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BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

• (517) 373-5383

Senate Bill 756

Sponsor: Senator Vernon J. Ehlers

Committee: Human Resources and Senior Citizens

Date Completed: 2-16-90

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SUMMARY OF SENATE BILL 756 as introduced 1-24-90:

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 in making buildings available as warming shelters; and require the Department to report on the availability and use of the warming shelters. The term "homeless" or "homeless individual" would mean either 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.

Specifically, the bill would require the Department of Management and Budget to identify underutilized buildings that are owned or leased by the State and make them available 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, however, the Governor 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 making buildings available as warming shelters, the Department would be required to do all of the following:

- Develop criteria for determining which 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

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compromising State interests.

- 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 pursuant to the governmental immunity Act.

On or before October 1, 1990, the Department would be required to submit to the Legislature a report identifying buildings scheduled to be made available as warming shelters. On or before 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 on or before May 1, 1991, the Department 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, 1990, 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 Department could promulgate rules to effectuate the proposed Act.

Legislative Analyst: L. Burghardt

#### 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 personnel salaries at State buildings would depend upon how many, if any, State buildings were utilized as shelters. These costs cannot be determined at this time.

Fiscal Analyst: B. Baker

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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.