritize ending and preventing homelessness as opposed to simply reducing homelessness.
COORDINATION:	Interagency Commission on Homelessness
FISCAL IMPACT:	OMB
ECONOMIC IMPACT:	Department of Finance
EVALUATION:	To be done.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Christine Wellons, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	N/A
PENALTIES:	N/A



OFFICE OF MANAGEMENT AND BUDGET

Marc Elrich
County Executive

Richard S. Madaleno
Director

MEMORANDUM

March 18, 2020

TO: Sidney Katz, President, County Council

FROM: Richard S. Madaleno, Director, Office of Management and Budget *RSM*

SUBJECT: FIS for Bill 7-20, Interagency Commission on Homelessness – Membership and Duties

Please find attached the Fiscal Impact Statement for the above-referenced legislation.

RSM:cm

c: Andrew Kleine, Chief Administrative Officer
Fariba Kassiri, Deputy Chief Administrative Officer
Caroline Sturgis, Assistant Chief Administrative Officer
Debbie Spielberg, Special Assistant to the County Executive
Dale Tibbitts, Special Assistant to the County Executive
Lisa Austin, Office of the County Executive
Barry Hudson, Director, Public Information Office
Raymond Crowel, Director, Department of Health and Human Services
Dennis Hetman, Department of Finance
David Platt, Department of Finance
Monika Coble, Office of Management and Budget
Chrissy Mireles, Office of Management and Budget
Deborah Lambert, Office of Management and Budget

Office of the Director

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Fiscal Impact Statement
Bill 7-20, Interagency Commission on Homelessness - Membership and Duties

1. Legislative Summary

The Interagency Commission on Homelessness (ICH) is a 25-member commission created by the County Council in 2014 to coordinate public and private programs to reduce homelessness in the County. The ICH has requested that several modifications and updates be made to its membership and duties. The purpose of these changes are to improve the governance and effectiveness of the ICH, as well as to clarify the mission of the ICH to “end and prevent” homelessness, as opposed to simply “reducing” homelessness.

Under Bill 7-20, the ICH would remain a 25-member commission, but its composition would change. At the request of the ICH, certain ex officio member slots would be replaced with more public representatives, including homeless service providers, healthcare providers, family services providers, and affordable housing providers.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

No changes in County revenue or expenditures are anticipated due to the bill.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

No changes in County revenue or expenditures are anticipated over the next 6 fiscal years due to the bill.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not Applicable.

5. An estimate of expenditures related to County’s information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not Applicable.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Bill 7-20 does not authorize future spending.

7. An estimate of the staff time needed to implement the bill.

There is no additional staff time needed to implement the bill.

Fiscal Impact Statement
Bill 7-20, Interagency Commission on Homelessness - Membership and Duties

8. An explanation of how the addition of new staff responsibilities would affect other duties.

There is no impact on current staff responsibilities.

9. An estimate of costs when an additional appropriation is needed.

No additional appropriation is needed to implement Bill 7-20.

10. A description of any variable that could affect revenue and cost estimates.

Not applicable.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

12. If a bill is likely to have no fiscal impact, why that is the case.

The Department of Health and Human Services anticipates no measurable change in workload to accommodate this change and there be no material fiscal impact.

13. Other fiscal impacts or comments.

Not applicable.

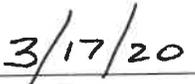
14. The following contributed to and concurred with this analysis:

Amanda J. Harris, Chief, Services to End and Prevent Homelessness

Deborah Lambert, Office of Management and Budget



Richard S. Madaleno, Director
Office of Management and Budget



Date

Economic Impact Statement
Bill 7-20, Interagency Commission Homelessness – Membership and Duties

Background:

This legislation would:

- Alter the membership of the Interagency Commission on Homelessness; and
- Alter the duties of the Commission.

The goal of Bill 7-20 is to achieve the goal of the County to ensure everyone has a home in the County. To achieve this goal, the County will end homelessness among:

- Veterans;
- Chronically homeless individuals;
- Families with children;
- Unaccompanied youth; and
- Seniors.

The Interagency Commission on Homelessness (ICH) is a 25-member commission created to coordinate public and private programs to reduce homelessness. Bill 7-20 would maintain the 25-member commission but also improve the governance and effectiveness of ICH and clarifies its mission to end and prevent homelessness rather than reducing homelessness.

1. The sources of information, assumptions, and methodologies used.

There are no sources of information or assumptions and methodologies used in the preparation of the economic impact statement.

2. A description of any variable that could affect the economic impact estimates.

The variable that could affect the economic impact estimates are the number of homeless families and individuals noted in the background section before and after enactment of Bill 7-20.

3. The Bill's positive or negative effect, if any on employment, spending, saving, investment, incomes, and property values in the County.

There is no precise data on the number of homeless families or individuals in the County and therefore a specific economic impact cannot be determined. However, since the goal of Bill 7-20 is to end and prevent rather than reduce homelessness, there could be a positive economic impact on the County's employment, spending, and incomes.

4. If a Bill is likely to have no economic impact, why is that the case?

See paragraph 3

Economic Impact Statement
Bill 7-20, Interagency Commission Homelessness – Membership and Duties

5. **The following contributed to and concurred with this analysis:** David Platt and Rob Hagedoorn, Finance.



Michael J. Coveyou, Director
Department of Finance

3/17/20

Date

Good afternoon Councilmembers. My name is Jeff Goldman, Chair of the Montgomery County Interagency Commission on Homelessness. I thank for the opportunity to speak on behalf of the proposed legislative changes to the ICH statute. I want to specifically express my gratitude to Councilmember Glass for leading the Council's effort on making homelessness a rare, brief, and one-time only experience for all.

In the spring of 2019, a subgroup of ICH commissioners came together to draft recommendations to update and revise the existing legislation. Along with myself, the group members included Eneshal Miller, Public Member Commissioner, Louise Kauffman of the City of Gaithersburg, Susie Sinclair-Smith of Montgomery County Coalition for the Homeless, Shane Rock of Interfaith Works, Amanda Chesney of Catholic Charities, and Amanda Harris from the Department of Health and Human Services. Our goal was to improve the infrastructure of the ICH and its committees to be more effectively and better align with best practices.

In summary, the new bill achieves the following:

- Emphasizes the need to “end and prevent” homelessness rather than just address the issue.
- Elevates the approach of Housing First from that of a single initiative to a core value of the homeless continuum of care.
- Allows flexibility in recruitment and selection of members based on goals and priorities.
- Balances the overrepresentation of criminal justice and government generally
- Increases emphasis on involvement of private organizations, like business, housing development, and philanthropy
- Establishes a governance committee to guide the work of the Commission and its committees

It should be noted that ICH membership is not only a mechanism to participate and have being a member is certainly not the only way to participate in and have influence over the work of the Continuum of Care and the ICH. In partnership with the office of Services to End and Prevent Homelessness, the ICH regularly recruits various stakeholders to sit on committees, subcommittees, and work groups. The most recent example of community engagement is the development of the Strategic Plan to End Homelessness where more than 20 organizations and 100 plus individuals provided critical feedback and suggestions on the strategies, values, and action plan.

Thank you again for the opportunity to speak on behalf of the Interagency Commission on Homelessness and thank you to all the community members, nonprofits, and government agencies engaged in the difficult but important work of eradicating homelessness.