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BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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Senate Bill 756 (Substitute S-1 as reported)
Sponsor: Senator Vernon J. Ehlers
Committee: Human Resources and Senior Citizens

Date Completed: 3-1-90

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RATIONALE

According to several sources, the number of homeless persons in Michigan and the rest of the country has increased steadily over the last few years, a trend that many believe will continue for some time. A recently published report by the U.S. Conference of Mayors apparently states that between 1987 and 1988 there was an average increase of 20%-25% in the number of homeless people nationwide, and between 1988 and 1989 the average increase was 25%. According to the Michigan Housing Coalition, there were reportedly between 30,000 and 90,000 homeless persons in Michigan in 1987. The Coalition states that based on this estimate and assuming an increase of 20% in the homeless rate in 1988 and 25% in 1989, there may have been as many as 135,000 persons who were homeless in Michigan in 1989, approximately one-third of whom were thought to be families in need of shelter. Indeed, the Coalition reports that a 1989 survey of city officials, shelter providers, and other community workers revealed an increase of about 25% in the usage of shelters. With the apparently steady increase in the need for, and use of, shelters, many existing shelters reportedly have been filled to capacity. Therefore, as a temporary measure to help alleviate the plight of the homeless during the winter months, it has been suggested that the State provide for the use of some of its buildings as warming shelters.

CONTENT

The bill would create the Michigan Homeless Assistance Act to provide for the use of State buildings as warming shelters for the homeless, specify the duties and responsibilities of the Department of Management and Budget

(DMB) in making buildings available as warming shelters, and require the Department to report on the availability and use of the warming shelters. The bill would be repealed on June 1, 1992.

The term "homeless" or "homeless individual" would mean an individual who lacks a fixed, regular, and adequate nighttime residence or an individual, other than a person who is imprisoned or detained pursuant to law, who has a primary nighttime residence that is one of the following:

- A supervised publicly or privately operated shelter designed to provide temporary living accommodations.
- An institution that provides a temporary residence for individuals intended to be institutionalized.
- A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

The buildings would have to be available for use as temporary shelters by November 1, 1990.

Specifically, the bill would require the DMB to identify buildings that are owned or leased by the State and that would be appropriate for use as temporary warming shelters for the homeless annually from November 1 through March 31 during the hours of 9:30 p.m. to 6:00 a.m. In an emergency as determined by the Governor, he or she by executive order could declare that a State building would be used as a temporary warming shelter at any time under the conditions articulated in the order regardless of whether there was a prior determination that the building was not appropriate for use as a warming shelter.

In identifying buildings for use as warming shelters, the DMB would be required to do all of the following:

- Develop criteria for determining which buildings or portions of buildings would be made available. The criteria could not be unreasonably restrictive and would have to be designed to provide the maximum assistance to the homeless without compromising State interests. At a minimum, the criteria would have to require that a building be safe and sanitary and meet all applicable State and local building codes and licensing requirements in the jurisdiction in which the building was located. Further, the building could not be a secured facility to which the general public is denied access, and if the building were leased by the State, as either lessee or lessor, the use of the building as a warming shelter could not be inconsistent with the terms of the lease.
- Develop criteria for determining which portions of buildings would be made available for use as temporary warming shelters.
- Provide for the security of the buildings, including methods for limiting access to portions of buildings not intended to be used as warming shelters.
- Develop standards for the number and type of staff required to operate buildings as temporary warming shelters.
- In staffing buildings used as warming shelters, make maximum use of public assistance recipients including, but not limited to, participants in the Michigan Opportunity Skills and Training Program and volunteers.

A volunteer who assisted in staffing warming shelters would be immune from tort liability. The bill specifies that it would not alter the liability of governmental agencies for bodily injuries or property damage outlined in the governmental immunity Act.

By October 1, 1991, the DMB would be required to submit to the Legislature a report identifying buildings scheduled to be made available as warming shelters. By February 1, 1991, the Department would have to report on the rate at which the buildings were being used as warming shelters for homeless persons, and

by May 1, 1991, the DMB would have to report on the total number of buildings used and homeless persons served from November 1, 1990, to March 31, 1991.

By July 1, 1991, in consultation with appropriate agencies, the Department would be required to submit to the Legislature a report describing the feasibility of making underused State buildings available to private nonprofit organizations and units of local government for use as facilities to assist the homeless, based on provisions similar to those in the Federal Stewart B. McKinney Homeless Assistance Act.

The bill provides that, in consultation with appropriate agencies, the DMB could promulgate rules to effectuate the bill.

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State government. There would be administrative responsibilities of the Department of Management and Budget to establish and evaluate the program that could be absorbed by existing resources. Additional costs for security provisions at State-owned or -leased buildings would depend upon how many, if any, were utilized as shelters. These costs cannot be determined at this time.

ARGUMENTS

Supporting Argument

The bill, which is patterned after Federal legislation that was enacted about a year ago, would help alleviate a critical problem, homelessness. Often thought to be an urban problem, the situation is becoming increasingly severe in rural areas where there frequently are no missions or emergency shelters for the homeless. This factor, coupled with the alarming statistics on the number of young children who are homeless, makes it imperative that the State do whatever it can to address the problem. The bill would enable the State to take a much needed first step toward finding a solution.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.