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# Task Force on Shelter

Report to the Legislature  
December 15, 2022

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## **Alternative Formats**

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# Executive summary

## Introduction

In 2021, the Minnesota Legislature authorized a Task Force on Shelter. The legislature charged the group to:

1. develop standards for the provision of shelter; and
2. examine the need for, and the feasibility and cost of, establishing state oversight of shelter.

The Task Force consisted of 24 members, including state, city, and county representatives, public members who have experienced homelessness, advocacy organization representatives, and shelter provider representatives. Eleven of the members had lived experience and expertise of homelessness, and one-third were in Greater Minnesota. The Task Force did not have seats reserved for Tribal Nations.

## How the Task Force developed its recommendations

The Task Force met for two hours each month between August 2021 and December 2022. Because of the COVID-19 pandemic, the meetings were held online.

In the first few meetings, members developed ground rules and collective values for how they wanted to operate. They also discussed what the ideal shelter experience would look like.

Members then came to a common understanding about the topic by collecting shelters' policies and practices and researching standards in other states. After that, they broke into small groups to develop draft standards. The small groups met outside the regular Task Force meetings. Other members provided feedback on draft standards through online forms and at Task Force meetings.

Although Task Force members brought a wide range of backgrounds, they could not represent all perspectives. To ensure the recommendations would work for different types of people across the state, the Task Force engaged the public at different stages. Overall, the Task Force heard from more than 350 members of the public. Feedback came from people who have experienced homelessness (both those who stayed in shelters and remained unsheltered); shelter providers; state, local, and tribal government; advocates; and other community members. Members took the public's feedback into consideration when developing their final recommendations on standards and oversight.

## The ideal shelter experience

Early in its work, the Task Force discussed what the ideal shelter experience should be like for guests. This conversation informed how they approached developing standards and how they evaluated their eventual recommendations. Members centered the point of view of a hypothetical guest.

In my ideal shelter experience:

- I am safe throughout my experience.
- I feel:
  - Hopeful
  - Cared for, valued
  - Heard
  - Treated with dignity
  - Like I can be my full self; my experiences and my cultural background and practices will be respected and valued
- I receive holistic services; I get help connecting to other resources/more permanent housing solutions.
- I can fully access services and facilities, regardless of any disabilities I have or languages I speak.
- No wrong door process: I get transitioned to a place that better meets my needs if necessary.
- I have privacy: I have a place for personal belongings, a place that feels more my own.
- My identity is protected in those spaces.
- There is a paperwork trail of my time there: for voting, about discipline, etc.

## About shelter

Broadly speaking, shelters provide temporary living arrangements for people experiencing homelessness.<sup>1</sup> There are different ways to categorize shelters, such as:

- **By populations served.** (Examples: families with children, survivors of domestic violence)
- **By physical setup.** (Examples: overnight-only facilities, emergency pop-up shelters)
- **By funding model.** (Example: privately operated with no government funding)

Access to shelter varies widely across the state. Some areas have a coordinated access and prioritization system for shelters; others do not or have no physical shelter provider at all.

## How many shelters are in Minnesota

It is unclear exactly how many shelters operate in Minnesota. To help the Task Force understand shelters, state agency staff provided a list of shelters they were aware of in fall 2021 (excluding hotels and motels used as shelter). Overall, the list showed 172 shelter facilities operated by 127 organizations, and that urban areas have more shelter options than rural areas. Hennepin and Ramsey Counties alone have more than 50 shelters, and the seven-county Twin Cities area has about 70. In Greater Minnesota, on the other hand, there may be more than 100 miles between one shelter and the next.

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<sup>1</sup> “Homeless Definition,” US Department of Housing and Urban Development, accessed December 7, 2022, [https://files.hudexchange.info/resources/documents/HomelessDefinition\\_RecordkeepingRequirementsandCriteria.pdf](https://files.hudexchange.info/resources/documents/HomelessDefinition_RecordkeepingRequirementsandCriteria.pdf).

## Current shelter oversight in Minnesota

In the broadest terms, “oversight of shelter” can be thought of as someone making sure shelters are the kind of place where people feel safe and welcome. Oversight can involve setting standards and then somehow checking whether shelters are following the standards. It could also be a check to make sure a shelter receiving funding uses the money the way it is supposed to.

Shelters follow different oversight requirements and systems depending on their location, population served, and funding. Oversight can come from local, state, and/or federal government, as well as private funders.

## Recommendations

### Standards for the provision of shelter

One of the Task Force’s responsibilities was to “develop standards for the provision of shelter.” To create the standards, members drew on their own experience, other states’ standards, public feedback, and the Street Voices of Change Shelter Bill of Rights.

The Task Force developed 11 categories of standards:

1. Entry into shelter
2. Interpersonal treatment
3. Gender identity equity
4. Physical environment
5. Accessibility and equity
6. Length of stay
7. Social and supportive services
8. Financial policies
9. Grievance
10. Displacements
11. Privacy

Because explaining the standards in brief is difficult without losing their nuance, this executive summary does not attempt to shorten them. The full text of the standards begins on page 29.

### State oversight of shelter

One of the Task Force’s responsibilities was to “examine the need for, and the feasibility and cost of, establishing state oversight of shelter.” Members discussed the overall need for state oversight, discussed which types of shelter should follow the standards, and explored potential oversight models for Minnesota.



## The need for oversight

To examine the need for state oversight of shelter, Task Force members discussed the issues that oversight could possibly help address, as well as why oversight is not the solution to all issues.

### *The issues more oversight could address*

**Some people have bad experiences at shelters:** According to the experiences of Task Force members and members of the public, not all shelters provide safe, respectful, and appropriate space and services to guests. People shared stories of how shelter staff and other guests mistreated them, and of spaces they found unsafe and unhealthy.

**Many guests have no one to ask for help:** If a guest has a complaint about a shelter and the shelter ignores them, there is no statewide, impartial organization the guest can contact. Even if there is a local resource, guests who have issues at a shelter may not know about it, and the issues at the shelter could continue.

**One-third of shelters do not receive state oversight:** One-third of Minnesota's shelter facilities do not receive shelter-specific state oversight. Establishing state oversight over those shelters may help make them safer, more welcoming facilities that offer more consistent services.

**More oversight could help:** Some shelter staff on the Task Force and in the public expressed support for more state oversight. They believed that it would help all shelters provide quality services, and that most shelters are already meeting most of the Task Force's recommended standards.

### *Why oversight will not solve all problems*

The issues around housing, homelessness, and shelters are complicated. Creating more state oversight could help solve some of the problems, but there are some potential drawbacks to that change.

**Oversight does not guarantee the ideal shelter experience:** When the Task Force heard from members of the public, some people described bad experiences they had had at specific shelters. Later research showed that a few of those named shelters currently do receive shelter-specific oversight from the state. Task Force members also discussed how shelters may need more financial resources to provide the ideal experience, and oversight alone cannot create those resources.

**Oversight could also have unintended negative effects:** Establishing more state oversight could solve some issues, but it could also have unintended negative effects. For example, staff at currently licensed youth shelters explained how strict licensing rules have made it more difficult for them to provide low-barrier shelter.<sup>2</sup> They would like to make it easier for minors without an accompanying adult to stay there, but they have to follow licensing rules or they could lose their license.

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<sup>2</sup> Low-barrier shelters try to make it easy for someone to stay there. Usually this means they put up as few rules as possible about who can stay there. For example, low-barrier shelters may not require criminal background checks, sobriety, or guest identification.

**Shelters could struggle to meet requirements:** Some members of the Task Force and the public expressed concern that more oversight could make it more difficult for shelters to operate. They said it could be difficult for some shelters to follow new reporting and compliance requirements, as well as standards around their physical environment and services. The worst outcome, they believed, would be shelters closing down and shelters not opening because of standards and oversight.

**State systems can continue systematic oppression:** Task Force members also discussed how state oversight can have good intentions but end up reinforcing existing systems of oppression. When the state creates more rules and requirements, it can unintentionally harm shelters run by and sheltering people in the Black, Indigenous, and people of color (BIPOC) communities. Oversight will not change the underlying culture that supports meeting the goals and could perpetuate punitive systems.

**Changes could create new burdens for guests:** Requiring standards and oversight can unintentionally put new burdens on the people being served by shelters. Oversight should not create new indignities for shelter guests.

#### *Oversight needs to be part of a community first response*

Establishing state oversight should not be the only approach to addressing broader problems around shelter and homelessness. It is one tool available, but even if implemented well, the state needs to take additional action.

Shelters were designed to be short-term solutions. At the moment, though, they serve as a safety net that catches people facing challenges such as a lack of affordable and accessible housing, healthcare, education, employment, and other inequities rooted in oppression. Marginalized Minnesotans—such as people with disabilities, BIPOC communities, and the LGBTQIA2S+ community—disproportionately experience homelessness because of those inequities. Real solutions to homelessness will involve addressing the root causes. At the same time, the state will always need to have shelters, so Minnesota needs to both look upstream to what is causing homelessness, and ensure shelters are safe and supportive to the needs of people seeking shelter.

These issues demand a community-first response. This means people experiencing homelessness are community members, and they deserve a community response through partnerships and shared accountability. Minnesota needs a strong collective effort, one in which shelter providers, people with lived experience and expertise, government, nonprofits, and other stakeholders work together. Any oversight system should work as a part of that effort, uniting all involved organizations to work collaboratively toward the common goal of ending homelessness one individual at a time.

### **Create an Office of Ombuds for Shelter Guests**

Of the three oversight models members explored, an Ombuds office had the most support.

#### *Office duties*

The Office of Ombuds for Shelter Guests would advocate for the rights of Minnesotans staying in non-tribal-owned shelters. Its responsibilities would be to:

- Maintain a set of shelter standards
- Provide education to shelter providers and community members

- Advocate and mediate for shelter guests
- Report findings to the public
- Recommend changes in state law and agency policies
- Build networks of mutual support

### *Reporting system*

Guests, shelter staff, or other concerned people would be able to make reports to the Ombuds office through different methods, including a phone hotline, an online form, a mail-in option, and others. Methods would be accessible to people with disabilities, people not proficient in English, and people without access to a landline or the internet.

In response to the report, Ombuds staff would take different steps depending on the situation. Generally, they would work with guests, shelter providers, and other agencies to resolve complaints and concerns.

### *Ombuds Advisory Council*

The Ombuds office would support and actively engage with an Advisory Council. The Council would have people who have experienced homelessness, people with experience working in shelters, people from different racial and ethnic groups (including Native Americans), and others close to the work.

The Advisory Council's role would be to provide perspective and advice to the Ombuds office; it would not oversee or give specific direction to the Ombuds office.

### *Cost to the state*

Research shows that existing ombuds offices with similar duties have annual budgets ranging from \$190,000 to \$744,000. This does not include any initial costs involved with setting up a new ombuds office.

### *Benefits of this approach*

- Guests have an authority to contact if they have a bad experience at a shelter. This would help keep a minimum standard of quality at shelters across the state.
- Guests would have an advocate to talk to and work with, not just an automated reporting system. This makes it a person-centered and accessible approach.
- This approach keeps people with lived experience and expertise—as well as people from key communities affected by homelessness—engaged in the standards and oversight process over time. This would make for a more culturally responsive system that is more likely to meet guests' needs.
- This approach would provide a new opportunity for the state. The information collected could be a continuous improvement effort for shelters and the state. Everyone would do better based on feedback.

### *Challenges of this approach*

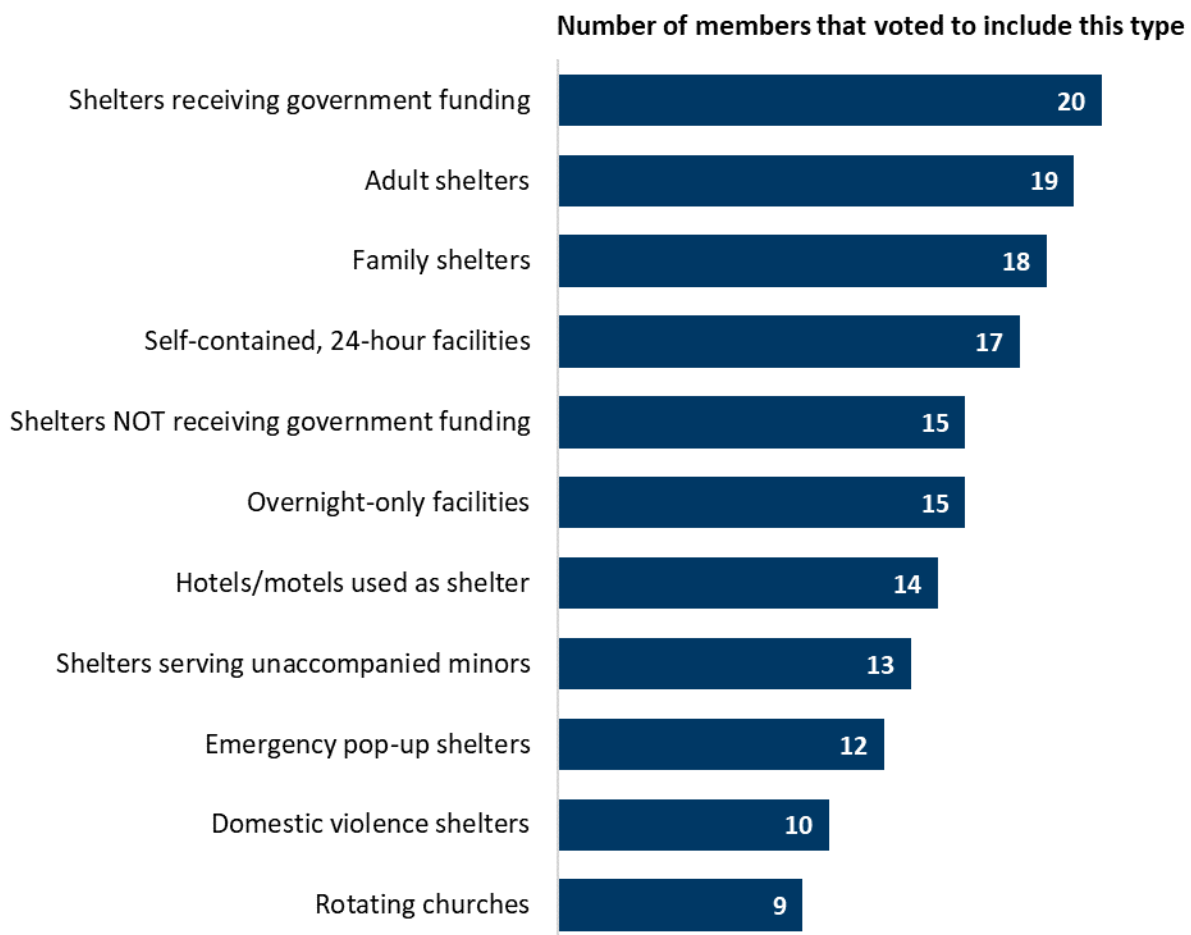
- It relies on people having to advocate for themselves, which can be a barrier. People experiencing homelessness are often in crisis and not in a strong position to be self-advocates, especially not when they may fear retaliation from the shelter.

- Ombuds offices generally do not have the authority to formally investigate a shelter or create penalties. They usually advocate for people and provide guidance. Without investigative authority, staff will have to rely on shelters agreeing to work with them.
- Because this is a reactive-only model, there would need to be work from shelters to ensure there is no need for reactive oversight.

### Which types of shelter should have to follow standards

When discussing potential standards, members of the Task Force and the public alike discussed which types of shelters should have to follow the developed standards and why. After several meetings of discussion, Task Force members voted on which types they think should follow the standards. The graph below shows the results of that vote (20 members participated in the vote). The main report contains members’ thoughts on why different types should or should not follow the standards.

#### Which types of shelter should follow the standards?



## Other recommendations

**Recommendation:** The Task Force recommends the legislature does not require tribal-run shelters to follow the standards and oversight, even if they receive state funding.

**Additional context:** The tribes in Minnesota are sovereign nations. The Task Force acknowledges the inherent right for tribal nations to self-govern. As a result, the state cannot force tribal-owned shelters to follow state standards and oversight. Task Force members recommend the state continues to provide funding to tribal-owned shelters and honors the government-to-government relationship by not requiring these shelters to follow state standards or oversight.

**Recommendation:** The state should increase funding available to shelters.

**Additional context:** Many of the recommended standards would not create significant new costs for shelters. Some shelters are already fully meeting the standards or are close to doing so. Others, though, are not meeting the standards, and some of the standards could impose new costs for them (see Appendix J on page 117). Shelter representatives and others expressed concern that without funding to help some shelters meet the standards, shelters may close and may be less likely to open in the first place.

**Recommendation:** The state should give shelters time to adapt to any changes before imposing any new standards or requirements.

**Additional context:** Some shelters in the state are not currently meeting all draft standards. If the state requires shelters to meet new standards or requirements, shelters will need time to adapt their policies, their practices, and potentially their spaces. There should be at least one year between the date new requirements are set and the date shelters must meet them.

**Recommendation:** Overseeing entities should adopt a partnership mentality with shelters.

**Additional context:** Because each shelter and community is unique, overseeing entities should strive for a mutually beneficial, supportive relationship with shelters. They should offer funding opportunities, technical assistance, best practices, and mentoring to help shelters operate in line with standards. They should look for solutions and help shelters with their concerns.

When shelters do not meet standards, overseeing entities should try to de-escalate situations and avoid being unnecessarily punitive. At the same time, overseeing entities should set clear timeframes and action steps after shelters' missteps. They should develop a process for what happens if shelters continue to not meet standards.

**Recommendation:** People with lived experience and expertise of homelessness should be a critical part of oversight.

**Additional context:** People who have personally experienced homelessness know best what people in that community need. Overseeing entities should strive to always have people with lived experience and expertise on their staff. Any new, appointed groups should have seats specifically for people with lived experience and expertise, and the state should compensate those members for their time. It is also important to specifically have people from BIPOC communities, people with disabilities, and people from the LGBTQIA2S+ community who have lived experience and expertise. This would help ensure systems are designed to help oppressed communities, and reduce the chances of new state oversight unintentionally causing them more harm.

**Recommendation:** The Minnesota House should reestablish the Preventing Homelessness Division, also known as the Committee to Prevent and End Homelessness.

**Additional context:** In the 2021–22 legislative sessions, the Minnesota House had a Committee to Prevent and End Homelessness. This committee has not been reestablished for the 2023 legislative session. Members recommend House leadership reestablish the committee in the current and future legislative sessions. Homelessness is a complex, cross-agency problem that requires dedicated legislative time.

# Acronyms

Acronym	What it means
ADA	Americans with Disabilities Act.
BIPOC	Black, Indigenous, and people of color.
COC	A Continuum of Care (COC) is a regional strategic planning body to plan and implement housing and services to reduce the incidence of homelessness by assisting individuals, youth, and families experiencing homelessness to access services and stable housing.
DV	Domestic violence.
DHS	Minnesota Department of Human Services.
DOC	Minnesota Department of Corrections.
DPS	Minnesota Department of Public Safety.
ESG	Emergency Solutions Grants. A government program to help people.
HMIS	A Homeless Management Information System (HMIS) is a local information technology system used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness.
HUD	US Department of Housing and Urban Development.
LGBTQIA2S+	Lesbian, gay, bisexual, transgender, queer, intersex, asexual, two-spirit, etc.
MDH	Minnesota Department of Health.
MICH	Minnesota Interagency Council on Homelessness. A council composed of state agency leaders.
OEO	Office of Economic Opportunity, a part of the Minnesota Department of Human Services.
OJP	Office of Justice Programs, a part of the Minnesota Department of Public Safety.

# Introduction

In 2021, the Minnesota Legislature authorized a Task Force on Shelter. The legislature charged the group to:

1. develop standards for the provision of shelter; and
2. examine the need for, and the feasibility and cost of, establishing state oversight of shelter.

The Task Force consisted of 24 members, including state, city, and county representatives, public members who have experienced homelessness, advocacy organization representatives, and shelter provider representatives. The Task Force did not have seats reserved for Tribal Nations. Eleven of the members had lived experience and expertise of homelessness, and one-third were in Greater Minnesota. See Appendix A on page 56 for the full legislation, and Appendix B on page 59 for a list of Task Force members. The legislation only allowed the Task Force to provide childcare expense and travel reimbursements to public members; those members did not receive other compensation from the state for their time.

The Task Force on Shelter submitted an initial report to the legislature on February 1, 2022, which described the group's work to date. This report contains the Task Force's final recommendations to the legislature.

## Key definitions

The Task Force uses the following terms in this report, but these are only the words members decided to use for their own purposes. Members are not implying that certain laws or regulations should apply simply because the Task Force selected these terms.

### Shelter

According to the statutory language creating the Task Force:

“Shelter” means an indoor sleeping and sanitary dwelling, whether in a fixed or rotating location, intended for individuals and families experiencing homelessness, provided by a unit of government, a nonprofit organization, or a place of worship.

### Guest

This is a person who stays at a shelter. Other common terms include “resident” and “client.” A guest may enter a shelter by themselves or with other people they consider to be their family unit.

Although the legislation creating the Task Force used the word “resident,” most Task Force members supported using the word “guest.” They explained the word “guest” makes many people feel more welcomed at shelters. They also said it better reflects how shelter is supposed to be a temporary—not long-term—place to stay.

### Lived experience and expertise

This report uses “lived experience and expertise” and “people with lived experience and expertise” as shorter versions of saying “people who have lived experience and expertise of homelessness.”



## The Task Force's origins

In 2016, a group of individuals who were actively experiencing homelessness or had past personal experience created the advocacy organization Street Voices of Change. The group wanted to improve the lives of people experiencing homelessness. Based on their experiences in shelters, they decided Minnesota should have a set of rights for people staying at shelters.

Street Voices of Change and other organizations—Freedom from the Streets, Align Minneapolis, Central Lutheran Church, Minnesota Coalition for the Homeless, National Alliance on Mental Illness, Legal Aid, Catholic Charities, Metropolitan Interfaith Council on Affordable Housing, Partners for Affordable Housing, Homeless Helping Homeless, Envision Communities, and Homes for All MN—started advocating for the Minnesota legislature to create a shelter resident bill of rights. As the work went on, organization members learned more about how complicated the topic was. They ended up supporting two bills in the legislature: one establishing a bill of rights, and one establishing a Task Force to recommend standards.

State Representative Heather Keeler (Moorhead) and State Senator Lindsey Port (Lakeville) authored the legislation that created the Task Force on Shelter. The bill was incorporated into the Omnibus Housing Bill and passed by the legislature in the 2021 special session. Governor Walz signed it into law on June 29, 2021.

## How the Task Force developed its recommendations

The Task Force met for two hours each month between August 2021 and December 2022. Because of the COVID-19 pandemic, the meetings were held online.

In the first few meetings, members developed ground rules and collective values for how they wanted to operate (see page 19). They also discussed what the ideal shelter experience would look like (see page 19).

Members then came to a common understanding about the topic by collecting shelters' policies and practices and researching standards in other states. After that, they formed small groups to develop draft standards. The small groups typically had at least one person from each of these different perspectives:

- Lived experience and expertise of homelessness
- Worked at a shelter
- Worked for an advocacy organization
- Worked for local government
- Worked for state government

The small groups met outside the regular Task Force meetings. Other members provided feedback on draft standards through online forms and at Task Force meetings. Small groups then revised their standards and brought them back to the Task Force for at least one more review.

At this point the Task Force voted on whether to bring each draft standard forward for public feedback. Members voted with the understanding the standards could be changed again based on suggestions from the public.

To learn about oversight, Task Force members and consultants from the State of Minnesota's Management Analysis and Development (MAD) conducted research. They explored how oversight currently works in Minnesota and in other states.

Throughout the process, members shared their own experiences to inform the conversation and recommendations. Although Task Force members brought a wide range of backgrounds, they could not represent all perspectives. To ensure the recommendations would work for different types of people across the state, the Task Force engaged the public at different stages:

- **Initial feedback:** From January through March 2022, the Task Force asked about the public's experience around shelters. Members used this feedback in developing the draft standards and their initial conversations about oversight. To get public feedback, the Task Force:
  - Held four online listening sessions.
  - Offered two public comment surveys: one for shelter providers and one for people with lived experience and expertise.
  - Attended meetings of the Regional Expert Network and Continuum of Care (COC) coordinators.
  - Invited the public to comment by email, phone, or mail.
- **Focused feedback:** In May 2022, the Task Force held a meeting with members of the public about gender identity equity. They invited people who identified as transgender, gender nonconforming, nonbinary, and allies. Members used this information to create the gender identity equity standard based on a City of Minneapolis standard.
- **Draft materials feedback:** In August and September 2022, the Task Force shared its draft standards with the public. It asked for feedback on the standards and on the topic of shelter oversight. To get public feedback, the Task Force:
  - Held online listening sessions with the public.
  - Held an online listening session with state agency staff involved in shelter work.
  - Offered a public comment survey.
  - Invited the public to comment by email, phone, or mail.
  - Invited the public to host independent conversations using a guided script.
  - Attended a meeting of the Minnesota Tribal Collaborative to Prevent and End Homelessness.
  - Attended a provider webinar hosted by the Minnesota Interagency Council on Homelessness.
  - Attended the Minnesota Coalition for the Homeless conference.
  - Engaged people with lived experience and expertise at a limited number of in-person events hosted by members.

Overall, the Task Force heard from more than 350 members of the public across the state. Feedback came from people who have experienced homelessness (both those who stayed in shelters and remained unsheltered); shelter providers; state, local, and tribal government; advocates; and other community members. Members took the public's feedback into consideration when developing their final recommendations on standards and oversight. Appendix C on page 61 has more details about how the Task Force engaged the public.

At the final meeting, members expressed appreciation for each other and the legislature's creation of the Task Force, and described what they learned during the process. These comments are in Appendix D on page 63.

# The Task Force's values

The Task Force created values for how they wanted to operate:

1. **Liberation:** We believe in freedom for people residing in all kinds of shelter and experiencing homelessness outside of shelter. We support the creation of liberating structures and removing barriers that oppress.
2. We will **center those closest to the experience** in our work, how we listen, and recommendations we put forward. This means listening to people with lived experience and expertise and deferring to and giving more weight to people who have historically been disenfranchised. We value a human-centered, not system-centered approach where people are seen holistically.
3. We value and are committed to **actionable solutions across the state**. We know that homelessness is a statewide issue and that each community has a need to balance the universal rights of people experiencing homelessness with the specific challenges within their community. We will share what we learn, educate, and advocate.
4. **Trust:** To do our work authentically and create change, we need to build relationships, which require trust. Only then are we able to foster and support transformation.
5. **Dignity:** Persons who are experiencing homelessness and residing in shelter are entitled to a basic set of rights, dignity, accessibility, and **safety** as defined by people experiencing homelessness themselves.
6. **Responsiveness:** We value and are committed to **inclusivity**, engaging with an open mind, and will strive to understand with **empathy**.
7. **Equity:** We will practice **cultural responsiveness and humility**, acknowledging that homelessness and housing instability disproportionately affect People of African heritage, Black people, Indigenous people, people of color, LGBTQIA2S+ people, and people with disabilities.
8. **Responsibility:** We understand the importance of this work and are accountable to people served and our broader communities in the decisions we make, and recommendations we put forward. We are responsible for holding meetings in an accessible way and operating accessibly (physical and sensory accessibility).

## The ideal shelter experience

Early in its work, the Task Force discussed what the ideal shelter experience should be like for guests. This conversation informed how they approached developing standards and how they evaluated their eventual recommendations. Members centered the point of view of a hypothetical guest.

In my ideal shelter experience:

- I am safe throughout my experience.
- I feel:
  - Hopeful.
  - Cared for, valued.
  - Heard.
  - Treated with dignity.

- Like I can be my full self; my experiences and my cultural background and practices will be respected and valued.
- I receive holistic services; I get help connecting to other resources/more permanent housing solutions.
- I can fully access services and facilities, regardless of any disabilities I have or languages I speak.
- No wrong door process: I get transitioned to a place that better meets my needs if necessary.
- I have privacy: I have a place for personal belongings, a place that feels more my own.
- My identity is protected in those spaces.
- There is a paperwork trail of my time there: for voting, about discipline, etc.

## Other related work

At the same time the Task Force on Shelter developed its recommendations, the Minnesota Interagency Council on Homelessness (MICH) began developing a Justice Strategic Plan focused on achieving housing, racial, and health justice for people facing homelessness. MICH is a cabinet-level body Lieutenant Governor Flanagan leads and is composed of the commissioners of 13 state agencies and the chair of the Metropolitan Council.

The Council was formed in its current structure in 2013 and has developed three iterations of a statewide strategic plan to prevent and end homelessness. The current plan in development is a Justice Strategic Plan focusing on achieving housing, racial, and health justice for people facing homelessness.<sup>3</sup> MICH is working with a team of hired consultants with lived experience and expertise of homelessness to develop the next plan in phases. In phase 1, the consultants worked with the community to develop an operational definition of housing, health, and racial justice. They are now in phase 2 focused on developing results and strategies that will drive the work at the state toward justice.

Task Force members reviewed MICH’s work to date in fall 2022. They determined the Task Force’s work aligns with the Justice Strategic Plan; both have stressed the importance of a community-based response to homelessness, centering people with lived experience and expertise, and achieving equity for all Minnesotans.

## Stories

To provide context for the work, this report includes perspectives from members of the public who have experienced homelessness. These experiences are marked off in boxes labeled “Voices of people with lived experience” and will appear throughout the report. They are not exact quotes from people, and should be read as a general version of what people shared with the Task Force.

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*Voices of people with lived experience:*

**I’ve been fearful when staying in shelters.  
There’ve been times I chose to sleep in my  
vehicle because I felt safer.**

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<sup>3</sup> “Justice Strategic Plan,” Minnesota Interagency Council on Homelessness, accessed October 22, 2022, <https://mich.mn.gov/justice-strategic-plan>.

# About shelter

Broadly speaking, shelters provide temporary living arrangements for people experiencing homelessness.<sup>4</sup> There are different ways to categorize shelters, such as:

- **By populations served.** Examples include:
  - Families with children
  - Adults who do not have children with them
  - Minors without an accompanying adult
  - Survivors of domestic violence
- **By physical setup.** Examples include:
  - Overnight-only facilities
  - Self-contained, 24-hour facilities
  - Hotels paid by a government body or nonprofit, including hotel vouchers
  - Rotating churches (for example, a fixed shelter space that different churches rotate responsibility for operating)
  - Emergency pop-up shelters (for example, facilities that temporarily open for an extremely cold night)
- **By funding model.** Examples include:
  - Directly operated by a government body
  - Nonprofit funded by and contracted with a government body
  - Privately operated with no government funding

Access to shelter varies widely across the state. Some areas have a coordinated access and prioritization system for shelters; others do not or have no physical shelter provider at all.

Shelters in Minnesota receive funding from a variety of sources. In addition to receiving private donations and public grants to support operations, shelters can also receive government funding from programs that support individuals. Some shelter providers assist individuals in accessing Minnesota Department of Human Services (DHS) Housing Support payments to pay for costs associated with their shelter stay. Other shelters ask guests to pay for their stay.

County, city, region, or funder restrictions can limit a shelter's approach to funding its work. For example, Hennepin County no longer allows shelters to charge guests for their stay.

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<sup>4</sup> "Homeless Definition," US Department of Housing and Urban Development, accessed December 7, 2022, [https://files.hudexchange.info/resources/documents/HomelessDefinition\\_RecordkeepingRequirementsandCriteria.pdf](https://files.hudexchange.info/resources/documents/HomelessDefinition_RecordkeepingRequirementsandCriteria.pdf).

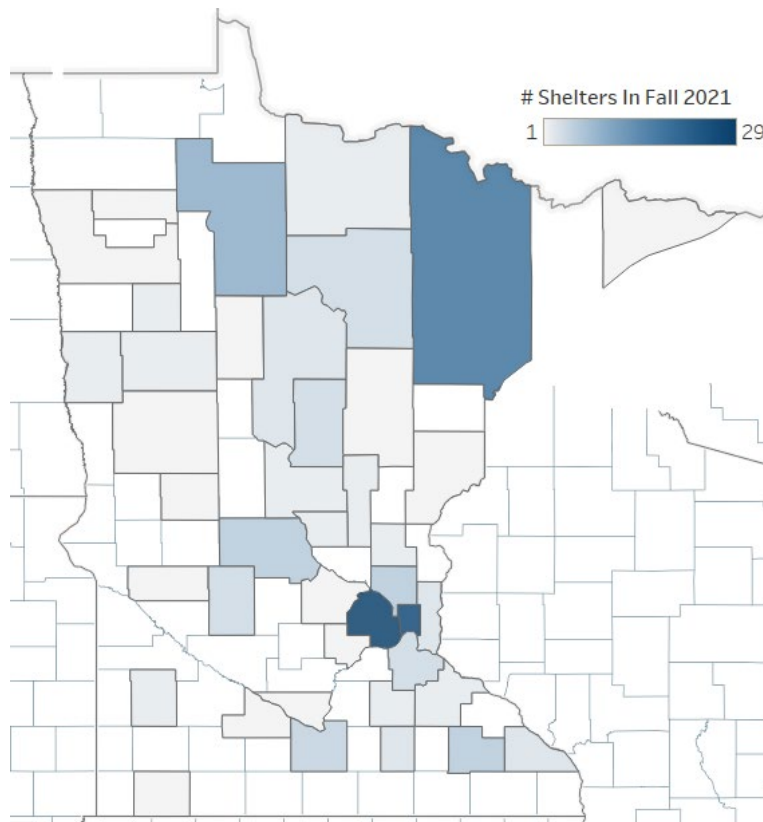
## How many shelters are in Minnesota

It is unclear exactly how many shelters operate in Minnesota because they are not all currently licensed facilities, and because there is some gray area in what counts as a shelter. For example, a program may pay for a person experiencing homelessness to stay at a hotel, but that does not necessarily make the entire hotel a shelter.

The DHS’s Office of Economic Opportunity (OEO) provided a list of shelters that staff were aware of in fall 2021. Additional information from the Department of Public Safety’s (DPS) Office of Justice Programs (OJP) and DHS’s Office of Inspector General (OIG) helped fill in the picture of how many shelters are in Minnesota. The list likely does not include all shelters in the state, and is only a snapshot in time. A review by Hennepin and Ramsey County staff in fall 2022, for example, showed that several shelters had closed since fall 2021, and others had opened.

Overall, the list showed 172 shelter facilities operated by 127 organizations. DHS staff identified 46 shelters as serving victims of domestic violence or sexually exploited youth. The list did not include hotels and motels used as shelters.

Urban areas have more shelter options than rural areas, as shown in the map of the 172 shelters by county below. Hennepin and Ramsey Counties alone have more than 50 shelters, and the seven-county Twin Cities area has about 70. In Greater Minnesota, on the other hand, there may be more than 100 miles between one shelter and the next.



## Current shelter oversight in Minnesota

In the broadest terms, “oversight of shelter” can be thought of as someone making sure shelters are the kind of place where people feel safe and welcome. Oversight can involve setting standards and then somehow checking whether shelters are following the standards. It could also be a check to make sure a shelter receiving funding uses the money the way it is supposed to.

Shelters follow different oversight requirements and systems depending on their location, population served, and funding. Oversight can come from local, state, and/or federal government, as well as private funders.

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*Voices of people with lived experience:*

**The private homes I’ve stayed are more lenient and easygoing, but they don’t have the funding like the city- or county-owned. I prefer private shelters because it did foster a homely feel than the other shelters, but because the system prefers that I use city/county shelters in order to receive additional resources and support, I have to go through all of the requisites to be able to receive any benefits or support.**

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## Current state oversight

Three state agencies currently play a role in overseeing shelters:

- Minnesota Department of Human Services
- Minnesota Department of Public Safety
- Minnesota Department of Health

Generally, shelters receiving state grants receive shelter-specific oversight. In this report, shelter-specific oversight means oversight that looks at not just the physical space of a shelter, but also shelter policies and staff treatment of guests. Shelters may also receive state oversight related to health and safety, but these standards apply to many types of facilities, not just shelters.

The table on the following two pages provides high-level information about current state oversight. Appendix E on page 65 has more detailed information about how the state oversees shelter.

Oversight	Overseeing entities	How oversight occurs
Children’s residential facility license	<ul style="list-style-type: none"> <li>• Department of Human Services (DHS)—Office of Inspector General (OIG)</li> <li>• Department of Corrections (DOC)</li> <li>• Minnesota Department of Health (MDH)</li> <li>• Counties/Tribal nations</li> </ul>	<p>Shelters serving minors—people through the age of 19—who do not have an accompanying adult must be licensed. Overseeing entities make sure shelters are complying with Minnesota Rules for these facilities.<sup>5</sup></p> <p>DHS or DOC conducts licensing reviews, which usually include client interviews, physical plant inspection, and record inspection. These happen an average of every two years.</p> <p>DOC staff oversee detention-type facilities, and DHS oversees the other facilities. MDH provides regulatory oversight for any facility federally certified as a Psychiatric Residential Treatment Facility.</p>
Office of Economic Opportunity grant agreements	<ul style="list-style-type: none"> <li>• Department of Human Services (DHS)—Office of Economic Opportunity (OEO)</li> </ul>	<p>Shelters receiving OEO grants must submit written standards that are developed by the provider or local Continuum of Care. These standards include eligibility, intake, length of stay, and discharge/appeals policies. OEO must approve these standards, and enforces them through staff monitoring visits, periodic file reviews, and reporting.</p> <p>Organizations that consistently do not meet the agreed-upon standards must work with OEO to develop a quality improvement plan. If an organization keeps having issues, OEO may not select it for funding in future grant cycles.</p>
Office of Justice Programs grant agreements	<ul style="list-style-type: none"> <li>• Department of Public Safety (DPS)—Office of Justice Programs (OJP)</li> </ul>	<p>Shelters receiving OJP grants must follow OJP’s programmatic standards. However, they can tailor their practices to fit their building structure (for example, apartment-style shelters have different layouts than dorm-style shelters with shared bathrooms). OJP enforces standards through staff monitoring visits, periodic file reviews, and reporting.</p>
Housing Support agreements	<ul style="list-style-type: none"> <li>• Department of Human Services (DHS)</li> <li>• Counties/Tribal nations</li> </ul>	<p>Shelters receiving Housing Support funds typically have a Housing Support agreement, which is signed and managed at the county or tribal level. County and tribal staff provide direct oversight and quality assurance.</p> <p>DHS provides support and technical assistance to counties and tribes.</p>

<sup>5</sup> Minnesota Administrative Rules, Chapter 2960, <https://www.revisor.mn.gov/rules/2960/>.



Oversight	Overseeing entities	How oversight occurs
Board and Lodging (B&L) license	<ul style="list-style-type: none"> <li>Minnesota Department of Health (MDH)</li> </ul>	<p>MDH or the local public health (LPH) delegated authority oversee facilities receiving Housing Support funds that operate as a shelter and meet the criteria for needing a B&amp;L license. MDH or the LPH conducts site inspections before issuing a license, and on regular, risk-based frequencies.</p> <p>MDH Health Regulation Division oversees the registration for those B&amp;L offering Special Services.</p>
Food, Beverage, and Lodging license	<ul style="list-style-type: none"> <li>Minnesota Department of Health (MDH)</li> </ul>	<p>Emergency shelters used in hotel and motel facilities need to be licensed. MDH or local public health (LPH) delegated agencies provide regulatory oversight for Food, Pools, and Lodging establishments.</p>

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*Voices of people with lived experience:*

**My experience with shelters wasn't that good. They didn't care how you felt or your opinion. Then I was at a shelter that was more helpful. Some people who work at the shelters don't care—it's just a job.**

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## How many shelters receive state oversight

Based on the data provided by DHS and DPS (described on page 22), most facilities and organizations operating shelters are subject to oversight from OEO, OJP, and/or OIG.<sup>6</sup> The table below shows that 67 percent of facilities and 72 percent of organizations on the list are receiving oversight from at least one of those state units.

Status	Facilities (#)	Facilities (%)	Organizations (#) <sup>7</sup>	Organizations (%)
Receiving oversight from OEO/OJP/OIG	116	67%	89	72%
Not receiving oversight from OEO/OJP/OIG	56	33%	34	28%
Total number	172	-	123	-

By this estimate, most shelters and organizations in Minnesota already receive shelter-specific oversight. However, they are not all overseen to identical standards or overseen in the same way.

## Other oversight

In addition to state oversight, shelters may also need to follow different federal requirements. In general, the Americans with Disabilities Act (ADA), the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, and the Minnesota Human Rights Act prohibit discrimination against protected classes by shelters, and, depending on the law, require shelters to remove physical barriers to accessibility and make reasonable modifications of policies, practices, and procedures affecting persons with disabilities. However, exceptions can apply to church or tribal shelters that receive no government funding of any kind.

Tribal nations, cities, and counties may add their own requirements to shelter providers in their area. For example, the City of Minneapolis has zoning requirements covering proximity to other shelters, physical characteristics of the building, and an approved management plan. Hennepin County includes performance standards in the contracts of shelter providers that are receiving county funding, which are modeled on the Street Voices of Change Shelter Bill of Rights.

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<sup>6</sup> This section does not include oversight provided by MDH because those programs focus on health and safety, and are not specific to shelters (for example, oversight of food preparation).

<sup>7</sup> If an organization has multiple facilities, it is included as “receiving oversight” if at least one of its facilities receives state oversight from one of the listed units.

# Shelter standards and oversight in other states

## Standards in other states

Legal Aid, an organization with a seat on the Task Force, researched shelter standards in all other states and the District of Columbia. Staff focused on family and single adult shelters, youth shelters, and shelters for survivors of domestic violence. Overall, they found:

- Eight states have laws or rules about rights for families and single adults in shelters.
  - Four of those states have a long list of rights.
- Fifteen states set standards for family and single adult shelters.
- Four states set responsibilities for families and single adults in shelters.

Some states do not have private shelters. They only have shelters run by the government directly or through a government contract.

Generally, states that have both public and private shelters require only government-funded or -operated shelters to follow rules about rights, responsibilities, and standards. A few states make all shelters follow the rules, while others require only some kinds of shelters follow them.

Appendix F on page 71 contains some of Legal Aid’s report to the Task Force.

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*Voices of people with lived experience:*

**Going into a shelter gives me more stress just watching how stressed all the staff are trying to run the place and deal with people. Sometimes I see leadership, you can tell by the way they dress and their demeanor different from the frontliners, and I think this is just a business, not a place to protect me. I have cried with other shelter staff because they know how hard it is. They know how much work that is needed, but how little value and money they receive to make sure they’re also able to provide for all of us staying in the shelter.**

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## Oversight in other states

Legal Aid staff and consultants from Management Analysis and Development (MAD) researched how other states oversee shelters. Based on their initial research, they focused their more in-depth research on five states, and interviewed staff in four of them. The table below shares key points about other states' approaches, and Appendix G on page 94 has more details.

State	Overall approach
New York	<ul style="list-style-type: none"> <li>• Overall, similar approach to Minnesota.</li> <li>• The state oversees shelters receiving public funds.</li> <li>• Local districts/counties oversee hotels/motels used as shelter.</li> </ul>
Wisconsin	<ul style="list-style-type: none"> <li>• Overall, generally similar approach to Minnesota.</li> <li>• Shelters receiving public funds are overseen by the state if they receive one kind of funding, or by a regional representative if they receive another kind of funding.</li> </ul>
Utah	<ul style="list-style-type: none"> <li>• The state licenses all shelters and oversees hotels/motels used as shelter.</li> <li>• The state added shelters to an existing type of license.</li> </ul>
New Jersey	<ul style="list-style-type: none"> <li>• The state licenses all shelters.</li> <li>• There are three classes of license for different types of facilities.</li> </ul>
California	<ul style="list-style-type: none"> <li>• Local government is responsible for oversight.</li> <li>• Oversight only happens if someone complains about an issue at a shelter.</li> </ul>

Other key points from the research include:

- Shelters for minors without an accompanying adult are often treated differently than other shelters.
- There are different ways to oversee hotels/motels used as shelter. Sometimes the standards and oversight are different for these shelters than other kinds.
- Oversight can be a combination of state and local agencies' efforts.

# Recommendations

The Task Force offers the following recommendations to the legislature.

## Standards for the provision of shelter

One of the Task Force’s responsibilities was to “develop standards for the provision of shelter.” The Task Force developed 11 categories of standards and most members voted to include them all in the report. To create the standards, members drew on their own experience, other states’ standards, public feedback, and the Street Voices of Change Shelter Bill of Rights (shared in Appendix H on page 100).

This section contains the final version of the standards written by Task Force members. Most standards had a fair amount of member support, but a few had notably less support than others. The amount of support for each standard is listed in Appendix I on page 102.

**Recommendation:** Add all of the Task Force’s standards to the report.

### Member votes:

Vote	Number
Aye	18
Nay	2
Abstain	2
Absent	1
Vacant	1

Readers are encouraged to read the following appendices to better understand and interpret the Task Force’s standards:

**Member support for/benefits and challenges of the standards:** Members had different levels of support for each standard. They also shared what they saw as the benefits and challenges of each standard. Appendix I on page 102 contains members’ levels of support for the standards and their comments on the benefits and challenges.

**Potential costs to shelters:** Although some shelters in the state may already meet the Task Force’s standards, others may not. If asked to meet the standards, shelters could face new costs. Appendix J on page 117 has a list of how the standards could potentially create costs to shelters.

**Equity review:** The Task Force encourages the legislature to complete equity reviews of potential legislation in this area. Appendix K on page 120 has a list of suggested questions to consider when finalizing any standards for shelters.

# 1. Entry into shelter

It is the expectation that shelters are **responsive** to those seeking shelter. If a person is not able to provide shelter, the shelter will make a good faith effort to connect the person to another shelter and/or service.

Someone cannot be denied access to shelter based on:

- Criminal history
- Age
- Gender
- Race/ethnicity
- Family status
- Gender identity
- Sexual orientation
- Faith/religious beliefs/practices
- Immigration or refugee status
- Mental or chemical health status
- Employment status
- National origin
- Political affiliation
- Documentation—driver’s license, social security card, etc.
- Access to technology/methods to communicate with shelter for entry
- Specialized need of the guest
- Language spoken and/or communication modes
- Release of Information
- Vaccination and health status
- Potential to become stably housed
- Having a service animal as defined by the Americans with Disabilities Act (ADA)
  - It is expected that shelters will inform guests that service pets are welcome (as well as companion or emotional support animals if shelter permits), noting that one cannot deny a service animal or ask for proof/documentation related to a service animal, per the ADA.

*\*It is also understood that shelters that serve specific populations would need to differ on this to secure safety of guests or based on funding sources (e.g., Housing Support).*

**When a person/people enter shelter, they are:**

- **Welcomed.** We recognize that when people come or are seeking shelter, they are in crisis. We also have learned about the power of peer support and the importance of people with lived experience and expertise of homelessness as well as people who reflect the people served working at the shelter, welcoming guests.
- **Listened and responded to: *What do you need?***  
**Examples of questions could be but not limited to:**
  - Immediate medical needs?
  - Accessibility? (Physical accessibility as well as including linguistic, cultural, spiritual, and learning style)
  - What makes you feel safe?

- **Provided basic information.** Do not overwhelm guests with policies and paperwork. People need to be able to sleep, eat, etc. **Basic information can include but is not limited to:**
  - Sharing up front that they will not (and cannot) be denied access due to any criminal background/justice involvement.
  - Sharing up front that service pets are welcome (as well as companion or emotional support animals if shelter permits, noting that one cannot deny a service animal or ask for proof/documentation per the ADA).
  - Where the bathrooms are located.
  - Where one can lock up their belongings.
  - Where they can eat, sleep, take a shower, pray, sage, visit, play.
  - Harm reduction—what is this and how is it practiced at the shelter.

*\*Please see Gender Identity Equity standard specific to entering shelter as well.*

## 2. Interpersonal treatment

All people will be treated with dignity and respect in a manner that is transparent, open, consistent, trauma-informed, and non-judgmental with a priority placed on cultural competency, clear communication, and de-escalation.

**1. All guests should be treated with dignity, respect, and fairness:** All guests must receive equal treatment regardless of race, color, religion, national origin, language, culture, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, political affiliation, disability, and source of income. All guests should be able to request and receive reasonable accommodation due to need or disability.

**2. Transparent, open, and consistent communication:** Staff/navigators are equipped to transparently communicate and efficiently connect relevant networks of community resources to shelter guests or folks seeking shelter.

- Conversations must be rooted in transparency, trust, and commitment (speak in an honest, open, and direct way).
- Make every effort to understand community context and needs, and avoid as many assumptions about guests/people as possible.
- See guests with worth and dignity—relationship-based approach.
- Effectively communicate with guests by using plain, accessible language— multilingualism, ASL, and languages reflective of the diverse communities we serve.
- Be consistent with words, messages, behaviors, feelings, and actions.
- Be clear about each other’s roles and transparent with information and details (appropriately trained).
- Shelter guests must be addressed/communicated with in a manner of their choosing. This includes names, gender-affirming language, pronouns, and communication methods that they identify as helpful.
- Shelter guests will be provided program information/guidelines in a timely manner and be available in several formats—written, verbal, and demonstrated.

- Shelter guests will be included in the design of program guidelines and ongoing efforts to ensure program effectiveness in supporting people experiencing homelessness.
- Shelter guests will have the opportunity to be heard, be consulted, and if staffing allows, work individually with an advocate to build a plan to move to permanent housing that is client-centered and -driven, and are supported to meet their goals throughout their shelter stay.
- Shelter guests will have advocacy services available to them with an assigned staff person and have the right to request a change of advocate if they choose and if staffing allows.

**3. Trauma-informed and de-escalation:** Shelter staff should have lived experience and expertise of homelessness, or experience working within trauma-informed programs and training in trauma-informed care. Shelter guidelines should be designed and applied with trauma reduction and the effects of past trauma at their core. Shelter staff should have experience working and training in de-escalation methods. Trauma-informed means that we acknowledge and accountably respond to multiple experiences of trauma (direct and vicarious) and crises at the same time—staff/providers should be well-trained to respond and communicate effectively around multiple forms of trauma. Guests or folks seeking shelter should not undergo multiple assessment processes, and re-tell their stories repeatedly to get the resources and help they need (oftentimes this is re-traumatizing).

**4. Cultural responsiveness:** Shelter staff should have lived experience and expertise of homelessness, and reflect the community they serve whenever practicable. Shelter staff should have experience working in the communities they serve and training in cultural responsiveness and identifying implicit biases. Shelters should collaborate with organizers/grassroots/organizations that are already doing the work and/or actually know how to engage with communities—and pay them respectfully and equitably (not exploitatively).

**5. De-escalation and harm reduction:** Shelter guests should be supported with information and resources and have agency to make housing decisions without judgment. Language and shelter program guidelines should be designed and enacted in a way that seeks to reduce harm and is non-judgmental. Staff should focus on the strengths and positive aspects of guests and leverage these strengths to encourage and support planning and activities that help them.

### 3. Gender identity equity

#### Policies and publications

- Non-discrimination standards, including those named in this standard, will be documented clearly in personnel handbooks, communicated to shelter guests (along with consequences for harassment, whether by staff, volunteers, or guests) and publicly posted in shelter spaces where guests, volunteers, visitors, and staff can easily view them.
- If not already included, policies will add gender identity and gender expression as protected classes. Policies, publications, and signage will be amended to include gender-neutral and trans-inclusive language.



## Staff and hiring

- Staff will incorporate training on gender identity, racial equity, and disability etiquette into all areas of training for all staff and volunteers, including administrative, leadership/executive, and direct service staff/volunteers.
- Shelters will work to hire and retain staff and board members who are representative of the populations served in terms of race, gender identity, disability, and lived experience and expertise of homelessness.

## Guest intake

- Phone and in-person intake will avoid gendered greetings.
- Guests will be referred to by name and/or gender-neutral pronouns until pronouns are shared.
- Guests will be asked for a chosen name and pronouns to be able to self-identify gender, both on forms and in conversational intake. Note that pronouns may change for guests. All staff and volunteers will use the guests' chosen name and pronouns in all contexts moving forward while maintaining privacy (e.g., if there is a group intake, guests do not need to verbally share pronouns).
- Additionally, regarding privacy, guests will not be required to report the same gender identity or present the same gender expression to different service providers, in order to avoid "outing" guests in spaces that feel unsafe.
- Guests will be informed of gender-segregated spaces and offered accommodations to meet transgender and gender non-conforming guests' needs. Guests will not be required to accept available accommodations.

## Shelter services

- Staff and volunteers who observe harassment based on any protected identity trait will act immediately to stop the harassment, speak to supervisors, and document as outlined by the shelter policy/procedure.
- Guests cannot be denied access to mixed-gendered spaces based on perceived, self-identified, or expressed gender identity. If gender-segregated spaces exist, guests will be assigned to the gender-segregated space which, as identified by them, most closely conforms to their self-identified gender identity.
- Accommodations to increase safety will be provided if available and requested (e.g., access to individual bathroom stalls, single-stall showers, availability of beds closer to staff, availability of private rooms).

*\*Note and gratitude to the City of Minneapolis Gender Identity Equity Terms and Conditions for the Provision of Emergency Shelter Services.*

## 4. Physical environment

- Shelters must provide adequate and dignified space. This must include:
  - Space to move walkers or wheelchairs, accessible bathrooms.
  - Tables, bathrooms, and shower stalls reasonable or proportional to number of guests.
  - Gender neutral bathrooms or single-use bathrooms as space or accommodations allow.

- Shelters must provide clean and healthy facilities. Minimally, this includes and is not limited to:
  - Guests have access to general sanitation products, such as wipes and cleaning materials for cleaning physical environment.
  - Dedicated plan/people/personnel and/or guests for cleaning.
  - Reasonable efforts to prevent, treat, and eradicate infestations if found in shelter as prescribed by state or local public health standards.
  - Provide clean linens.
  - Replacement when beds have holes that cannot be repaired.
  - Standard maintenance and regular inspection.
- Shelters must work diligently to ensure privacy and the safety of guests and must include a safety plan and compliance with the plan.
- Shelters should provide secure storage. This could include and is not limited to:
  - A storage locker for each bed or a safe that is only accessible to the guest onsite unless there is a health, safety, or contraband concern, or if the storage locker has been abandoned. Lockers should only be accessed by two or more staff under these circumstances.
  - Shelters should have a policy for accessing storage that protects staff and guests.
- Shelters must have information posted, visible, and/or otherwise accessible to guests including, but not limited to: resources, phone numbers, and state standards on shelters. Phone numbers could include legal aid, disability law center, Disability HUB, Minnesota Human Rights Department, the Office of Ombudsman for Mental Health and Developmental Disabilities, the Senior Linkage Line, Suicide Prevention hotline, and Day One domestic violence/sexual assault hotline, etc.
  - Includes reasonable accommodation for translation and disabilities.

## 5. Accessibility and equity

Shelters will evaluate equity through the lens of accessibility and cultural responsiveness (**including but not limited to** serving the BIPOC and LGBTQIA2S+ community).

Shelters will meet accessibility and equity standards, and identify and address areas to meet this standard. Shelters will address and promote accessibility and equity within their spaces and service delivery.

Areas to assess include physical accessibility, cultural responsiveness and sensitivity, safety (e.g., gender-neutral bathrooms), environment (e.g., allergies, sensory needs), sensitivity and accommodations specific for people with mental illness (MI), intellectual/developmental disabilities (ID/DD) and other disabilities, and communication modes/methods (e.g., language spoken/written).

*\*Oversight for this standard would include expectations for meeting this standard.*

*\*This standard is aligned with others including Entering Shelter, Gender Equity, Interpersonal Treatment, Physical Environment and Grievance standards.*

*\*This standard is not something that we can require due to likely unintended consequences. What this standard is asking is that shelters look at where they are at with equity and accessibility in a broad sense, to do all that they have capacity to implement in addressing these areas while celebrating strengths and following the law (e.g., ADA). Shelters must educate themselves on the ADA.*

## 6. Length of stay

Shelter is a temporary solution to a crisis. Shelters must have a length of stay policy that is created based on their facility, program, community, and guests' needs. Shelters must clearly communicate maximum length of stay to guests upon arrival and the conditions by which length of stay could change. Length of stay shall be based on resolution of the housing crisis and guests' individual circumstances.

## 7. Social and supportive services

Shelters must, at minimum, provide the list of local referrals to supportive resources. Resources for a referral list of services include but are not limited to mental health, physical health, substance abuse, government assistance, employment, and housing.

This should include community case management to help guests exit shelter.

Shelters must seek input from guests regarding providing and evaluating supportive services.

## 8. Financial policies

- Shelters may not charge fees or any monetary contribution from guests.
- Shelters should consider helping guests establish accounts to accumulate money to pay for temporary or permanent housing.<sup>8</sup>

## 9. Grievance

A grievance policy is required to be in place. The grievance policy must:

- Be clear, client-centered, and respectful.
- Be shared with shelter guests at entry to the program or the earliest opportunity thereafter.
- Be shared in a manner that is understood by the guest, taking into consideration literacy, first language, spoken/written, etc.
- Include the requirement that guests have the right to be heard and able to present their version of the events.
- Guests must have a choice in meeting space and be able to have an advocate of their choosing present.
- Allow for the grievance to be submitted by the person receiving services or person's authorized or legal representative.
- Include a timeline for client grievance to be heard by administration. Grievances should be heard as soon as possible, but must be heard in no more than 7 business days upon receipt of the grievance.

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<sup>8</sup> If fees will continue to be allowed to be charged, the shelters—upon displacing a guest—must give back any money that has been paid by the guest to cover any days beyond the day the guest was displaced.

Grievance policies must include an expectation of timely resolution (no longer than 14 business days upon receipt of the grievance), and a process in which appeals can be made.

- Include details on who would be involved in the investigation of a grievance, and that the investigation must be conducted by an impartial person not directly involved in the events surrounding the grievance. If necessary to ensure an impartial review, or if the grievance involves Executives, Board of Directors, etc., a neutral third party must be involved. A plan for this should be included in grievance policies.
- Include the requirement that staff offer the opportunity to submit a grievance when guests raise issues related to their shelter stay and the services they have received. Staff must be protected from retaliation related to supporting clients through the grievance process.
- Include information about how the guest will be protected from retaliation during the process. Guests must have a specific contact from whom they can receive updates throughout the grievance process. Guests should be provided a copy of grievance, grievance policy/timeline, and contact information for contact person.
- Grievances should be recorded and evaluated on a quarterly basis within the organization. Grievance policies should be evaluated annually by the organization.
- Grievance metrics, outcomes, and policies must be made available to funders.
- All staff must be trained on the grievance policy during onboarding and annually thereafter, and be prepared to guide guests through the process.
- Grievance processes, resolution, and further appeals must be documented and retained in client files and available to the guest or their designee at their request.
- Anonymous grievances should be allowed to be submitted. However, it should be made clear to the guest that not having information, such as who was involved in the grievance, could limit the ability to conduct a full investigation.

## 10. Displacements

### A. Immediate displacements

- Shelters may immediately displace a guest if the guest:
  - commits an act of violence or sexual harassment; or
  - presents a serious and imminent threat of major harm to self or others.
- Shelters immediately displacing a guest should document the displacement in the guest's record and tell the guest why they are being displaced.
- Shelter should provide written notice of the reason for displacement upon the request of the guest.

### B. Other displacements

- For other than immediate displacements, shelters should, before displacing a guest:
  - Exercise judgment;
  - Examine all extenuating circumstances;
  - Explain to the guest the reason for the displacement; and

- Give the guest the opportunity to correct the behavior and remain.
- If the guest disputes the allegation leading to the proposed displacement, the shelter should promptly investigate and give the guest the opportunity to:
  - Review and contest the evidence;
  - Give oral or written objection to the displacement before an impartial person.
- If the guest is displaced, the shelter should give the guest a written notice that includes:
  - The reason for the displacement;
  - Alternative shelter options if known;
  - Contact for DHS to appeal; and
  - Contact for Ombudsperson for Persons Residing in Shelter.<sup>9</sup>

### **C. Displacements involving only one member of a household**

- If only one person in the household is being displaced, the shelter must give the remaining members of the household the option to stay.
- If the guest being displaced is a minor, the shelter must ensure the minor is being displaced to a safe environment.

### **D. Appeals**

- A guest being displaced may appeal the displacement to DHS under the existing DHS appeals process.<sup>10</sup>
- Unless the guest presents a danger to self or others, the guest can remain in the shelter during the appeal process. Alternatively, the shelter can find alternative space to shelter the guest during the appeal process.
- If the guest is displaced during the appeal process and the guest wins, the guest can return to the shelter or, if there isn't room, the shelter should find alternative shelter for the guest.

### **E. Displacement during hazardous weather conditions**

- If there has been a weather advisory<sup>11</sup> issued by the National Weather Service then the shelter should work with the county, nonprofits, mental health professionals, other shelters, and law enforcement to ensure that the guest can be relocated to a safe location where the person's life, health, or safety will not be placed at risk.

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<sup>9</sup> Obviously depends on whether this position is created.

<sup>10</sup> DHS currently handles some shelter appeals, but this would allow more appeals so there would need to be an accompanying appropriation to DHS to cover the additional estimated financial cost.

<sup>11</sup> The National Weather Service defines an "advisory" as any weather condition (whether it is heat, cold, or storm-related) that "if caution is not exercised, it could lead to situations that may threaten life and/or property."

## **F. Storage of guest property after displacement**

- Shelters must keep property left behind for at least 72 business hours, so long as the shelter has a place to store it. Otherwise, the shelter must find another place to store it.

# **11. Privacy**

## **Right to confidentiality of records and personal privacy**

### *Confidentiality of records*

Guests have the right to have personal, financial, health, and medical information kept private, to approve or refuse release of information to any outside party (except as required under applicable federal and state law), and to be advised of the shelter’s policies and procedures regarding disclosure of the information. Guests must be notified when personal records are requested by, or released to, any outside party.

The records of a guest may be subject to privacy laws such as the Minnesota Government Data Practices Act, and all other applicable laws, rules, regulations, and orders relating to data or the privacy, confidentiality, or security of data, which may include the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations.

### *Policies and procedures to protect and preserve confidentiality*

The shelter shall establish and implement policies and procedures for maintaining the confidentiality and privacy of guests, and for complying with confidentiality requirements of applicable federal and state law. Shelters must use the Homeless Management Information System (HMIS) to securely store information on its guests.

Shelters shall require that persons employed by, advocating, or volunteering services for the shelter protect the confidentiality and privacy of guests, complete confidentiality and cultural sensitivity training, and sign a written confidentiality agreement.

### *Collection of personal information*

When collecting personal information from a guest, the shelter must inform the guest in writing of the following:

- The purpose and intended use of the information.  
Examples include:
  - Determination of eligibility to receive services from the shelter.
  - Assist in obtaining medical, mental health, financial, or social services from outside agencies.
  - Make reports, do research, audit and evaluate shelter programs.
  - Advocate for additional services as determined by guest’s needs.
  - Case consultation with other staff and providers for the purpose of offering services.
  - How the information will be shared and with whom.

- Whether the guest may refuse or is legally required to provide the requested information.
- Any known consequences of supplying or refusing to supply the information.
- The process for the guest to give other persons or entities permission to obtain the guest's information.
- Guests shall have the right, at a reasonable time and with reasonable prior notice, to view and copy, or have an authorized representative view and copy, all records and information that are related to the guest and maintained by the shelter, including any relevant personal, social, legal, financial, educational, and medical records and information in a manner consistent with confidentiality requirements of state and federal law.

*Sharing information with third parties (family members, police departments, medical providers, etc.)*

Shelter staff may not disclose any personal, financial, or medical information collected in connection with services or reveal individual guest information without the informed, written, time-limited consent of the guest, except:

- (1) as may be required by law;
- (2) to employees or contractors of the shelter, another shelter, other health care practitioner or provider, or inpatient facility needing information in order to provide services to the guest, but only such information that is necessary for the provision of services;
- (3) to persons authorized in writing by the guest, including third-party payers and for referral purposes; and
- (4) to representatives authorized to survey or investigate shelters under applicable federal or state laws.

A shelter employee may disclose to law enforcement personnel the information necessary to report a crime committed at the shelter, but is not required to disclose a guest list of persons staying at the shelter.

If a guest transfers to another shelter, the shelter, upon request of the guest, shall take steps to ensure a coordinated transfer including sending a copy of the guest's record to the new shelter or the guest, as appropriate.

*Confidential information release authorization*

Guests may authorize the shelter to release information to certain agencies. A Confidential Information Release Authorization form will be used and explained to the guest before signing. The authorization must be in writing, stating that it is revocable at any time except where information has already been released. The authorization must also state how long it is effective, how to revoke the authorization, and when it will expire.

*Guest record requirements*

Following the guest's discharge or termination of services, a shelter must retain a client's record for at least five years, or as otherwise required by state or federal laws. Arrangements must be made for secure storage and retrieval of client records if the shelter ceases to operate.

## Personal privacy

Personal privacy includes privacy in accommodations, medical treatment, written and telephone communications, personal care, visits, and meetings of family and guest groups, but this does not require the facility to provide a private room for each guest.

Guests shall have a right to reasonable privacy in caring for personal needs, which includes private areas for changing clothes and curtains, dividers, partitions, private stalls, or other similar devices to afford guests' privacy when using toilets, showers, and tubs.

### *Medication*

The shelter shall seek to afford shelter guests with the greatest possible privacy and autonomy in regard to their medication, while also providing a safe shelter environment, as follows:

- (1) Staff and volunteers shall not dispense medication except when the guest requests the shelter to dispense medication and shelter staff have appropriate training and any required certifications or licenses;
- (2) The shelter will provide every guest with an individual locking box, locker, or locking cabinet ("locked space") for storage of medications and valuables or lock the clients' medication in a safe but accessible location;
- (3) The shelter will not limit or monitor the client's access to the client's medication;
- (4) The shelter will provide refrigerated storage space in the manner that provides the greatest possible privacy and autonomy; and
- (5) The shelter shall have a policy for the disposal of unused or abandoned medication or other substances.

### *Personal items and belongings of guests*

The shelter must have a Guest Agreement which includes provisions regarding personal items and belongings, storage, searches, dangerous items, accessibility when the shelter is closed, and abandonment.

### *Right to come and go freely*

Guests shall have the right to leave and return to the shelter at reasonable hours in accordance with the rules of the shelter. Shelter rules shall allow guests to notify the shelter of the hours that the guest needs to leave and return to the shelter and provide for flexibility in case of unanticipated events such as transportation delays or unexpected work hour increases.

### *Right to private and unrestricted communications*

Guests have the right to communicate privately, either verbally, in writing, or electronically, with persons of their choice. The shelter shall designate a private area for private phone calls.



If a shelter is sending or receiving mail on behalf of guests, the shelter must do so without interference.

*Right to meet with attorneys, advocates*

A guest shall have the right to meet and communicate privately with attorneys, advocates, clergy, physicians, medical providers, social workers, and other professionals.

The guest rules must not unreasonably restrict access by legal representatives and legal counsel to any areas of the facility. Any requirements as to prior notice, hours of access, or access to private areas shall be set forth in the guest rules.

## State oversight of shelter

One of the Task Force’s responsibilities was to “examine the need for, and the feasibility and cost of, establishing state oversight of shelter.” Members discussed the overall need for state oversight, discussed which types of shelter should follow the standards, and explored potential oversight models for Minnesota.

### The need for oversight

To examine the need for state oversight of shelter, Task Force members discussed the issues that oversight could possibly help address, as well as why oversight is not the solution to all issues.

#### The issues more oversight could address

**Some people have bad experiences at shelters:** According to the experiences of Task Force members and members of the public, not all shelters provide safe, respectful, and appropriate space and services to guests. People shared stories of how shelter staff and other guests mistreated them, and of spaces they found unsafe and unhealthy.

Other people shared stories of how their rights were violated at shelters. Examples included shelter staff keeping guests’ medications from them and refusing entrance to guests with service dogs. Intentionally or not, stories like these represent ways that some shelters are breaking federal and state laws like the Americans with Disabilities Act and the Minnesota Human Rights Act.

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*Voices of people with lived experience:*

**The shelter staff made claims that they don’t have the staff to dispense medications. They lock up medications and some shelters lock access. Other shelters don’t let you get your medications at all.**

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Because of these issues, people are experiencing traumatic events at some shelters during the already challenging experience of homelessness. In addition, some people are choosing to stay unsheltered instead of

staying in a shelter. This can be a dangerous choice in a state like Minnesota that experiences both extreme heat and extreme cold.

**Many guests have no one to ask for help:** If a guest has a complaint about a shelter and the shelter ignores them, there is no statewide, impartial organization the guest can contact. Some areas have a local resource, like staff at Hennepin County. Shelter staff shared how county staff had served as a resource for their guests and helped resolve issues. In most of the state, though, there are no similar resources. Even if there is a resource, guests who have issues at a shelter may not know about it, and the issues at the shelter could continue.

**One-third of shelters do not receive state oversight:** As discussed earlier, one-third of Minnesota’s shelter facilities do not receive shelter-specific state oversight. Establishing state oversight over those shelters may help make them safer, more welcoming facilities. For example, physical inspections could make sure shelter spaces are healthy (for example, that they do not have visible mold), and policy checks could make sure shelter staff are following important laws (for example, that they allow guests with service animals).

**More oversight could help:** Some shelter staff on the Task Force and in the public expressed support for more state oversight. They believed that it would help all shelters provide quality services, and that most shelters are already meeting most of the Task Force’s recommended standards. Specifically, they believed creating state oversight over more shelter might:

- Create more consistent services at shelters across the state.
- Hold all shelters equally accountable for providing quality services.
- Help shelters share more information, meaning guests would not have to share their story over and over again.
- Create metrics to inform and improve shelter practices, and to help funders understand the impact and effect of these programs.

### **Why oversight will not solve all problems**

The issues around housing, homelessness, and shelters are complicated. Creating more state oversight could help solve some of the problems, but there are some potential drawbacks to that change.

**Oversight does not guarantee the ideal shelter experience:** While state oversight probably helps make shelters safer and more welcoming in general, it does not create a guarantee that all overseen shelters will offer the “ideal shelter experience” described on page 19. When the Task Force heard from members of the public, some people described bad experiences they had had at specific shelters. Later research showed that a few of those named shelters currently do receive shelter-specific oversight from the state. It is important to note, though, that there are two sides to every complaint, and that it is possible the state did not begin oversight until after those guests’ experiences.

Task Force members discussed the relationship between shelters having resources and shelters being able to provide the ideal experience. After all, standards alone cannot create the resources that shelters may need to improve services. Shelters may need more financial resources to better train their staff and to improve the physical environment.

**Oversight could have unintended negative effects:** Establishing more state oversight could solve some issues, but it could also have unintended negative effects. For example, staff at currently licensed youth shelters explained how strict licensing rules have made it more difficult for them to provide low-barrier shelter.<sup>12</sup> They would like to make it easier for minors without an accompanying adult to stay there, but they have to follow licensing rules or they could lose their license.

**Shelters could struggle to meet requirements:** While some members of the Task Force and the public supported more state oversight, others expressed concern that more oversight could make it more difficult for shelters to operate. They said it could be difficult for some shelters to follow new reporting and compliance requirements, as well as standards around their physical environment and services.

The worst outcome, they believed, would be shelters closing down and shelters not opening because they find it too difficult to comply with standards and oversight. Members were particularly concerned about losing shelters in rural areas (where there are few shelters to begin with) and shelters run entirely or largely by volunteers (such as some emergency pop-up shelters). According to some Task Force members, shelters without dedicated staff would struggle the most with oversight. They also explained that if all shelters must operate the same way to the same standards, it could reduce the diversity of models and types of shelters.

**State systems can continue systematic oppression:** Task Force members also discussed how state oversight can have good intentions but end up reinforcing existing systems of oppression. When the state creates more rules and requirements, it can unintentionally harm shelters run by and sheltering people in the Black, Indigenous, and people of color (BIPOC) communities. Oversight will not change the underlying culture that supports meeting the goals and could perpetuate punitive systems.

**Changes could create new burdens for guests:** Requiring standards and oversight can unintentionally put new burdens on the people being served by shelters. If the requirements make the person experiencing homelessness take additional steps—for example, by requiring them to provide more information to enter a shelter—that may be challenging for people already facing significant trauma. Oversight should not create new indignities for shelter guests.

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*Voices of people with lived experience:*

**There are more caseworkers. There are greater levels of patience and you do not feel like you are in a correctional facility.**

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## **Oversight needs to be part of a community-first response**

Establishing state oversight should not be the only approach to addressing broader problems around shelter and homelessness. It is one tool available, but even if implemented well, the state needs to take additional action.

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<sup>12</sup> Low-barrier shelters try to make it easy for someone to stay there. Usually this means they put up as few rules as possible about who can stay there. For example, low-barrier shelters may not require criminal background checks, sobriety, or guest identification.

Shelters were designed to be short-term solutions. At the moment, though, they serve as a safety net that catches people facing other challenges such as a lack of affordable and accessible housing, healthcare, education, employment, and other inequities rooted in oppression. Marginalized Minnesotans—such as people with disabilities, BIPOC communities, and the LGBTQIA2S+ community—disproportionately experience homelessness because of those inequities. Real solutions to homelessness will involve addressing the root causes. At the same time, the state will always need to have shelters, so Minnesota needs to both look upstream to what is causing homelessness, and ensure shelters are safe and supportive to the needs of people seeking shelter.

These issues demand a community-first response. This means people experiencing homelessness are community members, and they deserve a community response through partnerships and shared accountability. Minnesota needs a strong collective effort, one in which shelter providers, people with lived experience and expertise, government, nonprofits, and other stakeholders work together. Any oversight system should work as a part of that effort, uniting all involved organizations to work collaboratively toward the common goal of ending homelessness one individual at a time.

Community-first approaches acknowledge everyone’s shared humanity, learn more fully from history to inform better futures, uplift and promote strengths to overcome challenges, and share and acknowledge policies that have caused harm to demonstrate structural inequities. This will help communities have a stronger base of information and influence to create the changes they need.

The state also needs resources and policies rooted in trust and the power of relationships, built to positively transform communities. Community collaborations centered on lived experiences can do a lot to end disparities and to ensure people’s human rights and dignity.

For shelter work specifically, a community-first response could look like a community health nurse visiting a shelter to meet medical needs, or a local substance use recovery provider coming in for needle exchanges. It looks like community and resources meeting people where they are, both physically and with their general well-being.

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*Voices of people with lived experience:*

**Regarding getting mail, as an unsheltered person, I have to get it with general delivery, but I cannot get packages. The theme beneath this is that we are scum.**

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## What additional state oversight could look like

To understand what state oversight could look like, members first learned about how oversight currently works in Minnesota and in other states. Then they discussed the values they would like to see in an oversight system, as well as the issues state oversight would solve and would not solve. They also provided initial feedback on several basic approaches to oversight.

Building heavily on members' oversight discussions, consultants from Management Analysis and Development (MAD) conducted research to develop more detailed oversight models. For example, they interviewed existing staff in existing Ombuds offices, and researched comparable and potential costs. Members revised the models and described what they saw as the benefits and challenges of each approach.

Of the three oversight models members explored, an Ombuds office had the most support. This section describes what an Ombuds system could look like. Appendix L on page 121 describes the two models with less member support (an independent reporting system and certification).

If the state created new oversight models, it should make sure the models work smoothly with existing oversight structures. There should be “no wrong door” when a guest makes a complaint to any overseeing entity within the state system.

Another factor to consider in creating new state oversight would be how immediately the system can respond to a complaint. Some Task Force members expressed concern that without twenty-four-hour staffing to respond to shelter guest complaints, guests may experience immediate and potentially serious harm.

### Create an Office of Ombuds for Shelter Guests

#### *Ombuds definition*

An ombuds (pronounced *om-budz*) is an independent governmental official. The legislature has to create this position and give them specific powers through “enabling legislation.” The basic purpose of ombuds offices is to receive and collect complaints about government agencies or state-funded or regulated programs from members of the community. After they receive a report, staff explore the situation and work to address community members' complaints.

#### *Office duties*

The Office of Ombuds for Shelter Guests would advocate for the rights of Minnesotans staying in non-tribal-owned shelters. Its responsibilities would be to:

#### **Maintain standards**

- **Maintain and revise**, as needed, a set of **shelter standards**.

#### **Provide education**

- **Offer educational opportunities** to shelter providers. Topics may include:
  - shelter standards and best practices

- provision of person-centered and trauma-informed services
- conflict resolution, de-escalation, and harm reduction techniques
- cultural awareness and responsiveness
- Empower community members by **promoting awareness of standards and ombuds services**. Awareness of rights also includes guests' rights, and what shelter providers have to follow according to the:
  - Americans with Disabilities Act
  - Fair Housing Act
  - Section 504 of the Rehabilitation Act
  - Civil Rights Act
  - Minnesota Human Rights Act

### **Advocate and mediate**

- **Provide information and advocacy assistance** to people seeking assistance with a complaint that is free of any conflict of interest.
- **Investigate reported incidents** and try to address the situation so that the guest is satisfied.

### **Report findings**

- **Provide regular reports** of maltreatment to the shelter's licensing agency, regional Continuum of Care, and/or county human services.
- **Track useful data** about the complaints received and provide the legislature and licensing agencies with an annual report.
- **Recommend changes in state law and agency policies** to better ensure the health, safety, well-being, and rights of shelter guests. Encourage "upstream" change to address the reasons for homelessness wherever possible.

### **Build relationships**

- **Build networks** of mutual support with regional Continuums of Care and county professionals.

### *Reporting system*

Guests, shelter staff, or other concerned people would be able to make reports to the Ombuds office through different methods, including a phone hotline, an online form, a mail-in option, and others. Methods would be accessible to people with disabilities, people not proficient in English, and people without access to a landline or the internet.

The reporting person would share details about the issues they noticed or experienced, and could choose to share their name and contact information.

In response to the report, Ombuds staff would take different steps depending on the situation. Generally, they would work with guests, shelter providers, and other agencies to resolve complaints and concerns. Staff would protect and honor guests by:

- Advocating to improve the quality of care and quality of life for guests of shelters.
- Providing information and assistance about guest rights, facilities regulations, and shelter options.
- Empowering guests to self-advocate.
- Investigating and resolving complaints about quality of care or services, quality of life, rights violations, access to services, discharge or eviction concerns, and public benefit programs.
- Maintaining confidentiality. Staff would not discuss or disclose any information without the guest's individual permission.

### *Office staffing and appointments*

The legislature would need to create the Ombuds office and provide funding. The number of staff should be based on the scope of responsibilities; the more responsibilities the legislature gives the office, the more staff it would need.

After the legislature created the Ombuds office, the governor would appoint the Ombuds. If the legislature funded more than one staff position, the Ombuds would then hire and manage other staff. The office would try to always have staff who have personally experienced homelessness.

The Ombuds could also develop a team of volunteer representatives. The office would train these people to provide local community education and take initial information from shelter guests with complaints. These volunteers could also provide Ombuds staff with input or feedback on planned initiatives.

### *Ombuds Advisory Council*

The Ombuds office would support and actively engage with an Advisory Council. The Council would have people who have experienced homelessness, people with experience working in shelters, people from different racial and ethnic groups (including Native Americans), and others close to the work.

The Advisory Council's role would be to provide perspective and advice to the Ombuds office; it would not oversee or give specific direction to the Ombuds office. Advisory Council members would focus their advice on topics such as:

- shelter standards revisions and interpretations
- community and shelter education approaches
- investigation approaches
- annual report content
- recommendations on changes to state laws

Council members would apply through the Secretary of State's process and be appointed by the governor. When the Council created advice for the Ombuds office, members would carefully assess and address potential conflicts of interest. The state would offer expense reimbursements and meeting per diems for Advisory Council members.

### *Cost to the state*

Research shows that existing ombuds offices with similar duties have annual budgets ranging from \$190,000 to \$744,000. This does not include any initial costs involved with setting up a new ombuds office.

### **Comparably sized ombuds offices**

<b>Ombuds office</b>	<b>Number of full-time employees</b>	<b>Fiscal Year 2023 Budget</b>
Office of the Ombuds for Corrections	5	\$663,000
Office for Ombudsman for Families	5	\$744,000
Office for Ombudsperson for American Indian Families	1	\$190,000

### *Benefits of this approach*

- Guests have an authority to contact if they have a bad experience at a shelter. This would help keep a minimum standard of quality at shelters across the state.
- Guests would have an advocate to talk to and work with, not just an automated reporting system. This makes it a person-centered and accessible approach.
- This approach keeps people with lived experience and expertise—as well as people from key communities affected by homelessness—engaged in the standards and oversight process over time. This would make for a more culturally responsive system that is more likely to meet guests’ needs.
- This approach would provide a new opportunity for the state. The information collected could be a continuous improvement effort for shelters and the state. Everyone would do better based on feedback.

### *Challenges of this approach*

- It relies on people having to advocate for themselves, which can be a barrier. People experiencing homelessness are often in crisis and not in a strong position to be self-advocates, especially not when they may fear retaliation from the shelter.
- Ombuds offices generally do not have the authority to formally investigate a shelter or create penalties. They usually advocate for people and provide guidance. Without investigative authority, staff will have to rely on shelters agreeing to work with them.
- Because this is a reactive-only model, there would need to be work from shelters to ensure there is no need for reactive oversight.

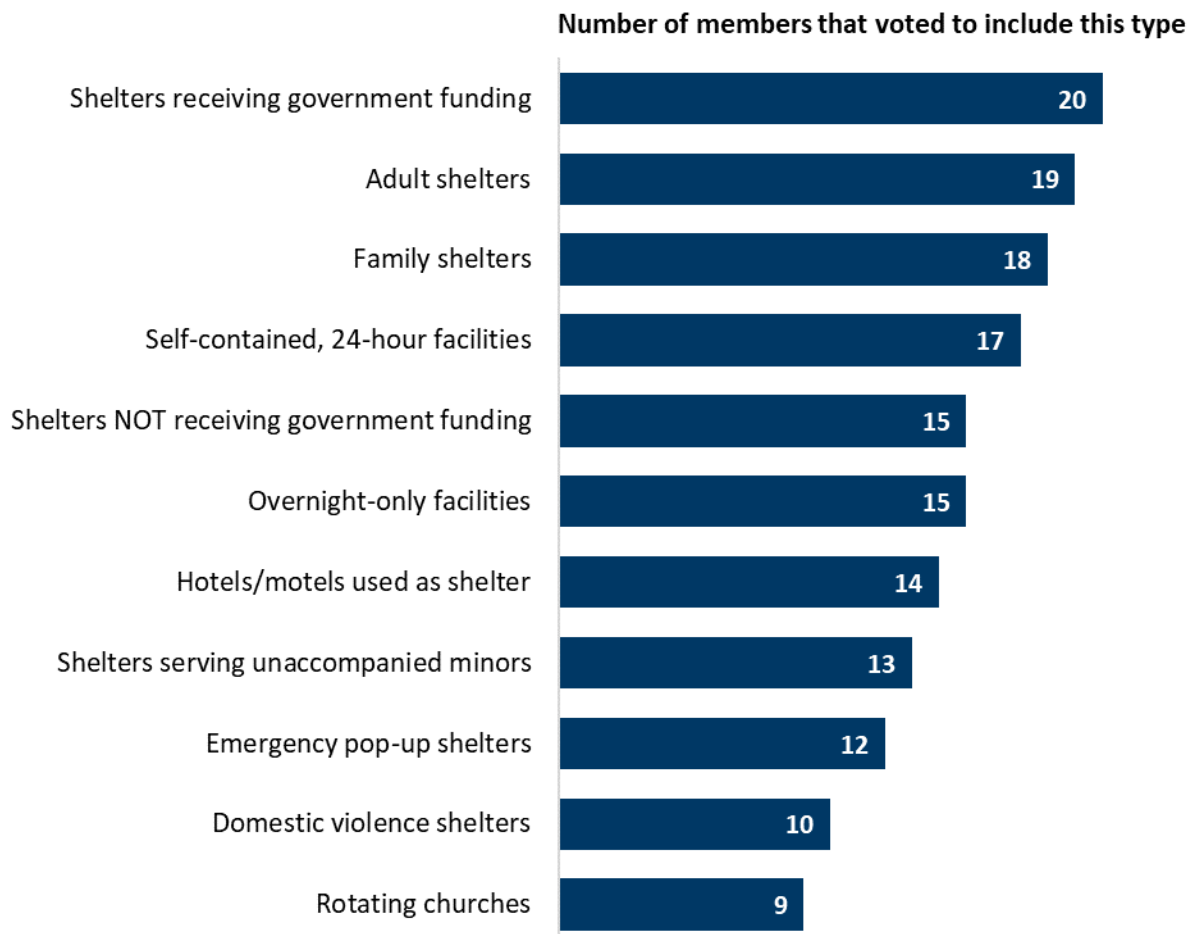
## **Which types of shelter should have to follow standards**

As discussed on page 7, Minnesota has many different kinds of shelters. When discussing potential standards, members of the Task Force and the public alike discussed which types of shelters should have to follow the developed standards and why. People had a variety of opinions about why certain types should be included or excluded.



After several meetings of discussion, Task Force members voted on which types they think should follow the standards. The graph below shows the results of that vote (20 members participated in the vote). The table after it describes members' thoughts on why different types should or should not follow the standards.

**Which types of shelter should follow the standards?**




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*Voices of people with lived experience:*

**The shelter I was staying at did not have a grievance policy and I felt like I would be kicked out if I said something. How could I tell someone if there is no one to tell?**

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The table below contains the Task Force’s thoughts on why the state might include or exempt some types of shelter from the standards. It also discusses how different shelter types may need modifications to or exemptions from specific standards. The table contents reflect individual voices and not the shared opinions of all Task Force members.

Shelter type	Why <i>should</i> they have to follow the Task Force’s standards?	Why <i>shouldn’t</i> they have to follow the Task Force’s standards?	What modifications/exemptions from the standards should be made for this kind of shelter?
Family shelters	-	-	<p>Privacy standards may need to get evaluated since a family may have to be in one room, share a bathroom, etc.</p> <p>Some of the criminal background factors related to entry could be modified.</p> <p>As currently written, the standard on displacement would require a displaced guest to remain in shelter while awaiting an appeal. Sometimes this could be okay, and other times it would not work in a family shelter setting for the safety and well-being of all families.</p>
Shelters serving minors without an adult with them	-	The state already oversees these shelters through the Children’s Residential Facility License.	-
Domestic violence shelters	-	Need for privacy, safety reasons.	<p>Have to ensure if there is oversight, the entity has subject matter expertise of domestic violence (DV) work, relevant laws, and funding structures.</p> <p>Consider that most DV shelters are for women only, but men also experience DV so have a partner organization who can serve those guests when the men reach out for help.</p>

Shelter type	Why <i>should</i> they have to follow the Task Force’s standards?	Why <i>shouldn’t</i> they have to follow the Task Force’s standards?	What modifications/exemptions from the standards should be made for this kind of shelter?
Overnight-only facilities	<p>Historically, overnight-only shelters in Hennepin County had many long-term guests. This was the most common type of shelter pre-pandemic for single adults.</p> <p>I think these are the shelters that may need the most oversight.</p> <p>I think this still applies as some are overnight-only where people have to go somewhere else during the day—the standards should still apply.</p> <p>Most shelters are this type in the metro—definitely needs to be included.</p>	<p>May not make sense to include them. Standards are geared toward longer-term stays.</p>	<p>Could depend on length of stay or consecutive night stay allowable. It is different if a guest can spend only one night there ever versus 30/60/90 consecutive nights.</p>
Emergency pop-up shelters (for example, facilities that temporarily open for an extremely cold night)	<p>I think these are ones that may need the most oversight since corners may more likely be cut.</p> <p>There are clearer requirements for emergency shelters—under the ADA for example—as opposed to permanent shelters. So according to federal law there would not be less stringent rules for emergency shelters, but possibly different requirements, and much more straightforward and easy-to-find information on what must be followed.</p>	<p>These shelters might not be able to follow the standards.</p> <p>Opening a program quickly for an emergency situation could be a barrier to meeting standards; these shelters are needed at times.</p> <p>These shelter options are often inconsistently available as they are based on volunteers and unreliable funding resources.</p>	<p>Maybe less stringent rules around belongings if it is more of an emergency, one-night program.</p>

Shelter type	Why <i>should</i> they have to follow the Task Force’s standards?	Why <i>shouldn’t</i> they have to follow the Task Force’s standards?	What modifications/exemptions from the standards should be made for this kind of shelter?
Rotating churches (some churches rotate periodically hosting a shelter)	-	<p>Potential exemptions given heavy focus on volunteers and not having the same staffing levels as other settings.</p> <p>These shelter options are often inconsistently available as they are based on volunteers and unreliable funding resources.</p>	<p>Potential exemption from some of the physical environment standards.</p> <p>Buildings/facilities may not accommodate certain standards due to their layout and amenities.</p>
Hotels/motels used as shelter	-	<p>Already regulated under another system.</p> <p>These shelter options are often inconsistently available as they are based on volunteers and unreliable funding resources.</p>	<p>There needs to be recognition of the third party (hotel owner) involvement and rules that are outside the provider’s control.</p> <p>For some requirements, the shelter does not have control of the conditions; the hotel is as it comes.</p>
Shelters <i>not</i> receiving state funding	It shouldn’t be a question of where the funding is coming from but the services provided. This group should follow all the standards.	What authority would there be for the state to oversee these?	-

## Other recommendations

The Task Force also offers the following recommendations to the legislature.

### Exclude tribal-owned shelters from standards and oversight

**Recommendation:** The Task Force recommends the legislature does not require tribal-owned shelters to follow the standards and oversight, even if they receive state funding.

**Member votes:**

Vote	Number
Aye	17
Nay	0
Abstain	1
Absent	5
Vacant seat	1

**Additional context:** The tribes in Minnesota are sovereign nations. The Task Force acknowledges the inherent right for tribal nations to self-govern. As a result, the state cannot force tribal-owned shelters to follow state standards and oversight. Task Force members recommend the state continues to provide funding to tribal-owned shelters and honors the government-to-government relationship by not requiring these shelters to follow state standards or oversight.

### Increase funding

**Recommendation:** The state should increase funding available to shelters.

**Member votes:**

Vote	Number
Aye	18
Nay	0
Abstain	2
Absent	4

**Additional context:** Many of the recommended standards would not create significant new costs for shelters. Some shelters are already fully meeting the standards or are close to doing so. Others, though, are not meeting the standards, and some of the standards could impose new costs for them (see Appendix J on page 117). Shelter representatives and others expressed concern that without funding to help some shelters meet the standards, shelters may close and may be less likely to open in the first place.

## Give shelters time to adapt

**Recommendation:** The state should give shelters time to adapt to any changes before imposing any new standards or requirements.

**Member votes:**

Vote	Number
Aye	17
Nay	1
Abstain	2
Absent	4

**Additional context:** Some shelters in the state are not currently meeting all draft standards. If the state requires shelters to meet new standards or requirements, shelters will need time to adapt their policies, their practices, and potentially their spaces. There should be at least one year between when the date new requirements are set and the date shelters must meet them.

## Adopt a partnership mentality

**Recommendation:** Overseeing entities should adopt a partnership mentality with shelters.

**Member votes:**

Vote	Number
Aye	18
Nay	0
Abstain	2
Absent	4

**Additional context:** Because each shelter and community is unique, overseeing entities should strive for a mutually beneficial, supportive relationship with shelters. They should offer funding opportunities, technical assistance, best practices, and mentoring to help shelters operate in line with standards. They should look for solutions and help shelters with their concerns.

When shelters do not meet standards, overseeing entities should try to de-escalate situations and avoid being unnecessarily punitive. At the same time, overseeing entities should set clear timeframes and action steps after shelters' missteps. They should develop a process for what happens if shelters continue to not meet standards.

## Include people with lived experience and expertise of homelessness

**Recommendation:** People with lived experience and expertise of homelessness should be a critical part of oversight.

**Member votes:**

Vote	Number
Aye	18
Nay	0
Abstain	2
Absent	4

**Additional context:** People who have personally experienced homelessness know best what people in that community need. Overseeing entities should strive to always have people with lived experience and expertise on their staff. Any new, appointed groups should have seats specifically for people with lived experience and expertise, and the state should compensate those members for their time. It is also important to specifically have people from BIPOC communities, people with disabilities, and people from the LGBTQIA2S+ community who have lived experience and expertise. This would help ensure systems are designed to help oppressed communities and reduce the chances of new state oversight unintentionally causing them more harm.

## Reestablish the Preventing Homelessness Division

**Recommendation:** The Minnesota House should reestablish the Preventing Homelessness Division, also known as the Committee to Prevent and End Homelessness.

**Member votes:**

Vote	Number
Aye	11
Nay	1
Abstain	1
Absent	10
Vacant	1

**Additional context:** In the 2021–22 legislative sessions, the Minnesota House had a Committee to Prevent and End Homelessness. This committee has not been reestablished for the 2023 legislative session. Members recommend House leadership reestablish the committee in the current and future legislative sessions. Homelessness is a complex, cross-agency problem that requires dedicated legislative time.

# Appendix A: Authorizing legislation

Laws of Minnesota 2017, 1st Spec. Sess. chapter 8, article 6, section 1. Task Force on Shelter.

## Subdivision 1. Definitions.

- a) For purposes of this section, the following terms have the meanings given.
- b) “Director” means the state director of the Minnesota Interagency Council on Homelessness.
- c) “Homeless” or “homelessness” means lacking a fixed, regular, and adequate nighttime residence.
- d) “Resident” means a person residing in a shelter, including all members of a family unit.
- e) “Shelter” means an indoor sleeping and sanitary dwelling, whether in a fixed or rotating location, intended for individuals and families experiencing homelessness, provided by a unit of government, a nonprofit organization, or a place of worship.

## Subdivision 2. Establishment.

A Task Force on Shelter is established to:

- 1) develop standards for the provision of shelter; and
- 2) examine the need for, and the feasibility and cost of, establishing state oversight of shelter.

## Subdivision 3. Membership.

- a) The Task Force consists of the following 24 members appointed by the director:
  - 1) the commissioner of human services, or a designee;
  - 2) the commissioner of corrections, or a designee;
  - 3) the commissioner of health, or a designee;
  - 4) the commissioner of public safety, or a designee;
  - 5) the commissioner of transportation, or a designee;
  - 6) the commissioner of veterans affairs, or a designee;
  - 7) three public members who have experienced homelessness and resided in a shelter, at least one of whom has resided in a shelter in greater Minnesota;
  - 8) one public member who has experienced homelessness and chose to remain unsheltered;
  - 9) one representative of Street Voices of Change;
  - 10) one representative of Freedom from the Streets;
  - 11) two representatives from organizations that advocate on behalf of persons with disabilities;
  - 12) one representative from an organization that advocates on behalf of persons experiencing homelessness;
  - 13) one representative from an organization that provides legal services to persons experiencing homelessness;
  - 14) four representatives of organizations representing shelter providers, two of which must provide shelter in the seven-county metropolitan area, two of which must provide shelter in greater Minnesota, one of which must also provide shelter to families, and one of which must also be a



victim service provider that is funded to provide shelter to survivors of domestic violence and sexual assault;

- 15) two representatives from cities, one representing a metropolitan city and the other representing a city in greater Minnesota; and
  - 16) two representatives from counties, one representing a metropolitan county and the other representing a county in greater Minnesota.
- b) Appointments must be made no later than August 1, 2021.
  - c) Task Force members shall serve without compensation, except for public members. Members eligible for compensation shall receive expenses as provided in Minnesota Statutes, section 15.059, subdivision 6.
  - d) Vacancies shall be filled by the director consistent with the qualifications of the vacating member required by this subdivision.

**Subdivision 4. Meetings; officers.**

- a) The director shall convene the first meeting of the Task Force no later than August 15, 2021, and shall provide physical or virtual meeting space as necessary for the Task Force to conduct its work.
- b) At its first meeting, the Task Force shall elect a chair and vice-chair from among the Task Force members and may elect other officers as necessary.
- c) The Task Force shall meet at least once every two months.
- d) Meetings of the Task Force are subject to Minnesota Statutes, chapter 13D.

**Subdivision 5. Duties.**

The Task Force must:

- 1) examine existing shelter policies and practices in shelters of all types, including shelter in the seven-county metropolitan area, suburbs, and greater Minnesota, and shelter for single adults, families, and survivors of domestic violence;
- 2) engage stakeholders, which include but are not limited to:
  - i. shelter providers;
  - ii. people who have experienced homelessness and resided in shelter;
  - iii. relevant state and local agencies; and
  - iv. other persons or organizations with expertise in homelessness; and
- 3) make recommendations to the legislature regarding standards that will strengthen the shelter system and ensure that shelters have the ability and resources to provide safe and appropriate shelter services to those who need them.

**Subdivision 6. Administrative support.**

The Minnesota Housing Finance Agency must provide administrative support and meeting space for the Task Force.

**Subdivision 7. Report.**

- a) No later than February 1, 2022, the Task Force shall submit an initial report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over housing and preventing homelessness on its findings and recommendations.
- b) No later than December 15, 2022, the Task Force shall submit a final report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over housing and preventing homelessness on its findings and recommendations.

**Subdivision 8. Expiration.**

The Task Force expires the day following submission of the final report under subdivision 7.

# Appendix B: Task Force members

The table below provides information about Task Force members.

Member name	Designated seat	Other organization affiliation
Andrea Simonett	Department of Human Services	-
Ariana Daniel	Shelter provider (Greater MN)	Servants of Shelter in International Falls
David Hewitt	County representative (Metro area)	Hennepin County
Judy Moe	Organization that advocates on behalf of persons with disabilities	Richfield Disability Advocacy Partnership
Jules Duvall	Public member—experienced homelessness and resided in a shelter	-
Julie Jeppson	City representative (Metro area)	Blaine City Council
July Vang	Public member—experienced homelessness and chose to remain unsheltered	-
Kate Erickson	Department of Corrections	-
Jason Urbanczyk	Public member (Greater MN)—experienced homelessness and resided in a shelter	-
Laura Birnbaum	County representative (Greater MN)	St. Louis County
Lauren Ryan <sup>13</sup>	Department of Public Safety	-
Linda Soderstrom <sup>14</sup>	Freedom from the Streets	Metropolitan Interfaith Council on Affordable Housing
Mary Manning	Department of Health	-
Mary Riegert	Organization that advocates on behalf of persons experiencing homelessness	Minnesota Tribal Collaborative
Melea Blanchard <sup>15</sup>	Organization that advocates on behalf of persons with disabilities	Catholic Charities
Nancy Bokelmann	City representative (Greater MN)	City of Mankato
Paul Williams	Department of Veterans Affairs	-

<sup>13</sup> Cecilia Miller filled this seat for the last two meetings of the Task Force.

<sup>14</sup> Kristin Frye and John Bradley also filled this seat at different points during the Task Force.

<sup>15</sup> Sam Smith also filled this seat earlier in the Task Force.

<b>Member name</b>	<b>Designated seat</b>	<b>Other organization affiliation</b>
Reed Olson	Shelter provider (Greater MN)	Nameless Coalition in Bemidji
Rinal Ray	Shelter provider (seven-county metro area)	People Serving People in Minneapolis
Ron Elwood	Organization that provides legal services to persons experiencing homelessness	Legal Services Advocacy Project
Sam Juneau	Department of Transportation	-
Sherry Shannon	Public member—experienced homelessness and resided in a shelter	-
Tamara Stark	Shelter provider (seven-county metro area)	Tubman in Minneapolis
Tyra Thomas	Street Voices of Change	-

# Appendix C: Public engagement methods

Task Force members engaged the public at multiple points in the process. Responses and notes from all methods were shared with the full Task Force. Overall, the Task Force heard from more than 350 members of the public. Feedback came from people who have experienced homelessness (both those who stayed in sheltered and remained unsheltered); shelter providers; state, local, and tribal government; advocates; and other community members. People with lived experience and expertise could receive a \$20 gift card if they participated in some of the feedback methods, like an online listening session.

## Initial feedback

From January through March 2022, the Task Force asked the public to share their experiences and thoughts on shelter standards and oversight. Specifically, members asked:

- For people with lived experience and expertise:
  - What issues have you experienced with shelters?
  - What *should* the shelter experience be like for residents?
- For shelter providers:
  - What policies have worked well in your facility? What lessons have you learned about shelter policies or standards over the years?
  - Should all shelters have common standards across the whole state? What would be beneficial about it? What would be your concerns?

People from the community could share their thoughts by:

- Attending an online listening session (four were offered).
- Writing feedback on a public comment survey (two were offered: one for people with lived experience and expertise, and one for shelter providers).
- Answering the focus questions by email, phone, or mail.

Task Force members also asked the focus questions at meetings of the Regional Expert Network and Continuum of Care coordinators.

Members used this feedback in developing the draft standards and their initial conversations about oversight.

In January, the Task Force created a way for members of the public to sign up to receive information about future engagement opportunities and to receive a copy of the final report. People could subscribe on the Task Force's website until the Task Force's conclusion.

## Focused feedback

In April 2022, the Task Force reviewed the City of Minneapolis's draft standards around gender identity equity in shelters. A small group formed to adapt the draft for the Task Force's use. Those members wanted to hear

directly from the affected population, so they hosted an online session with invited members of the public. The public provided feedback on Minneapolis's draft and advised the small group on how to adapt it. Members used their advice in creating the gender identity standard.

## Draft materials feedback

Members decided to engage the public more thoroughly after they had created something for people to react to. In August and September 2022, the Task Force was ready to share its draft standards with the public. It asked the public for feedback on the standards and on the topic of shelter oversight. To get public feedback, the Task Force offered opportunities to the general public, as well as more focused opportunities.

General public feedback opportunities:

- Six online listening sessions.
- Offered a public comment survey.
- Invited the public to comment by email, phone, or mail.
- Invited the public to host independent conversations using a guided script.

Focused public feedback opportunities:

- Attended a meeting of the Minnesota Tribal Collaborative to Prevent and End Homelessness.
- Attended a provider webinar hosted by the Minnesota Interagency Council on Homelessness.
- Held an online listening session with state agency staff involved in shelter work.
- Attended the Minnesota Coalition for the Homeless conference.
- Engaged people with lived experience and expertise at a limited number of in-person events hosted by members. (Some Task Force members volunteered to organize their own in-person feedback sessions. They invited people from their communities to participate based on their own criteria.)

The specific questions asked varied based on the method and the focus audience. Generally, though, the Task Force asked the public to answer these questions:

- What about the standards do you find **reassuring**, should you or someone you care for need shelter?
- What about the standards do you find **concerning**, should you or someone you care for need shelter?
- How would you like to see the standards enforced within shelters?
- What role would you like the state to have in overseeing shelters? For example, the state could make all shelters get certified to operate, or could run a statewide complaint line about shelters.
- What aspects of the state's oversight of shelters are working well?
- What aspects of the state's oversight of shelters aren't working well?
- If you could reimagine the purpose and process of the state's oversight of shelters, what would it look like?

Members took the public's feedback into consideration when developing their final recommendations on standards and oversight.

# Appendix D: Member appreciations

At the final Task Force meeting, members expressed appreciation for each other and the legislature, and described what they learned during the process. Members agreed to add their comments in the report to show how the Task Force not only created the work products in the report, but also helped build relationships and expanded members' awareness of important issues in this area.

- Thanks to Julie for taking on being the chair and corralling everybody.
- Huge gratitude to all members of the Task Force for their diligent work and thoughtfulness this last year and a bit. I've greatly valued our conversations. Special thanks from me for Tyra and Sherry, who I've known to be leading this work to transform shelter since long before the Task Force and who I know will continue long after.
- It has been an honor and a pleasure to work alongside you this past year and a half. I look forward to continuing to advocate for these standards and oversight to be put into law. I appreciate everyone's commitment to empowering people who are experiencing housing insecurity.
- I humbly express my gratitude to each and every one of you for bringing your full heart, dedication, and expertise on this issue and the collaborative work we've done together. It has been a privilege to work alongside you in co-developing these standards and report to our legislators. Shout out to Julie J for taking on the role of Chair, Task Force members facilitating small group discussions and standards drafting, and the MAD consultants for both of your strategic guidance and support for the team. I have learned much from you all, and appreciate the opportunity to have shared this space and work for the last 16 months. I hope to stay connected in our shared dreams for our community after this Task Force, and I look forward to continuing the high-level work and the impact we have on housing efforts across capacities with you all.
- It has been a pleasure to work with you all. This has been a learning experience I will never forget. I am sure I will see most you all throughout the other work we all do. Thank you for having me as a part of this. Each and every one of you are amazing people doing amazing work. I am privileged to have met and worked with you all. Thank you to the MAD consultants for all you have done to help complete this ambitious process.
- I learned so much from being on this Task Force from all of you. It has been such a pleasure to serve on this Task Force with you all. I think more came out of this Task Force than what typically comes out of work groups. I do think that we proved that we can have a Task Force that's more diverse and inclusive and it does work. We should continue this model in the future. I especially enjoyed working with my small work group. We connected in a meaningful way. I'm grateful to Ron because we spent a lot of time outside of this Task Force researching things related to disability to bring back to the Task Force and I really appreciate that. Thank you to Tyra and Sherry and the others who worked on this bill—this Task Force wouldn't exist without you all. And then you also served on this Task Force, which was not always easy.
- What I appreciated most is the efforts of each member to passionately make our shelter response more client centered and equitable.

- Thank you to everybody that was part of this. It meant a lot to me. I learned so much and the most important is I learned about some of the shelters in the suburbs—the things they go through, how they work. I think people with lived experience will really like our work. It's better than what it has been. Thanks to the legislature for giving us this opportunity to bring this and hear from us—as someone who experienced homelessness, thanks for listening to me.
- I appreciate each and every one of you. Thanks to the state for making this opportunity available and for Freedom from the Streets for moving this forward and paving better futures for people impacted by homelessness.
- I learned from Judy of the patience and persistence it requires to calmly teach re: ADA, 504, over and over. Teaching, re-teaching, and re-teaching.
- I learned a lot, too, about disabilities. I learned a lot from Judy on what that looks like in shelter. Street Voices of Change has been at this for six years. I appreciate legislators for giving us the opportunity to create what we want to see in shelter. Thanks to you all for being inclusive and not harmful. That's what we want to see at shelters and community.
- I want to express my appreciation to the entire Task Force group for working so hard to make real change for people experiencing homelessness. The work of this group will change hearts and minds on this issue and I appreciate all that I have learned from you. I thank you for your willingness to share your experiences, even when it was very difficult. Thank you to the MAD consultants for their outstanding work and support. I am truly blessed to have worked with all of you. Wishing you all the best and I hope I have the opportunity to work with you all in the future.
- In all honesty, I'm struggling to come up with words that fully articulate my gratitude for you all. I have learned so much from each of you and am so thankful for your heart centered leadership. Thank you especially to Street Voices for Change for being the catalyst that got us here. You all give me hope as we continue in this work together. I am thankful for the relationships we have built and that will strengthen as we continue to build and support our communities. Deep gratitude.



# Appendix E: State agency oversight of shelters in Minnesota

A few state agencies currently play a role in overseeing shelters in Minnesota. Those agencies provided the information in this appendix.

## Children’s residential facility license

### Overseeing entities

- Department of Human Services (DHS)—Office of Inspector General (OIG)
- Department of Corrections (DOC)
- Minnesota Department of Health (MDH)
- Counties/Tribal nations

### Types of shelters overseen

Shelters serving minors—people through the age of 19—who do not have an adult with them.

At the time of reporting, 26 facilities had active children’s residential facilities licenses offering shelter services. Some of these were rehabilitation settings and group homes.

### How oversight occurs

Licensure for these shelters is a statutory requirement. Overseeing entities make sure shelters are complying with Minnesota Rules for these facilities.<sup>16</sup>

DHS or DOC conducts licensing reviews, which usually include client interviews, physical plant inspection, and record inspection. These happen an average of every two years. DOC staff oversee detention-type facilities, and DHS oversees the other facilities.

While DHS has oversight for the programmatic license, MDH provides regulatory oversight for any facility federally certified as a Psychiatric Residential Treatment Facility (PRTF). The two agencies are having discussions to determine the local issuing authority. MDH conducts routine surveys of PRTFs every five years. Federal surveys for complaints are triaged at a high level; those occur as they come in.

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<sup>16</sup> Minnesota Administrative Rules, Chapter 2960, <https://www.revisor.mn.gov/rules/2960/>.

## Cost to shelters for oversight

DHS has a fee structure. Facilities pay a fee depending on the certifications within the license the facility is requesting, and the facility's capacity (number of people housed). The annual fee ranges between \$1,000 and \$1,400.

Facilities overseen by DOC do not pay license fees.

## Office of Economic Opportunity grant agreements

### Overseeing entities

- Department of Human Services (DHS)—Office of Economic Opportunity (OEO)

### Types of shelters overseen

OEO provides grant opportunities to shelters and oversees all shelters receiving these grants.

At the time of reporting, OEO provided funding to 90 organizations, some of which operate multiple facilities or hotels.

### How oversight occurs

Shelters receiving these grants must submit written standards that are developed by the provider or local Continuum of Care. They develop their standards based on their individual needs, model, and services. Categories include eligibility, intake, length of stay, and discharge/appeals policies. The standards are submitted for approval by OEO and attached to the grant contract.

Oversight looks at practices under the following categories: eligibility, admission, diversion, referral, discharge, assessment and prioritizing, coordination, support services, and staffing. Oversight also includes review of adherence to best practices.

OEO staff enforce each shelter's standards through monitoring visits and reporting. Monitoring consists of a program overview, a file review, a review of compliance with state and federal laws, and a fiscal reconciliation. OEO conducts visits at contract execution and during monitoring visits. They conduct these more often upon notice of a concern.

OEO follows the state's Office of Grant Management Policy 08-10 on Grant Monitoring and conducts one visit per biennium if the contract is worth less than \$250,000, and two visits per biennium if their contract is worth \$250,000 or more.

Organizations that consistently fail to meet the agreed-upon standards must work with OEO to develop a quality improvement plan. If an organization continues to not address areas of a quality improvement plan (or other

monitoring and performance-related issues), OEO may not select them for further funding during the biennial competitive request for proposal process for shelter funding.

OEO staff also conduct biannual risk assessments and create plans to provide increased technical assistance for high-risk scorers. Risk assessments include overall agency capacity (systems, governance, leadership); fiscal stability practices and findings; and program performance (monitoring, reports, partnerships, complaints, etc.).

OEO generally oversees hotels/motels used as shelter similarly to other shelters. Oversight of these facilities could involve an informal review of the hotel location(s) and appropriateness for shelter programming.

## **Cost to shelters for oversight**

No direct costs charged to shelters.

## **Office of Justice Programs grant agreements**

### **Overseeing entities**

- Department of Public Safety (DPS)—Office of Justice Programs (OJP)

### **Types of shelters overseen**

OJP provides grant opportunities to domestic violence shelters and oversees all shelters receiving these grants.

At the time of reporting, OJP provided funding to about 25 shelters.

### **How oversight occurs**

Shelters receiving these grants must explain in their application how they will follow OJP's programmatic standards, which state the minimum requirements in service provision to qualify for domestic violence shelter funding. They can tailor their practices to fit their building structure (for example, apartment-style shelters have different layouts than dorm-style shelters with shared bathrooms).

OJP enforces standards through staff monitoring visits, periodic file reviews, and reporting. The OJP grant manager conducts visits at contract execution and during monitoring visits (one to two per biennium). They conduct these more often upon receipt of any complaints from staff and/or service recipients.

Staff also conduct biennial risk assessments and create plans to provide increased technical assistance and oversight for high-risk scorers. Risk assessments include overall agency capacity (systems, governance, leadership); fiscal stability practices and findings; and program performance (monitoring, reports, partnerships, complaints, etc.).

OJP generally oversees hotels/motels used as shelter similarly to other shelters.

## Cost to shelters for oversight

No direct costs charged to shelters.

## Housing support agreements

### Overseeing entities

- Department of Human Services (DHS)
- Counties/Tribal nations

### Types of shelters overseen

Shelters receiving standard Housing Support funding.

### How oversight occurs

Shelters typically have a Housing Support agreement, which is signed and managed at the county or tribal level. A Housing Support agreement requires compliance with Minnesota Statutes, Chapter 256I and, by extension, applicable licensing standards for the location/authorization (this often means boarding and lodging license requirements).

County or tribal Housing Support planning staff provide direct oversight and quality assurance, although not all counties and tribes have Housing Support planners. Counties and tribes set their own monitoring parameters related to Housing Support standards. They may also have separate agreements with providers with additional standards that exceed or are not covered in the Housing Support agreement.

For hotels/motels used as shelter, counties and tribes generally oversee them similarly to other shelters.

DHS provides support and technical assistance to counties and tribes.

## Cost to shelters

No direct costs charged to shelters.

## Board and Lodging (B&L) license

### Overseeing entities

- Minnesota Department of Health (MDH)

## Types of shelters overseen

Facilities receiving Housing Support funds (via individual eligibility determinations or a cost-neutral allocation via intergovernmental agreement) that operate as a shelter and meet the criteria for needing a license.

## How oversight occurs

Licensure for facilities meeting these criteria is a statutory requirement. Overseeing entities make sure shelters are complying with Minnesota Rules for these facilities.<sup>17</sup>

MDH or local public health (LPH) delegated agencies provide regulatory oversight for B&L. MDH or the LPH conducts site inspections before issuing a license, and on regular, risk-based frequencies.

MDH Health Regulation Division oversees the registration for those B&L offering Special Services.

## Cost to shelters for oversight

Costs vary for the MDH license and, if the facility offers special services, a Special Services Registration.

## Food, Beverage, and Lodging license

### Overseeing entities

- Minnesota Department of Health (MDH)

## Types of shelters overseen

Emergency shelters used in hotel and motel facilities.

## How oversight occurs

Licensure for facilities meeting these criteria is a statutory requirement. Overseeing entities make sure shelters are complying with Minnesota statutes for these facilities.<sup>18</sup>

MDH or local public health (LPH) delegated agencies provide regulatory oversight for Food, Pools, and Lodging establishments. They oversee the licensing of the hotel/motel facility. MDH or LPH conducts site inspections before issuing a license, and as needed if concerns arise.

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<sup>17</sup> Minnesota Administrative Rules, Chapter 4625, <https://www.revisor.mn.gov/rules/4625/>.

<sup>18</sup> Minnesota Statutes, Chapter 157, <https://www.revisor.mn.gov/statutes/cite/157>.

## **Cost to shelters for oversight**

Hotels and motels pay the licensing fee, not the organizations that are paying for the facilities to be used as emergency shelter.

# Appendix F: Shelter standards in other states

This appendix includes the December 2021 report from Mid-Minnesota Legal Aid to the Task Force.

## Report to the Task Force on Shelter: Resident Rights and Provider Standards in Other States Governing Family and Adult Shelters

### Overview

Legal Aid researched state statutes and administrative rules of all other 49 states and the District of Columbia to identify relevant provisions in those jurisdictions that establish: (1) rights and responsibilities of persons experiencing homelessness and residing in shelter; and (2) standards applicable to providers of shelters. This report presents Legal Aid’s research findings.

The state laws and administrative (agency) rules researched were those governing: (1) family and single adult shelters; (2) shelters for youth<sup>19</sup>; and (3) shelters for survivors of domestic violence.<sup>20</sup>

This report focuses mainly on family and single adult shelters. However, the report highlights selected standards of particular interest from other state standards governing shelters for youth and shelters for victims of domestic violence.

Eight (8) states enshrine in law or rule resident rights for families and single adults in shelter.

In four (4) of those jurisdictions—the District of Columbia, New Hampshire, New Jersey, and New York—the list of rights is extensive.

Four (4) states—the District of Columbia, Maryland, New Jersey, and New York—set forth certain responsibilities required of families and single adults residing in shelter.

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<sup>19</sup> Legal Aid found fourteen (14) states that have statutes and/or rules governing shelter for homeless youth: Colorado; Connecticut; District of Columbia; Illinois; Indiana; Maine; Massachusetts; New Jersey; New Mexico; New York; Oklahoma; Texas; Utah; and Washington.

<sup>20</sup> Legal Aid found fourteen (14) states have statutes and/or rules governing shelter for survivors of domestic violence: Alabama; Arkansas; California; Kentucky; Louisiana; Massachusetts; Mississippi; New Jersey; New York; Oklahoma; Texas; Utah; Washington; and Wyoming.

Fifteen (15) states set standards that providers of shelter to families and single adults must meet. This report focuses on standards associated with: conditions of admission and residence; operational standards; service standards; and standards governing displacements and appeals.

In some states, there are no private shelter providers. In these states, all shelters are either operated by a governmental entity or an entity with which a governmental entity contracts. Generally, where states do have both public and private shelters, the rights, responsibilities, and standards apply only to the government operated or funded shelters. There are exceptions; New Jersey's laws and rules, for instance, apply equally to public and nonpublic shelter. Finally, depending on the state, the rights, responsibilities, and standards may apply to only a subset of adult or family shelters (e.g., Maryland's Crisis Shelter Homes for Homeless Women, operated by the state's Department of Human Services).

The following provides more detail on the research concerning resident rights and responsibilities and provider standards. Legal Aid hopes that this research will be useful in informing the Task Force on Shelter in fulfilling its charge to develop and make recommendations to the Legislature on establishing: (1) rights for persons experiencing homelessness and residing in shelter; and (2) standards for the provision of shelter and shelter services in Minnesota.

## Introduction

Two states—Alabama and California—articulate legislative findings that provide the rationale for why shelter is necessary and underpin the governing statutory standards for the provision of shelter to families and single adults experiencing homelessness.

Alabama law declares that “[i]t is a matter of public interest to provide...shelter for homeless persons...to foster conditions suitable for the welfare and prosperity of all of the people of the state.”<sup>21</sup> Similarly, California law finds that “there exists within the urban and rural areas of the state a significant number of persons without decent, safe, and sanitary housing” and that these conditions are “inimical to the health, safety, and welfare of the residents of this state and the sound growth of its communities.”<sup>22</sup>

Minnesota suffers from the same conditions—a lack of affordable, safe housing and other social problems—that give rise to the unacceptable condition of homelessness and the need for homeless shelters across the state.

The Task Force on Shelter is charged with making recommendations for the establishments of rights and standards for residents and providers of Minnesota's shelters. This directive stems from the same overarching and commonly held imperative that underlies resident rights and provider standards established in the other states: to provide a humane, safe, and sanitary indoor space for people without homes to protect them from weather condition, which of course in Minnesota can be especially harsh; to provide a safe space and appropriate resources for residents to address the issues that led to their homelessness; and to provide a gateway to stable housing and a productive life.

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<sup>21</sup> Ala. Code § 11-96A-1.

<sup>22</sup> Cal. Health & Safety Code § 50003.3.



# States Granting Resident Rights and Establishing Shelter Standards

## Resident Rights

Eight (8) states have established—by statute or rule—resident rights:

- Connecticut
- District of Columbia
- New Hampshire
- New Jersey
- New York
- Rhode Island (service dogs)
- Texas (accessibility for persons with disabilities)
- Utah (right to visitors)

In the District of Columbia, New Hampshire, New Jersey, and New York, the set of resident rights is robust and extensive. Though not so-named, they are in effect “Bills of Rights” for persons experiencing homelessness and residing in shelter.

One of the more common rights that states grant to families and single adults in shelter include the right to respectful, dignified treatment and the right to equal treatment without discrimination. New Hampshire’s rules, for example, provide that individuals seeking or residing in shelter funded by the state “shall be treated by emergency shelter staff and volunteers with dignity and respect regardless of the circumstances which brought them to the shelter.”<sup>23</sup>

Equal treatment and prohibitions on discrimination are also common across states that establish resident rights under statute or rule. Connecticut, the District of Columbia, and New Hampshire provides that residents in shelter must be treated equally regardless of their individual characteristics, that include, among others: race; color; national origin; ancestry; sexual orientation and gender identity; disability; past conduct unrelated to the shelter.<sup>24</sup> New Jersey’s statute expressly includes persons with mental illness, declaring that:

No person shall be refused admittance to an emergency shelter for the homeless based on a perception or belief that the person has a mental illness, unless there is a reasonable basis to believe that the person poses a danger to self, others, or property, or if the basis for the refusal is otherwise authorized by law or regulation.<sup>25</sup>

Four states speak to accessibility and reasonable accommodations. The District of Columbia makes clear that shelter providers must make modifications to accommodate persons with disabilities unless those accommodations “would fundamentally alter the nature of the services.”<sup>26</sup>

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<sup>23</sup> N.H. Code Admin. R. § 05.

<sup>24</sup> See Conn. Agencies Regs. 17b-800-4; D.C. Code Ann. § 4-754.11; and N.H. Code Admin. R. § 04.

<sup>25</sup> N.J. Stat. Ann. § 55:13C-2.1.

<sup>26</sup> D.C. Code Ann. § 4-754.11 and D.C. Code Ann. § 4-754.21.

The District of Columbia expressly recognizes the dangers of being without shelter during severe weather conditions and provides that its residents have the right to shelter during extreme cold or heat.<sup>27</sup>

New York recognizes that disputes between residents or disputes between a resident and a staff member can result in displacement and that there are often two sides to an incident. Consequently, New York's family and adult shelter residents are given the right "to have their version of the events leading to an accident or incident in which he/she is involved included on all accident or incident reports."<sup>28</sup>

Other rights provided to shelter residents in one or more of these jurisdictions include: (1) the right to safe, sanitary facilities; (2) freedom from abuse and exploitation; (3) freedom from restraint or confinement; (4) freedom from unreasonable searches; (5) freedom of association and assembly; (6) the right to treatment consistent with gender identity; (7) the right to participate in the resident's case management or service plan; (8) the right to visitors; (9) the right to private communications (10) the right to meet with attorneys and advocates; (11) the right to access one's own records; (12) the right to manage one's own financial affairs; (13) the right to receive/send mail without interference; (14) the right to come and go freely; (15) the right to provide input into shelter services; (16) the right to notice of decisions affecting shelter services; (17) the right to know the name and job title of staff; (18) the right to file grievances; (19) the right to remain in shelter and freedom from displacement without cause; and (20) freedom from involuntary labor.

## **Resident Responsibilities**

Four (4) states have established a set of responsibilities for shelter residents:

- District of Columbia
- Maryland
- New Jersey
- New York

The principal responsibilities required of families and single adults residing in shelter include:

1. Following rules of the shelter.
2. Appropriate behavior/conduct while residing in shelter.
3. Respect for the safety and property of others.
4. Maintaining cleanliness in a person's living and sleeping areas.
5. Appropriate use of common areas.
6. Seeking permanent housing.
7. Seeking employment, education, or training.
8. Establishing a savings or other financial account.
9. Utilizing child care in order to seek housing or employment (family shelters).
10. Educating and supervising children (family shelters).

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<sup>27</sup> D.C. Code Ann. § 4-754.11.

<sup>28</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.12 (Family Shelters); N.Y. Comp. Codes R. & Regs. tit. 18, § 491.12 (Adult Shelters).

## Standards

Fifteen (15) states have established statutory and regulatory standards for providers of shelter:

- Arizona
- California
- Connecticut
- Delaware
- District of Columbia
- Hawaii
- Illinois
- Maryland
- Massachusetts
- New Hampshire
- New Jersey
- New York
- Oregon
- Utah
- Wisconsin

The extensive set of standards across these states can be divided into broad categories:

1. Standards Governing Conditions of Admission and Residence.
2. Standards for Ensuring Equity.
3. Operational Standards.
4. Service Standards.
5. Standards Governing Grievances, Transfers, Suspensions, Displacements.
6. Standards Governing the Right to Appeal.
7. Miscellaneous Standards.

### *Standards Governing Conditions of Admission and Residence*

The most common areas that fall into this category include: (1) determination of eligibility; (2) intake/admission process; (3) assessment; (4) orientation; (5) fees; and (6) length of stay.

### **Determination of Eligibility**

Most states provide standards for who is eligible and on what bases shelter can be denied. The District of Columbia and Hawaii set time limits for when such determinations must be made.<sup>29</sup> The District of Columbia also provides for a waiting list if the shelter is full.<sup>30</sup>

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<sup>29</sup> D.C. Code Ann. § 4-753.02 (same day, but no later than three days if same day approval not possible). Haw. Rev. Stat. Ann. § 346-366 (three days after vacancy occurs, but no later than seven days after an application is made).

<sup>30</sup> D.C. Code Ann. § 4-753.02.

Where reasons for denial of shelter are enumerated, they include:

- Lack of shelter space.<sup>31</sup>
- Refusal of employment.<sup>32</sup>
- The applicant is a registered sex offender.<sup>33</sup>
- The applicant is ill,<sup>34</sup> has a communicable disease,<sup>35</sup> is “in need of acute medical, psychiatric, or nursing care”<sup>36</sup> or needs medical or nursing care the shelter is unable to provide.<sup>37</sup>
- The applicant possesses or is intoxicated from the use of drugs or alcohol.<sup>38</sup>
- The applicant is a danger to self or others.<sup>39</sup>
- The applicant refuses to abide by shelter rules.<sup>40</sup>

New Hampshire and New York require that steps must be taken to find alternative shelter or address health and safety issues of the applicant if shelter admission is denied.<sup>41</sup> Connecticut, the District of Columbia, Maryland, and Massachusetts provide the right to appeal a denial of shelter.<sup>42</sup>

### **Admission/Intake Policy**

New Hampshire and New Jersey prohibit denial of shelter if space is available.<sup>43</sup> New Hampshire also prohibits shelters from denying admission for lack of identification.<sup>44</sup>

Connecticut and Massachusetts require shelters must attempt to keep families together.<sup>45</sup>

New Jersey requires shelters to inquire into whether the applicant is a military veteran and, if so, requires the provision to the veteran of “information concerning special services and resources that are available to the individual based on the individual's [veteran] status.”<sup>46</sup>

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<sup>31</sup> N.H. Code Admin. R. § 07.

<sup>32</sup> Ariz. Rev. Stat. Ann. § 46-241.04.

<sup>33</sup> Conn. Gen. Stat. Ann. § 8-359a.

<sup>34</sup> Conn. Agencies Regs. 17b-800-4.

<sup>35</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.9 (Family Shelters); N.Y. Comp. Codes R. & Regs. tit. 18, § 491.9 (Adult Shelters).

<sup>36</sup> Md. Code Regs. 07.01.17.03 (Crisis Shelter Homes for Homeless Women operated by the Dept. of Human Services).

<sup>37</sup> N.J. Admin. Code § 5:15-3.8; and N.Y. Comp. Codes R. & Regs. tit. 18, § 900.9 (Family Shelters); N.Y. Comp. Codes R. & Regs. tit. 18, § 491.9 (Adult Shelters).

<sup>38</sup> Conn. Agencies Regs. 17b-800-4 and Md. Code Regs. 07.01.17.03 (Crisis Shelter Homes for Homeless Women operated by the Dept. of Human Services).

<sup>39</sup> Md. Code Regs. 07.01.17.03 (Crisis Shelter Homes for Homeless Women operated by the Dept. of Human Services); N.H. Code Admin. R. § 07; N.J. Admin. Code § 5:15-3.8; and N.Y. Comp. Codes R. & Regs. tit. 18, § 900.9 (Family Shelters); N.Y. Comp. Codes R. & Regs. tit. 18, § 491.9 (Adult Shelters).

<sup>40</sup> Md. Code Regs. 07.01.17.03 (Crisis Shelter Homes for Homeless Women operated by the Dept. of Human Services).

<sup>41</sup> N.H. Code Admin. R. § 07; N.Y. Comp. Codes R. & Regs. tit. 18, § 900.9 (Family Shelters) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.9 (Adult Shelters).

<sup>42</sup> Conn. Agencies Regs. 17b-800-6; D.C. Code Ann. § 4-754.41; Md. Code Regs. 05.21.01.10 (Crisis Shelter Homes for Homeless Women operated by the Dept. of Housing and Community Affairs); and 760 Mass. Code Regs. 67.09 (Shelters Funded by the Dept. of Housing & Community Development).

<sup>43</sup> N.H. Code Admin. R. § 06; and N.J. Stat. Ann. § 55:13C-2.2.

<sup>44</sup> N.H. Code Admin. R. § 06.

<sup>45</sup> Conn. Gen. Stat. Ann. § 8-359b and 110 Mass. Code Regs. 1.11.

<sup>46</sup> N.J. Stat. Ann. § 55:13C-2.4.

## Assessments

Maryland, New Jersey, New York, and Utah require shelters to conduct an assessment of the resident upon intake to determine needs.<sup>47</sup>

## Fees

Fee policies vary across states. Massachusetts expressly provides that no fees may be charged.<sup>48</sup> California, Connecticut, and New Hampshire provide that no person may be denied shelter for the inability to pay.<sup>49</sup> Other states—New Hampshire, New York (for family shelter)—expressly allow shelters to charge fees if the resident has the ability to pay.<sup>50</sup>

Oregon shelters are prohibited from charging fees for a specified set of services, including showering/bathing, storage of personal property, laundry, food, and case management.<sup>51</sup>

Maryland's fee policy depends on which agency operates the shelter. The Crisis Shelter Homes for Homeless Women program operated by the Department of Housing & Community Development expressly prohibits the charging of any fees but a similar program for homeless women operated by the Department of Human Services sets fees according to income.<sup>52</sup>

## Length of Stay

Length of stay requirements in states that establish limits range from 30 days in Massachusetts<sup>53</sup> to six months in California.<sup>54</sup>

## *Standards to Ensure Equity*

## Cultural Competence

The District of Columbia requires that shelter programs “deliver or provide access to culturally competent services.”<sup>55</sup>

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<sup>47</sup> Md. Code Regs. 07.01.17.05; N.J. Admin. Code § 5:15-3.8; N.Y. Comp. Codes R. & Regs. tit. 18, § 900.9 (Family Shelters) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.9 (Adult Shelters); and Utah Admin. Code r. R501-22-6.

<sup>48</sup> 110 Mass. Code Regs. 7.094.

<sup>49</sup> California (Cal. Health & Safety Code § 50801.5); Connecticut (Conn. Agencies Regs. 17b-800-4); New Hampshire (N.H. Code Admin. R. § 06).

<sup>50</sup> N.H. Code Admin. R. § 06 and N.Y. Comp. Codes R. & Regs. tit.18, § 900.11 (Family Shelters).

<sup>51</sup> Or. Rev. Stat. Ann. § Ch. 18, § 3.

<sup>52</sup> See Md. Code Regs. 05.21.01.04 (program operated by Department of Housing and Community Development) and Md. Code Regs. 07.01.17.11 (program operated by the Department of Human Services).

<sup>53</sup> 110 Mass. Code Regs. 7.095.

<sup>54</sup> Cal. Health & Safety Code § 50801.

<sup>55</sup> D.C. Code Ann. § 4-754.21.

## Addressing Language/Communication Barriers

Connecticut, the District of Columbia, and New Jersey require that shelters work to translate or otherwise provide assistance for residents with limited English proficiency.<sup>56</sup>

### *Operational Standards*

#### **Staffing**

New Jersey and Wisconsin require staff to be present at all times,<sup>57</sup> while Utah provides for staffing ratios.<sup>58</sup> New York—for family shelters—requires staff be “sufficient in number and qualified by training and experience” to provide the services necessary.<sup>59</sup>

#### **Training**

Four (4) states—the District of Columbia, Maryland (for Crisis Shelters for Homeless Women), New Jersey, and Utah—set forth specific training requirements.<sup>60</sup>

#### **Notice/Information to Resident**

Certain states require that specific information be given to residents upon entering shelter.

Such notice includes information about:

1. Rights and responsibilities.<sup>61</sup>
2. Policies.<sup>62</sup>
3. Conduct that can result in displacement.<sup>63</sup>
4. Services provided.<sup>64</sup>
5. Grievance procedures.<sup>65</sup>

Further, the District of Columbia requires staff to provide an overview of policies “in regards to the protection of residents based on actual or perceived sexual orientation and gender identity.”<sup>66</sup>

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<sup>56</sup> Conn. Agencies Regs. 17b-800-5; D.C. Code Ann. § 4-754.21; and N.J. Admin. Code § 5:15-4.16.

<sup>57</sup> N.J. Admin. Code § 5:15-3.5 and Wis. Admin. Code § 86.04.

<sup>58</sup> Utah Admin. Code r. R501-22-13.

<sup>59</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.8 (Family Shelters).

<sup>60</sup> D.C. Code Ann. § 4-754.21a; Md. Code Regs. 07.01.17.07; N.J. Admin. Code § 5:15-3.5; Utah Admin. Code r. R501-22-6.

<sup>61</sup> N.H. Code Admin. R. § 03; and N.Y. Comp. Codes R. & Regs. tit. 18, § 900.3 (Family Shelters) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.3 (Adult Shelters).

<sup>62</sup> Conn. Agencies Regs. 17b-800-5; D.C. Code Ann. § 4-754.21; and Md. Code Regs. 05.21.01.10 (for Crisis Shelters for Homeless Women operated by the Department of Housing and Community Development).

<sup>63</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.3 (Family Shelters) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.3 (Adult Shelters).

<sup>64</sup> D.C. Code Ann. § 4-754.21 and Md. Code Regs. 07.01.17.04 (for Crisis Shelter Homes for Homeless Women operated by the Department of Human Services), Maryland’s Crisis Shelter Homes for Homeless Women operated by the Department of Human Services program requires the resident to sign “a service contract.” Md. Code Regs. 07.01.17.05.

<sup>65</sup> Conn. Agencies Regs. 17b-800-5 and N.H. Code Admin. R. § 03.

<sup>66</sup> D.C. Code Ann. § 4-754.21.

## Posting

Several states require certain information to be posted in a conspicuous place in the facility. These postings include:

1. Shelter rules.<sup>67</sup>
2. Standards of conduct.<sup>68</sup>
3. Anti-discrimination laws.<sup>69</sup>
4. Grievance procedures.<sup>70</sup>

## Confidentiality of Records

Three (3) states—the District of Columbia, Hawaii, and Maryland—clarify that records of shelter residents must remain confidential and may only be disclosed as allowable or required under law.<sup>71</sup>

## House Rules

New Jersey’s rules enumerate a lengthy list of rules residents must follow in order to remain in shelter. These requirements include, among others: (1) seeking housing and employment; (2) ensuring school attendance; (3) supervising children; and (4) maintaining living spaces and proper use of communal areas.<sup>72</sup>

Utah’s rules require shelters to specify, among others, policies governing: (1) eligibility; (2) intake; (3) resident rights; (4) weapons; (5) behavior; (6) medication management; and (7) grievance and discharge procedures.<sup>73</sup> Connecticut and New Hampshire expressly require that the rules provide for sanctions for violation and require a signed acknowledgment that the resident received a copy of the rules.<sup>74</sup>

Delaware provides that the rules must expressly prohibit “the use of alcohol or illegal drugs” or “[l]oud or boisterous behavior, music or other noise in violation of state or local noise laws, rules and regulations that deprives other residents of the quiet enjoyment of the facility.”<sup>75</sup>

Connecticut and New Hampshire provide that the shelter must seek input from residents concerning the content of the rules.<sup>76</sup>

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<sup>67</sup> Conn. Agencies Regs. 17b-800-4; N.H. Code Admin. R. § 03; and N.J. Admin. Code § 5:15-3.1.

<sup>68</sup> Del. Code Ann. tit. 29, § 7964.

<sup>69</sup> Utah Admin. Code r. R501-22-7.

<sup>70</sup> Conn. Agencies Regs. 17b-800-5 and Utah Admin. Code r. R501-22-7.

<sup>71</sup> D.C. Code Ann. § 4-754.21; Haw. Code R. 17-2026-11; and Md. Code Regs. 07.01.17.09 (Crisis Shelter Homes for Homeless Women operated by the Department of Human Services).

<sup>72</sup> N.J. Admin. Code § 5:15-3.2.

<sup>73</sup> Utah Admin. Code r. R501-22-6.

<sup>74</sup> Conn. Agencies Regs. 17b-800-2 and N.H. Code Admin. R. § 08; N.J. Admin. Code § 5:15-3.1.

<sup>75</sup> Del. Code Ann. tit. 29, § 7964. New Jersey also requires that the house rules specifically state that the use of drugs or alcohol—in addition to “destruction of property, violence or inappropriate behavior—are grounds for removal. N.J. Admin. Code § 5:15-3.2.

<sup>76</sup> Conn. Agencies Regs. 17b-800-4 and N.H. Code Admin. R. § 08.

New Jersey provides that where adherence to house rules by residents who have a physical or mental disability may not be feasible or possible, adherence is required “only to the extent that appropriate assistance and services are available.”<sup>77</sup>

### **Physical Plant**

Many states have extensive requirements regarding adherence to design standards and codes.<sup>78</sup> In particular, a number of states have specific requirements regarding maintaining cleanliness of the facility. New York, for instance, requires that shelter operators “maintain a clean and comfortable environment.”<sup>79</sup>

Several other states provide specifications regarding bathrooms and showers in the facilities.<sup>80</sup> New Jersey and New York, for instance, require these facilities be available 24 hours per day and have hot and cold running water at all times.<sup>81</sup>

Hawaii and New Jersey set standards for space that must be provided for or between residents.<sup>82</sup>

### *Service Standards*

These are the most voluminous, covering a wide range of services that state statutes and rules require be provided by shelter operators to residents.

### **Basic Needs**

New Jersey enumerates a set of basic supplies that all shelters must provide to all residents, which include: (1) sheets, pillow cases, and blankets; (2) towels; (3) soap; (4) toilet tissue; and (5) a toothbrush and toothpaste.<sup>83</sup> New York’s rules provide that most of these items (as well as diapers in family shelters) be provided upon request where there is an emergency, including where residents do not have the funds to purchase them.<sup>84</sup>

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<sup>77</sup> N.J. Admin. Code § 5:15-3.2.

<sup>78</sup> Physical plant specifications are established for, among other areas: Bedding; Lighting; Dining Areas; Food services; Kitchen; Equipment; Furnishings; Walls/ceilings (e.g., no peeling paint); Appliances; Floor coverings; Plumbing fixtures; Heat/air conditioning; Electrical system; Ventilation; Windows/screens; Grounds; Safety (e.g., locks); Security; Pest control; Trash services; and General Maintenance.

<sup>79</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.18 (Family Shelters) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.18 (Adult Shelters).

<sup>80</sup> District of Columbia; Hawaii; New Jersey; New York (for both family and adult shelters); and Oregon.

<sup>81</sup> N.J. Admin. Code § 5:15-4.11) and N.Y. Comp. Codes R. & Regs. tit. 18, § 900.18 (Family Shelters) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.18 (Adult Shelters).

<sup>82</sup> Haw. Rev. Stat. Ann. § 346-374.5 and N.J. Admin. Code § 5:15-4.10.

<sup>83</sup> N.J. Admin. Code § 5:15-4.3.

<sup>84</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.18 (Family Shelters) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.18 (Adult Shelters).



## **Meals**

Seven (7) states require the provision of meals.<sup>85</sup> New Jersey and New York (for family shelters only) further specify that the shelter must provide three meals per day.<sup>86</sup>

## **Access to Feminine Hygiene Products**

Illinois and Maryland require shelter providers to provide feminine hygiene products. Illinois' requirement is subject to availability of funding,<sup>87</sup> while Maryland clarifies that the products must be made available free of charge.<sup>88</sup>

## **Storage of Personal Belongings**

Three (3) states require shelters to provide space for residents to store their personal belongings.<sup>89</sup> New York requires shelter providers to "offer a resident the opportunity to place money, property or items of value in the operator's custody."<sup>90</sup> New Jersey also provides for safekeeping of a resident's funds.<sup>91</sup>

## **Health Services**

Hawaii, New York, and Utah require shelter providers to ensure access of residents to health services.<sup>92</sup>

## **Storage of Medicine**

New York and Utah each require shelter providers to provide residents with a means to store medicine.<sup>93</sup>

## **Storage of Weapons**

Utah requires weapons brought into a facility by a resident "be secured by the program in a locked storage area or removed from the premises."<sup>94</sup>

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<sup>85</sup> Hawaii; Maryland (Crisis Shelter Home Program for the Homeless); Massachusetts; New Jersey; New York; Oregon; and Utah.

<sup>86</sup> N.J. Admin. Code § 5:15-4.14 (providing that the three meals must be "well balanced and nutritious"); and N.Y. Comp. Codes R. & Regs. tit. 18, § 900.14 (Family Shelters).

<sup>87</sup> 410 Ill. Comp. Stat. Ann. 175/5.

<sup>88</sup> MD HOUS & CMTY DEV § 4-2401.

<sup>89</sup> District of Columbia; Hawaii; and Oregon.

<sup>90</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.13 (Family Shelters) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.13 (Adult Shelters).

<sup>91</sup> N.J. Admin. Code § 5:15-3.10.

<sup>92</sup> Haw. Code R. 17-2026-68; N.Y. Comp. Codes R. & Regs. tit. 18, § 900.3; and Utah Admin. Code r. R501-22-5.

<sup>93</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.3 and N.Y. Comp. Codes R. & Regs. tit. 18, § 900.14 (Family Shelters) N.Y. Comp. Codes R. & Regs. tit. 18, § 491.3 and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.14 (Adult Shelters); and Utah Admin. Code r. R501-16-11.

<sup>94</sup> Utah Admin. Code r. R501-22-7.

## **Access to Mail/Phone**

The District of Columbia requires providers to offer “mail and phone services, or procedures for handling mail and phone messages, that enable the client to receive mail and messages.”<sup>95</sup> In addition, the District of Columbia (and New York) requires the shelter provide access to a telephone.<sup>96</sup>

## **Laundry Services**

The District of Columbia and New York require—and Oregon permits—shelters to provide for access to laundry services.<sup>97</sup>

## **Transportation Services**

Maryland grants shelters the option of providing or arranging for transportation for residents.<sup>98</sup>

## **Access to Social and Supportive Services/Referrals**

Seven (7) states provide that shelter services include providing access to needed social and supportive services and/or provide referrals for needed outside services.<sup>99</sup> Where enumerated, these include, without limitation: housing; employment and skills training; legal services; counseling; alcohol and other substance abuse recovery, physical and mental health; and child care.

## **Case Management**

Oregon authorizes shelter to offer case management services, at no charge, “for housing, financial, vocational, educational or physical or behavioral health care services.”<sup>100</sup>

## **Establishment of Financial Accounts**

The District of Columbia, New Jersey, and New York require that shelter providers offer the opportunity to shelter residents to establish voluntary savings or financial accounts.<sup>101</sup>

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<sup>95</sup> D.C. Code Ann. § 4-754.24.

<sup>96</sup> D.C. Code Ann. § 4-754.24 (providing that access must be “during reasonable hours and during emergencies”); and N.Y. Comp. Codes R. & Regs. tit. 18, § 900.18 (Family Shelters) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.18 (Adult Shelters).

<sup>97</sup> D.C. Code Ann. § 4-754.24 (providing that access must be to laundry facilities “in the immediate vicinity of the temporary shelter”); N.Y. Comp. Codes R. & Regs. tit. 18, § 900.18 (Family Shelters) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.18 (Adult Shelters) (providing that the facilities may be either on-site or at “a nearby commercial laundromat”); and Or. Rev. Stat. Ann. § Ch. 18, § 3 (providing that the laundry facilities may be on site and must be provided at no cost to the resident).

<sup>98</sup> Md. Code Regs. 07.01.19.05 (Emergency Shelter Program operated by the Department of Human Services).

<sup>99</sup> Delaware; District of Columbia; Hawaii; Maryland (Crises Shelter Homes for Homeless Women operated by the Department of Human Services); Massachusetts; New Jersey; and New York.

<sup>100</sup> Or. Rev. Stat. Ann. § Ch. 18, § 3.

<sup>101</sup> D.C. Code Ann. § 4-754.24; N.J. Admin. Code § 5:15-3.10; N.Y. Comp. Codes R. & Regs. tit. 18, § 900.13 (Family Shelters) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.13 (Adult Shelters).

## **Assistance with Housing, Employment, Application for Public Benefits**

New York requires both family and single adult shelters to offer assistance with seeking permanent housing; securing employment, job training, and job placement; and applying for public benefits.<sup>102</sup> With respect to the requirement to help residents “prepare for permanent housing,” New York specifies the following services be offered:

providing referrals to such housing, providing assistance in obtaining needed documents, providing advocacy assistance in the completion and filing of housing applications, scheduling of appointments for viewings and inspections of premises, providing assistance in preparing for interviews, and providing assistance in establishing competency skills for permanent housing by addressing issues such as budgeting, accessing community resources, housekeeping, home repairs and landlord/tenant rights.<sup>103</sup>

## **Services for Children in Shelter**

Some states have specific requirements for the provision of services to children residing in shelter.

New Jersey requires children be provided “a sleeping area and an area outside of the sleeping area where families may socialize...three meals a day, and referral services for medical care, mental health care, employment counseling and social service needs as are required.”<sup>104</sup>

New York requires family shelters to make “arrangements ensuring school attendance by school-age children residing in the facility, including any necessary transportation arrangements.”<sup>105</sup> New York also requires that family shelters housing women who are pregnant “demonstrate that prenatal care services are available, either at the shelter (provided by a licensed provider) or through an outside provider.”<sup>106</sup>

Utah requires shelters to “provide clean and safe age appropriate toys for children, an outdoor [enclosed] play area, required contents of educational service plans [and] adequate staff to supervise children” or monitor parental supervision.<sup>107</sup>

## **Seeking Input from Residents Regarding Services**

The District of Columbia’s statute requires providers to “receive and utilize client input and feedback for the purpose of evaluating and improving the provider's services.”<sup>108</sup>

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<sup>102</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.14 (Family Shelters) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.14 (Adult Shelters) (assistance with housing and employment); and N.Y. Comp. Codes R. & Regs. tit. 18, § 900.3 (Family Shelters) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.3 (Adult Shelters) (assistance with applying for public benefits).

<sup>103</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.14 (Family Shelters) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.14 (Adult Shelters).

<sup>104</sup> N.J. Admin. Code § 5:15-3.4.

<sup>105</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.3.

<sup>106</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.14 (Family Shelters).

<sup>107</sup> Utah Admin. Code r. R501-22-10.

<sup>108</sup> D.C. Code Ann. § 4-754.21.

## *Standards Governing Grievances, Transfers, Suspensions, Displacements*

### **Grievance Procedures**

Five (5) states require shelter providers to establish internal grievance procedures.<sup>109</sup> Connecticut requires shelters to consult with residents when establishing procedures.<sup>110</sup>

Connecticut also allows residents to “confront and refute any evidence relied upon in any decision relating to the grievance, by any appropriate means including, but not limited to, the use of witnesses.”<sup>111</sup> Similarly, Maryland mandates that the grievance process shall offer “an opportunity to be heard”<sup>112</sup> and further requires providers to give notice to residents of the grievance procedure.<sup>113</sup>

The District of Columbia statute encourages shelter providers to establish “internal mediation programs to resolve disputes” and specifies procedures for the conduct of any mediation program.<sup>114</sup>

#### *Requirement of Investigation; Burden of Proof*

New Hampshire requires that shelter providers investigate allegations that a resident’s rights have been violated by staff or volunteers.<sup>115</sup> In Connecticut shelters, where it is the resident who has been accused of violating the shelter policies, the state regulations expressly place the burden of proof on the shelter.<sup>116</sup>

#### *Impartial Arbiter; Right to Representation*

Connecticut mandates that a review of the grievance be conducted within three days by “an impartial person who has the authority to modify, affirm or reverse the decision that is being grieved.”<sup>117</sup> The impartial person can be anyone, “including an employee of the shelter, who did not take part in the decision or procedure which

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<sup>109</sup> Connecticut; District of Columbia; Maryland (Crisis Shelter Homes for Homeless Women operated by the Department of Human Services); New Hampshire; and New York.

<sup>110</sup> Conn. Agencies Regs. 17b-800-6.

<sup>111</sup> *Id.*

<sup>112</sup> Md. Code Regs. 07.01.19.08 (Emergency Housing and Services Program operated by the Department of Human Services) and Md. Code Regs. 07.01.17.10 (Crisis Shelter Homes for Homeless Women operated by the Department of Human Services).

<sup>113</sup> Md. Code Regs. 07.01.19.08 (Emergency Housing and Services Program operated by the Department of Human Services) (requiring the provision of notice “at the time of application and whenever the service provider notifies an applicant or recipient of an action which might deny, suspend, reduce, or terminate service”) and Md. Code Regs. 07.01.17.10 (Crisis Shelter Homes for Homeless Women operated by the Department of Human Services).

<sup>114</sup> Among the procedures for the mediation program are that the shelter must: (1) provide the resident or the resident's representative with reasonable written notice of the time and place of any mediation proceedings, and the right to request a fair hearing for formal review of his or her complaint and his or her right to request administrative review; (2) allow the resident or the resident's representative to review its records of the resident prior to the mediation proceeding and allow the resident to be accompanied by a legal or other representative of the resident’s choosing in any mediation proceedings. Finally, the statute prohibits any member of the shelter staff who was involved in the incident or incidents at issue in the mediation shall serve as a mediator during the proceedings. D.C. Code Ann. § 4-754.39.

<sup>115</sup> N.H. Code Admin. R. § 09.

<sup>116</sup> Conn. Agencies Regs. 17b-800-5.

<sup>117</sup> Conn. Agencies Regs. 17b-800-6 (review within three days) and Conn. Agencies Regs. 17b-800-5 (impartial arbiter).

is being grieved.”<sup>118</sup> Connecticut and New Hampshire provide that a resident is entitled to representation by a person of their choice.<sup>119</sup>

### *Written Decision*

Connecticut, Maryland, and New Hampshire all require that the decision concerning the grievance must be in writing.<sup>120</sup>

### **Transfer of Residents**

Transfers of residents are permissible in the District of Columbia and New York if:

- The resident is no longer eligible for the shelter’s services.<sup>121</sup>
- The resident has a communicable disease or a medical need or service need that cannot be met.<sup>122</sup>
- The resident poses a health or safety risk to themselves or others.<sup>123</sup>
- The resident fails or refuses to comply with shelter rules or “engages in prohibited behavior,” provided proper notice of the rules were provided.<sup>124</sup>
- The shelter is closing.<sup>125</sup>

For a resident in a District of Columbia shelter to be transferred, the resident: (1) must consent to the transfer; and (2) the shelter to which the resident is being transferred must be able to meet the resident’s “medical, mental health, behavioral, or rehabilitative service needs in accordance with the client's service plan.”<sup>126</sup>

### **Suspension of Residents**

The District of Columbia authorizes shelters to suspend services to residents if the resident “fails or refuses to comply” with the shelter rules or “engages in prohibited behavior” but only after the resident has received “proper notice” of the shelter rules, the resident’s responsibilities and prohibited behaviors and the shelter provider “has made a good-faith effort to enable the client to comply” so as to avoid suspension.<sup>127</sup> Suspension may be for any period not exceeding 30 days.<sup>128</sup> However, an adult resident may not be suspended if suspension would result in “minor children or dependent adults being left unattended” in the shelter.<sup>129</sup>

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<sup>118</sup> *Id.*

<sup>119</sup> Conn. Agencies Regs. 17b-800-6 and N.H. Code Admin. R. § 09. New Hampshire’s rules further provide that if the resident is unable to obtain desired representation, the shelter staff must “attempt to obtain assistance” from Legal Aid. N.H. Code Admin. R. § 09.

<sup>120</sup> Conn. Agencies Regs. 17b-800-6; Md. Code Regs. 07.01.19.08 (Emergency Housing and Services Program operated by the Department of Human Services) and Md. Code Regs. 07.01.17.10 (Crisis Shelter Homes for Homeless Women operated by the Department of Human Services); and N.H. Code Admin. R. § 09.

<sup>121</sup> D.C. Code Ann. § 4-754.34.

<sup>122</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.15.

<sup>123</sup> *Id.*

<sup>124</sup> D.C. Code Ann. § 4-754.34.

<sup>125</sup> D.C. Code Ann. § 4-754.34 and N.Y. Comp. Codes R. & Regs. tit. 18, § 900.15.

<sup>126</sup> *Id.*

<sup>127</sup> D.C. Code Ann. § 4-754.35.

<sup>128</sup> *Id.*

<sup>129</sup> *Id.*

## Displacement of Residents

### *Grounds to Displace*

Eight (8) states specify grounds for displacement from shelter.<sup>130</sup> They include:

- Violation of shelter rules.<sup>131</sup>
- Endangerment to the health or safety or property of others.<sup>132</sup>
- The resident poses a threat to self.<sup>133</sup>
- Possession or use of alcohol.<sup>134</sup>
- Possession, sale, or use illegal drugs.<sup>135</sup>
- Possession of a weapon.<sup>136</sup>
- Assault or battery.<sup>137</sup>
- Interference with the use and enjoyment of the premises by other residents.<sup>138</sup>
- Violation of a service plan.<sup>139</sup>
- Expiration of the maximum length of stay period.<sup>140</sup>
- Theft, destruction, or vandalism of property on the shelter premises.<sup>141</sup>
- Sexual harassment or sexual activity in violation of shelter rules.<sup>142</sup>
- Failure to accept an offer of permanent housing.<sup>143</sup>
- Ineligibility or shelter and shelter services are no longer needed.<sup>144</sup>
- The resident is sanctioned by or commits fraud on the public welfare program.<sup>145</sup>

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<sup>130</sup> Connecticut; District of Columbia; Hawaii; Maryland; Massachusetts; New Hampshire; New Jersey; and New York.

<sup>131</sup> Conn. Gen. Stat. Ann. § 8-359a; D.C. Code Ann. § 4-754.36 (providing that the violations must be knowing and repeated); Md. Code Regs. 07.01.17.06 (Emergency Housing and Services Program operated by the Department of Human Services) and (Crisis Shelter Homes for Homeless Women operated by the Department of Human Services); and 760 Mass. Code Regs. 67.06 (Shelters funded by the Dept. of Housing & Community Development).

<sup>132</sup> Conn. Gen. Stat. Ann. § 8-359a; D.C. Code Ann. § 4-754.36; 760 Mass. Code Regs. 67.06 (Shelters funded by the Dept. of Housing & Community Development) (providing the behavior that poses a threat to health or safety must be criminal); and N.H. Code Admin. R. § 07.

<sup>133</sup> D.C. Code Ann. § 4-754.36; 760 Mass. Code Regs. 67.06 (Shelters funded by the Dept. of Housing & Community Development); and N.H. Code Admin. R. § 07.

<sup>134</sup> Conn. Gen. Stat. Ann. § 8-359a and N.J. Admin. Code § 5:15-3.2.

<sup>135</sup> Conn. Gen. Stat. Ann. § 8-359a; D.C. Code Ann. § 4-754.36; and N.J. Admin. Code § 5:15-3.2.

<sup>136</sup> D.C. Code Ann. § 4-754.36.

<sup>137</sup> D.C. Code Ann. § 4-754.36 and N.J. Admin. Code § 5:15-3.2.

<sup>138</sup> N.H. Code Admin. R. § 07.

<sup>139</sup> Conn. Gen. Stat. Ann. § 8-359a; and Md. Code Regs. 07.01.17.06 (Emergency Housing and Services Program operated by the Department of Human Services) and (Crisis Shelter Homes for Homeless Women operated by the Department of Human Services).

<sup>140</sup> Conn. Gen. Stat. Ann. § 8-359a; Md. Code Regs. 07.01.17.06 (Emergency Housing and Services Program operated by the Department of Human Services) and (Crisis Shelter Homes for Homeless Women operated by the Department of Human Services); and N.J. Admin. Code § 5:15-3.9.

<sup>141</sup> Conn. Gen. Stat. Ann. § 8-359a; D.C. Code Ann. § 4-754.36; N.H. Code Admin. R. § 07; and N.J. Admin. Code § 5:15-3.2.

<sup>142</sup> Conn. Gen. Stat. Ann. § 8-359a.

<sup>143</sup> D.C. Code Ann. § 4-754.36 and 760 Mass. Code Regs. 67.06 (Shelters funded by the Dept. of Hsng. & Comm. Dev.

<sup>144</sup> Md. Code Regs. 07.01.17.06 (Emergency Housing and Services Program operated by the Department of Human Services) and (Crisis Shelter Homes for Homeless Women operated by the Department of Human Services); and 760 Mass. Code Regs. 67.06 (Shelters funded by the Dept. of Housing & Community Development).

<sup>145</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.15 (sanction); Mass. Code Regs. 67.06 (Shelters funded by the Dept. of Housing & Community Development) (fraud).

### *Investigation*

In New Hampshire, if displacement is a result of an incident “not witnessed by a staff member,” the shelter is obligated to investigate and “document in the written record...that the matter was investigated by a staff member and identify who performed the investigation.”<sup>146</sup>

### *Opportunity to Cure*

In New Jersey, shelters must “explain to the resident(s) the basis for removal and give the resident an opportunity to correct the behavior.”<sup>147</sup>

### *Notice*

Six (6) states require some form of notice be given prior to displacement from shelter.<sup>148</sup> Connecticut, Maryland, Massachusetts, and New Hampshire all require the notice to specify the reason for the displacement.<sup>149</sup>

Two (2) states—Connecticut and Massachusetts—require the notice to inform residents of their right to file a grievance.<sup>150</sup> Three states—Hawaii, Maryland, and New York—require the notice to inform the resident of their right to request an informal hearing.<sup>151</sup>

Maryland provides for the right of a resident to present evidence and witnesses and, as does Hawaii, be represented by an attorney.<sup>152</sup>

### *Displacement Without Notice*

Connecticut, and the District of Columbia, permit suspension or displacement without notice where the resident poses a threat to the health and safety of others.<sup>153</sup> Connecticut defines “threat” to include:

1. Possession, distribution, or use of illegal drugs or alcohol.
2. Possession of a dangerous weapon.
3. Physical assault or the threat of physical violence when there is reason to believe such a threat indicates a genuine possibility of actual physical assault directed at anyone in or on the grounds of the shelter.
4. Arson or attempted arson.<sup>154</sup>

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<sup>146</sup> N.H. Code Admin. R. § 07.

<sup>147</sup> N.J. Admin. Code § 5:15-3.9.

<sup>148</sup> Connecticut; Hawaii; Maryland (Crisis Shelter Home Program for the Homeless operated by the Department of Housing and Community Development); Massachusetts; New Hampshire; and New York.

<sup>149</sup> Conn. Agencies Regs. 17b-800-5; Md. Code Regs. 05.21.01.10 (Crisis Shelter Home Program for the Homeless, Operated by Department of Housing & Community Development); 760 Mass. Code Regs. 67.09 (Shelters funded by the Dept. of Housing & Community Development); and N.H. Code Admin. R. § 07.

<sup>150</sup> Conn. Agencies Regs. 17b-800-5 and 760 Mass. Code Regs. 67.09 (Shelters funded by the Dept. of Housing & Community Development).

<sup>151</sup> Haw. Code R. 17-2030-11; Md. Code Regs. 05.21.01.10 (Crisis Shelter Home Program for the Homeless, Operated by Department of Housing & Community Development); and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.15.

<sup>152</sup> Haw. Code R. 17-2030-11 and Md. Code Regs. 05.21.01.10 (Crisis Shelter Home Program for the Homeless, Operated by Department of Housing & Community Development).

<sup>153</sup> Conn. Agencies Regs. 17b-800-5 and D.C. Code Ann. § 4-754.38 (providing that the threat must be “imminent”).

<sup>154</sup> Conn. Agencies Regs. 17b-800-5.

Connecticut also permits displacement if the resident has a communicable disease.<sup>155</sup>

New Jersey permits displacement without notice if the resident poses a danger to self or others.<sup>156</sup>

### *Responsibility of Shelter for Property of Displaced Resident*

New Jersey and New York require that the shelter return to the resident or family member “any monies, property, or items of value.”<sup>157</sup> In contrast, Hawaii permits “goods and personal effects” of displaced residents to be “immediately and sold or otherwise disposed of,” and grants the provider a lien on the property to cover “expenses incurred in moving the property.”<sup>158</sup> However, providers may not immediately dispose of resident property if the resident appeals the displacement. But where the appeal is unsuccessful, Hawaii then allows removal and sale, “in a commercially reasonable manner” of property “determined to be of value” and disposal of property not determined to be of value.<sup>159</sup>

### *Standards Governing the Right to Appeal*

#### *Establishing the Right to Appeal*

Many states grant to a resident the right to appeal a displacement.<sup>160</sup> Arizona, the District of Columbia, Hawaii, Maryland, Massachusetts, New Jersey, and New York provide for administrative appeals<sup>161</sup> and the District of Columbia, Hawaii, and New York (for family shelters only) provide for an appeal of an adverse administrative decision.<sup>162</sup> Hawaii allows judicial appeal to the district court of an adverse final administrative ruling to displace.<sup>163</sup>

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<sup>155</sup> Conn. Agencies Regs. 17b-800-5 (providing that displacement is permitted only if “(1) Contamination with the disease could cause serious health problems for others; (2) The shelter does not have adequate means to isolate the infected clients; and (3) The shelter, if possible, has attempted to place the client in an alternative facility.”). The District of Columbia also permits transfer, suspension, or displacement during public health emergencies “to prevent or mitigate the spread of contagious disease.” D.C. Code Ann. § 4-754.38.

<sup>156</sup> N.J. Admin. Code § 5:15-3.9.

<sup>157</sup> N.J. Admin. Code § 5:15-3.9 and N.Y. Comp. Codes R. & Regs. tit. 18, § 900.15.

<sup>158</sup> Haw. Rev. Stat. Ann. § 346-368.

<sup>159</sup> Haw. Code R. 17-2030-32.

<sup>160</sup> Arizona; District of Columbia; Hawaii; Maryland (Crisis Shelter Home Program for the Homeless operated by the Department of Housing and Community Development); Massachusetts (Shelters funded by the Department of Housing and Community Development); New Jersey; New York (both family and adult shelters).

<sup>161</sup> Ariz. Rev. Stat. Ann. § 46-241.03 (providing for a contested case hearing); D.C. Code Ann. § 4-754.11; Haw. Code R. 17-2030-12 (providing for appeal to the Executive Director of the Public Housing Authority, which is housed under the Department of Human Services, and which operates or contracts for the provision of all shelter in Hawaii); Md. Code Regs. 05.21.01.10 (Crisis Home Program for the Homeless operated by the Department of Housing and Community Development) (providing for an informal hearing); 760 Mass. Code Regs. 67.09 (Shelters funded by the Department of Housing and Community Development); N.J. Admin. Code § 5:15-1.8; and N.Y. Comp. Codes R. & Regs. tit. 18, § 900.15 (Family Shelter) (providing for a pre-discharge hearing conducted by the local social services district) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.15 (Adult Shelter) (providing for a fair hearing).

<sup>162</sup> D.C. Code Ann. § 4-754.42; Haw. Code R. 17-2030-26; N.Y. Comp. Codes R. & Regs. tit. 18, § 900.15.

<sup>163</sup> Haw. Code R. 17-2029-27.



### *Conduct of the Hearing*

Hawaii provides the hearing “shall be conducted in an informal manner,” with “[o]ral and documentary evidence...received without regard to admissibility under the rules of evidence.”<sup>164</sup> Residents are given the rights at the hearing to:

1. Examine all [relevant] documents, records and rules that are relevant.
2. Be represented by counsel (at participant's own expense).
3. Present evidence.
4. Cross examine all witnesses.
5. Have the matter heard by someone not involved in the decision to displace.<sup>165</sup>

Massachusetts calls for “an expedited hearing and decision”<sup>166</sup> while New York mandates that the hearing officer be “an impartial adjudicator” who “may not be staff or an employee of the facility in which the discharged resident resided when the notice of discharge was issued [or] have been a party to the decision to discharge the resident, or be subordinate to the person(s) who made the decision.”<sup>167</sup>

Maryland provides that residents appealing a displacement have the opportunity to:

1. Provide an opening statement.
2. Present evidence.
3. Question witnesses.
4. Examine the documents that are the basis for the termination decision.
5. Request that the shelter provider or provider staff be present to answer questions.
6. Present legal argument.<sup>168</sup>

Hawaii addresses burden of proof, providing that the resident “must first show entitlement to the relief sought, and thereafter, the provider agency shall sustain the burden of justifying the decision” to displace.<sup>169</sup>

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<sup>164</sup> Haw. Code R. 17-2029-22.

<sup>165</sup> Haw. Code R. 17-2029-22 and Haw. Code R. 17-2029-24.

<sup>166</sup> 760 Mass. Code Regs. 67.09 (Shelters funded by the Department of Housing & Community Development).

<sup>167</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.15.

<sup>168</sup> Md. Code Regs. 05.21.01.10 (Crisis Shelter Home Program for the Homeless operated by Department of Housing & Community Development).

<sup>169</sup> Haw. Code R. 17-2029-24.

### *Timing*

Several states set deadlines by when an appeal must be filed,<sup>170</sup> a hearing must be held,<sup>171</sup> and a decision made.<sup>172</sup>

### *Right to Remain in Shelter While Appeal Pending*

Four (4) states—Connecticut, District of Columbia, Massachusetts, and New York—provide that residents shall remain in the shelter while their appeal is pending.<sup>173</sup> Hawaii’s rules provide that the shelter may require a displaced resident “remain off premises” during the pendency of an appeal proceeding if: (1) the resident poses a threat to health and safety of other residents or staff or (2) violates shelter rules that warrant immediate displacement.<sup>174</sup>

### *Right to Return to Shelter if Resident Prevails at Hearing*

New York expressly provides that a resident must be offered the opportunity to return to the shelter if found at a hearing to be wrongfully displaced.<sup>175</sup>

### *Miscellaneous Standards*

#### *Right to Shelter During Extreme Weather*

The District of Columbia and New York provide the express right to shelter during severe weather. The District’s statute provides that shelter shall be made available to any resident of the District when “the actual or forecasted temperature, including the wind chill factor, falls below 32 degrees Fahrenheit, or whenever the actual or forecasted temperature or heat index rises above 95 degrees Fahrenheit.”<sup>176</sup>

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<sup>170</sup> District of Columbia (D.C. Code Ann. § 4-754.41) (within 90 days of receiving displacement notice); Hawaii (Haw. Code R. 17-2029-22) (10 days from displacement action); and Massachusetts (760 Mass. Code Regs. 67.09) (Shelters funded by the Dept. of Housing & Community Development) (within 21 days of receiving notice).

<sup>171</sup> Connecticut (Conn. Agencies Regs. 17b-800-7) (within five days of the hearing request); District of Columbia (D.C. Code Ann. § 4-754.419) (not to exceed 15 days from the hearing request); Maryland (Md. Code Regs. 05.21.01.10 (Crisis Shelter Home Program for the Homeless operated by Department of Housing & Community Development) (within 14 days after the displacement notice issued). Maryland (Md. Code Regs. 05.21.01.10 (Crisis Shelter Home Program for the Homeless operated by Department of Housing & Community Development) (within 14 days after the displacement notice issued); and Massachusetts (760 Mass. Code Regs. 67.09) (Shelters funded by the Dept. of Housing & Community Development) (hearing must be expedited).

<sup>172</sup> District of Columbia (D.C. Code Ann. § 4-754.41) (within 15 following the completion of the hearing); Hawaii (Haw. Code R. 17-2030-22) (within 10 calendar days of the hearing date); Maryland (Md. Code Regs. 05.21.01.10 (Crisis Shelter Home Program for the Homeless operated by Department of Housing & Community Development) (within 30 days after the hearing); and Massachusetts (760 Mass. Code Regs. 67.09) (Shelters funded by the Dept. of Housing & Community Development) (decision must be expedited).

<sup>173</sup> Conn. Agencies Regs. 17b-800-7; D.C. Code Ann. § 4-754.11 and D.C. Code Ann. § 4-754.41; 760 Mass. Code Regs. 67.09 (Shelters funded by the Dept. of Housing & Community Development); and N.Y. Comp. Codes R. & Regs. tit. 18, § 900.15.

<sup>174</sup> Haw. Code R. 17-2030-14.

<sup>175</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.15 (Family Shelter) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.15 (Adult Shelter).

<sup>176</sup> D.C. Code Ann. § 4-753.01.

New York’s rules require social service districts to work with state police and state agencies to offer shelter to unsheltered homeless individuals and to extend shelter hours if necessary when “air temperatures at or below 32°F, including National Weather Service calculations for windchill.”<sup>177</sup> Further, New York’s rules permit allowing shelters to exceed capacity limits to designated emergency levels when: (1) there is a snow emergency or inclement winter weather or other circumstances creating an emergency need for additional shelter space; (2) the shelter is able to meet the food and shelter needs of all persons in residence; and (3) the shelter assigns staff sufficient to meet staffing requirements.<sup>178</sup>

### *Protection Against Garnishment*

Connecticut has established a unique standard that requires the state’s Department of Social Services to seek protection against garnishment “if it is deemed appropriate to be in the best interests of children and families.”<sup>179</sup>

### **Selected Standards from State Statutes and Rules Governing Shelter for Homeless Youth and Shelter for Survivors of Domestic Violence**

State laws and rules in other states governing shelter for homeless youth and shelter for survivors of domestic violence are structured similarly to those governing shelter for families and single adults. However, in similar areas they contain additional, different, and often unique provisions that warrant highlighting.

### *Resident Rights*

Indiana provides that youth in shelter “shall be treated kindly and humanely at all times.”<sup>180</sup>

### *Standards Governing Conditions of Admission and Residence*

#### **Availability**

No state law or rule governing family or single adult shelters require that shelters must be available 24 hours a day. However, New Jersey and New York require youth shelters to be open 24 hours a day, seven days a week.<sup>181</sup> Similarly, Arkansas, California, Louisiana, Mississippi, New Jersey, New York, Texas, and Wyoming all require that shelters for survivors of domestic violence be available to serve those in need 24 hours a day.<sup>182</sup>

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<sup>177</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 304.1.

<sup>178</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 900.10 (Family Shelters) and N.Y. Comp. Codes R. & Regs. tit. 18, § 491.10 (Adult Shelters).

<sup>179</sup> Conn. Gen. Stat. Ann. § 8-359b.

<sup>180</sup> 465 Ind. Admin. Code 2-13-57.

<sup>181</sup> N.J. Stat. Ann. § 9:12A-7 and N.Y. Comp. Codes R. & Regs. tit. 9, § 182-1.9.

<sup>182</sup> Ark. Code Ann. § 9-6-106; Cal. Welf. & Inst. Code § 18294; La. Stat. Ann. § 46:2124; Miss. Code. Ann. § 93-21-107; N.J. Admin. Code § 3A:57-2.2; N.Y. Comp. Codes R. & Regs. tit. 18, § 452.12; 1 Tex. Admin. Code § 379.701; and Wyo. Admin. Code 015.0012.8 § 9.

## *Standards to Ensure Equity*

### **Discrimination Prohibited Based on Immigrant Status**

Louisiana, New York, and Oklahoma provide that shelters for survivors of domestic violence must accept anyone, regardless of citizenship or immigration status.<sup>183</sup>

### **Accessibility/Reasonable Accommodations**

Louisiana expressly provides that persons with hearing impairments have equal access to shelters for survivors of domestic violence<sup>184</sup> and that shelters serving survivors “offer written materials in alternative formats to meet the needs of survivors with visual, hearing, or cognitive disabilities.”<sup>185</sup> New York grants survivors of violence “the right to be accompanied by a service dog or therapy animal.”<sup>186</sup>

Texas’ rules require shelters for survivors of domestic violence provide “meaningful access to hotline [services] to persons with disabilities, including [survivors] with sensory and speech impairments.”<sup>187</sup> Similarly, Washington requires shelters serving survivors of domestic violence have written crisis hotline/helpline procedures that address how crisis hotline staff “will meet the needs of and hearing impaired callers.”<sup>188</sup>

### **Accommodation for Persons with Limited English Proficiency**

California, New Jersey, and New York require that, in shelters serving survivors of domestic violence and to the extent feasible, one or more of the shelter personnel shall be bilingual.”<sup>189</sup> Washington’s statute requires shelters serving survivors of domestic violence to “establish standards that ensure linguistically appropriate services”<sup>190</sup> and establish “crisis hotline/helpline written procedures that address how crisis hotline staff will meet the needs of non-English speaking callers.”<sup>191</sup>

### **Culturally Appropriate Services**

Louisiana and Washington provide that shelters for survivors of domestic violence establish standards that ensure “culturally appropriate services.”<sup>192</sup> New York requires shelters serving survivors “must develop a plan to recruit compensated employees and/or volunteers who are representative of the cultural values and ethnic composition of the community being served.”<sup>193</sup>

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<sup>183</sup> 4 La. Admin. Code Pt VII, 1728 and 67 La. Admin. Code Pt III, 6929 (Community-Based Shelters Under Department of Children and Family Services); N.Y. Comp. Codes R. & Regs. tit. 18, § 452.9; and Okla. Admin. Code 75:15-2-1.

<sup>184</sup> 67 La. Admin. Code Pt III, 6933.

<sup>185</sup> 67 La. Admin. Code Pt N.Y. Comp. Codes R. & Regs. tit. 18, § 452.9 III, 6935.

<sup>186</sup> N.Y. Soc. Serv. Law § 459-b and N.Y. Comp. Codes R. & Regs. tit. 18, § 452.9

<sup>187</sup> 1 Tex. Admin. Code § 379.704.

<sup>188</sup> Wash. Admin. Code 388-61A.

<sup>189</sup> Cal. Welf. & Inst. Code § 18298; N.J. Stat. Ann. § 30:14-10; and N.Y. Comp. Codes R. & Regs. tit. 18, § 452.11.

<sup>190</sup> Wash. Rev. Code Ann. § 70.123.040.

<sup>191</sup> Wash. Admin. Code 388-61A-1040.

<sup>192</sup> 67 La. Admin. Code Pt III, 6947 and Wash. Rev. Code Ann. § 70.123.040.

<sup>193</sup> N.Y. Comp. Codes R. & Regs. tit. 18, § 452.11.

## *Operational Standards*

### **Staffing**

Laws in California, New Jersey, and Washington require efforts to be made to recruit former survivors of domestic violence as staff members in shelters serving current survivors.<sup>194</sup>

### **Training**

Youth shelters in the District of Columbia require employees, including intake staff, to be trained in:

trauma-informed care, civil rights and other legal compliance, conflict resolution, and cultural competence, including, with regard to the LGBTQ population, the following: (1) Vocabulary and best practices for data collection, privacy, storage, and use; (2) Current social science research and common risk factors for LGBTQ youth; (3) Information about the coming out process and its impact on LGBTQ youth; (4) Best practices for supporting LGBTQ youth in shelter, housing, and supportive services.<sup>195</sup>

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<sup>194</sup> Cal. Welf. & Inst. Code § 18298; N.J. Stat. Ann. § 30:14-10; and Wash. Rev. Code Ann. § 70.123.070.

<sup>195</sup> D.C. Code Ann. § 4-754.21a.

# Appendix G: Shelter oversight in other states

Legal Aid staff and consultants from Management Analysis and Development (MAD) researched how other states oversee shelters. Based on their initial research, they focused their more in-depth research on five states, and interviewed staff in four of them. The table below provides high-level information about the five states. The rest of the appendix has more detailed information about the interviewed states.

State	Types of shelter overseen	How oversight occurs
New York	<ul style="list-style-type: none"> <li>Publicly funded shelters for families and single adults.</li> <li>Hotels/motels used as shelter.</li> </ul>	<p>Publicly funded shelters for families and single adults must be certified. State staff inspect facilities and check for compliance with state regulations at least annually.</p> <p>Local social services districts (counties) inspect hotels/motels used as shelter at least every six months and report their results to the state. There are different regulations for hotels/motels compared to other shelters.</p>
Wisconsin	<ul style="list-style-type: none"> <li>Adult and family shelters receiving State Shelter Subsidy Grant Program (SSSG) and/or Emergency Shelter Grant (ESG) funds.</li> </ul>	<p>The state mostly gives SSSG funds directly to shelters. The state monitors these shelters directly through on-site visits at least every other year.</p> <p>The state gives ESG funds to the state's four Continuums of Care (COC), which then give the money to shelters in their area. The COC makes sure the shelters they give money to are following the standards. They inspect shelters every year and report to the state.</p>
Utah	<ul style="list-style-type: none"> <li>All shelters.</li> <li>Hotels/motels being used as shelter.</li> </ul>	<p>Shelters must receive a license from the state and follow state rules. State staff inspect shelters at least annually.</p> <p>The state uses remote monitoring for hotels/motels being used as shelter. There are no inspections.</p>
New Jersey	<ul style="list-style-type: none"> <li>All shelters.</li> </ul>	<p>All shelters must be licensed by the state. The state has three classes of license: for 24-hour adult shelters, overnight-only shelters, and family shelters. The state does unannounced visits to shelters. It does not oversee hotels/motels used as shelter.</p>
California	<ul style="list-style-type: none"> <li>Homeless shelters.</li> </ul>	<p>Upon complaint that shelter is substandard (defined), the city or county responds and may inspect the facility. They report to the state at least annually.</p>

# New York

## Overseeing entities

- Office of Temporary and Disability Assistance—Division of Shelter Oversight and Compliance
- Local social services districts
  - Local social services districts are the county except in New York City, which is one district for all five counties (also known as boroughs).

## Types of shelters overseen

- Publicly funded shelters for families and single adults.
  - About 620 shelters as of March 2022.
- Hotels/motels used as shelter.
- Shelters exclusively serving youth are overseen by a different agency.

## How oversight occurs

Publicly funded shelters for families and single adults must be certified. State staff inspect facilities and check for compliance with state regulations. All facilities follow the same standards. Inspection happens annually and as needed based on complaints.

The state has two teams of inspectors: people who look at the physical plant and people who review programmatic standards. The office has about 65 to 70 staff supporting oversight.

State oversight staff are located in two offices: one in Albany and one in New York City. The New York City staff only serve the five boroughs, and Albany staff serve the rest of the state. Staff tend to make multi-day trips around the state for inspections.

Local social services districts inspect hotels/motels used as shelter and report their results to the state. Staff inspect these shelters every six months and as needed based on complaints. There are different regulations for hotels/motels compared to other shelters.

## Direct cost of oversight to shelters

None.

## Additional information

In 2016, the state had an initiative to improve shelter conditions. Staff visited many shelters and did inspections. This led to an overhaul of regulations in 2020. Before the change, only shelters over a certain capacity (serving a certain number of people) had to be certified.

After the change, all publicly funded shelters had to be certified. Existing shelters had until the end of 2022 to become certified (three years after the regulations changed). New, publicly funded shelters opening in January 2022 or later had to be certified before they could open.

Interviewed state staff said shelter providers and local social services districts were not fully supportive of the changes. They did not all want more state oversight. The interviewed state staff explained people are still adjusting to the new system.

The regulations for hotels/motels are even newer than the other changes. At the time of the interview in spring 2022, the state was still finalizing standards and oversight for those shelters. The rules will not be exactly the same as for other shelters. State staff said it was important to ensure people in those facilities still get shelter-type services and live in a safe and healthy environment.

The estimate of 620 shelters includes shelters of different sizes. Some are basically apartments, with several units in one building, but each apartment counts as a separate shelter. New York City has tried to close those types of shelters and that has reduced the number of shelters and the amount of inspecting staff have to do.

Unlike the rest of the state, New York City guarantees someone's right to shelter. As a result, it has many shelters and a low rate of people experiencing unsheltered homelessness.

## Wisconsin

### Overseeing entities

- Department of Administration—Division of Energy, Housing and Community Resources
- Continuums of Care
- Local government

### Types of shelters overseen

- Adult and family shelters receiving State Shelter Subsidy Grant Program (SSSG) and/or Emergency Shelter Grant (ESG) funds.
  - More than 40 shelters were receiving SSSG as of March 2022.
- Shelters serving youth without an adult with them are overseen by a different state agency.

### How oversight occurs

Which entity oversees a shelter depends on what kind of public money the shelter gets.

The state mostly gives SSSG funds directly to shelters. The state monitors these shelters directly through on-site visits. Staff inspect these shelters at least every other year, and as needed based on complaints. Shelters receiving smaller amounts of funding receive less frequent visits. Two state staff do inspections (each inspects half of the shelters).



The state gives ESG funds to the state's four Continuums of Care (COC), which then give the money to shelters in their area. The COC covering most of the state is broken up into about 20 local homeless coalitions. The COC, or the lead agency in the local homeless coalition, makes sure the shelters they give money to are following the standards. They inspect shelters every year, and have to provide a sample of client files and submit reports to the state. The state reviews the reports and follows up if they have concerns.

Shelters can receive both ESG and SSSG money. A shelter getting both kinds would be monitored both by the state and their COC/homeless coalition.

In the two cities and counties with the most people in the state, the state might give local governments ESG or SSSG money. Local government gives the money to shelters and monitors them. The state just monitors the local government.

The state makes all publicly funded shelters follow US Department of Housing and Urban Development (HUD) standards, even if the shelter is not receiving HUD funds via ESG. This means no involuntary family separation, not requiring people to pay to stay, and using HMIS. They must also give guests grievance and appeal procedures when the guest arrives, and tell them how to file a complaint and how escalation works.

## Direct cost of oversight to shelters

None.

## Additional information

State staff usually get complaints by email and sometimes by phone. They said guests do not usually complain to the state directly, but instead to the local lead agency.

A state interviewee said Wisconsin's tribes are not involved in this oversight system because they have their own funds.

# Utah

## Overseeing entities

- Department of Health and Human Services (DHHS)

## Types of shelters overseen

- All shelters.
  - Fewer than 20 shelters as of April 2022.
- Hotels/motels being used as shelter.

## How oversight occurs

Shelters must receive a Residential Support license from the state and follow state rules.<sup>196</sup> Shelters serving minors without an accompanying adult have a special section of the residential support rule called temporary homeless youth shelters. DHHS staff inspect shelters annually, and as needed based on complaints or incidents. About five staff members around the state manage licensing and investigations of complaints. Managing shelters is not their full-time job.

Shelters that meet the statutory definition of a residential support need to be licensed. The state has determined some faith-based entities providing shelter did not meet the definition and do not need to be licensed.

The state uses remote monitoring for hotels/motels being used as shelter. Hotels/motels share their policies and procedures with the state, including how they utilize overflow and other locations. There are no inspections.

## Direct cost of oversight to shelters

\$900 initial license fee and \$300 annual renewal fee.

## Additional information

Utah only began requiring shelter licenses within the past five years. Instead of making a new license for shelters, it added shelters to an existing license type for residential treatment facilities. Interviewees said this has been somewhat challenging. The existing license type has requirements that do not apply to shelters; for example, requiring a suicide risk assessment at intake. However, shelters can explain in their license forms that those requirements do not apply to them so they do not follow them, and the state will accept that answer and still approve the license. For instance, the rules might require them to create a policy about service animals. The shelter can define the policy and justify why it is written the way it is. There can be challenges with all inspectors interpreting the rules the same way, though.

The state's Office of Homeless Services estimated they provide funds to nearly all shelters in the state.

## New Jersey

### Overseeing entities

- State Department of Community Affairs (DCA)

### Types of shelters overseen

- All shelters

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<sup>196</sup> Utah Rules, R501, <https://rules.utah.gov/wp-content/uploads/R501-14.pdf>.

- 130 shelters as of March 2022

## How oversight occurs

All shelters must be licensed by the state. The state has three classes of license:

- **Class I:** Adult individuals residing in shelter for 24 hours a day.
  - Residents are usually referred by a social service agency. Services may be provided (job coaching, budgeting courses, other life skills, etc.). Residents in this Class of Shelter can stay anywhere from 30 days up to 24 months, depending on the need of the individual.
- **Class II:** Shelter is for overnight guests only.
  - Residents must leave in the morning and return in the evening.
- **Class III:** Like Class I but for shelter designated for families.

Each shelter must follow detailed state rules.<sup>197</sup>

The DCA has Social Evaluators that conduct unannounced visits to the facilities at least annually. They also do Heat Checks as required, and Spot Checks to investigate complaints (i.e., issues of abuse and neglect). Five Social Evaluators handle inspections for the state.

The DCA does not oversee hotels/motels used as shelter.

## Direct cost of oversight to shelters

Licenses cost \$10 per year.

## Additional information

Any home that accommodates only one family, other than the host family, is not within the jurisdiction of the Rooming and Boarding House Act or the Act concerning Emergency Shelters for the Homeless. When a host family takes in two or more families, the facility becomes a rooming or boarding home or a shelter and will require a license.

The agency does not provide funding to operate a shelter.

State interviewees said regulatory oversight and a state license ensure facilities are operating in compliance. They believed it is important to create an enforcement process so that shelters are held accountable to comply. A weak enforcement process, they said, would allow shelters to operate without consequences and continue to provide services and apply for grants.

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<sup>197</sup> New Jersey Rules Governing Emergency Shelters for the Homeless, 5:15-1.1, [https://www.state.nj.us/dca/divisions/codes/codereg/pdf\\_regs/njac\\_5\\_15.pdf](https://www.state.nj.us/dca/divisions/codes/codereg/pdf_regs/njac_5_15.pdf).

# Appendix H: Street Voices of Change

## shelter bill of rights

Every shelter resident has the right to:

### 1. Be treated with respect and dignity

- a. Equal treatment under all policies regardless of race, gender, sexual orientation, age, religion, and other protected classes.

### 2. Shelters with adequate space

- a. Space to move walkers or wheelchairs for certain ADA beds.
- b. Tables, bathroom, and shower stalls standards per number of guests.

### 3. Clean facilities

- a. Guests have access to sanitation products.
- b. Dedicated staff for cleaning.
- c. Automatic replacement of beds when bed bugs or lice are found in the bed and those in proximity. Replacement when beds have holes that cannot be repaired.

### 4. Safety

- a. Metal detectors and bag checks for shelters.
- b. Drugs, alcohol, guns, or other weapons should be confiscated, and legal property must be returned to guests in the morning.

### 5. Case management to help exit shelter

- a. Get a case manager your first stay in shelter that is available and helpful.
- b. Resource for referrals list of other services (i.e., mental health, physical health, substance abuse, government assistance, employment, housing).

### 6. Trained, compassionate staff who create a safe and welcoming atmosphere

- a. Minimum of 3 employees over night and more based on number of guests.
- b. Training for staff that covers conflict resolution, cultural sensitivity, mental health, and crisis response.
- c. 90 day probationary period for new hires.
- a. Outside committee for grievances and review of staff misconduct.
- b. Elimination of conflict of interest and “in-house” in hiring, ensure hiring of staff who want to be there to see improvements in people’s lives.

**7. Disclosure of services and finances related to their stay from shelters**

- a. Handbook of services that clearly states rules, expectations, finances of your stay, map, and other relevant topics, provided at first stay in shelter with an orientation.
- b. Grievance policies and a clear process and chain of command of staff for when grievances are not addressed.
- c. Quiet hours that are enforced.

**8. Mediation with outside representatives before separation**

- a. No one should be trespassed from a shelter; with the exception of violence, the threat of, physical, or verbal. All other interactions are handled with mediation.
- b. Shelter should be sanctuaries where folks can be without fear of being taken by police without a warrant.
- c. Police should respond to clients who call, as victims not as the perpetrator.
- d. If a client leaves or is removed, they get all their paid money back within a reasonable time.

**9. Quality food**

- a. Label all food with alternatives for people with allergies, dietary, or religious restrictions, and have options that can meet those restrictions.
- b. Abide by all food safety standards of all relevant levels of government.

**10. Property and secure storage**

- a. Each bed should have a storage locker. Left possessions need to be kept for a 30 day minimum and 60 day maximum.
- b. Locks must be provided for lockers that the staff do not have the key or code to.

# Appendix I: Task Force member reflections on the standards

This appendix shares members’ support of each standard and the anticipated benefits and challenges of each standard. The appendix shares members’ comments on the standards with only minor corrections for spelling and grammar. The full text of the standards can be found starting on page 29.

Members also voted on how much they supported each standard, choosing options from a six-point scale. This appendix shares their support in a condensed way: the three most supportive options have been combined into “Comfortable with the standard,” while the three less supportive options have been combined into “Had reservations about the standard.”

Four members did not complete the group activity to weigh in on the standards, and one seat was vacant at the time of the activity.

## 1. Entry into shelter

### Member support for the standard

Option	Votes
Comfortable with the standard	12
Had reservations about the standard	7

### Benefits and challenges of the standard as written

#### Benefits

- Welcoming spirit is clear.
- Descriptive.
- Clearly communicated both what the guest can expect and what level of service the shelter provider must provide.
- Very clear and concise. It explains all the protections homeless people deserve.
- The itemization of the bulleted points.
- I like how inclusive it is.
- Provides consistent expectations of the shelter entry experience for those seeking shelter and for those providing shelter.
- Provides equitable access, person centered, and supports staffing with people of lived experience. Provides knowledge of what to expect.

- Houseless feel welcomed and respected.
- I am in support of every part of this standard except the provision that removes the ability of shelters to have any standards for criminal background. I direct a low barrier shelter and we still have provisions for our shelter that screen out registered sex offenders from our family shelter. We do provide shelter to these individuals in our adult only facility, but this provision would not allow us to screen at all.

## Challenges

- I think most of it is fine, however, still concerned (this has been brought up a lot) about shelters (particularly family shelters serving children) having to disregard a person's criminal history when that history might include sexual perpetration or registration as a sex offender.
- The criminal background portion (without allowing for exception—registered sex offenders, etc.) places shelter guests and staff at risk. As a practitioner of low barrier shelter I still see this as problematic and potentially making shelters even more unsafe.
- Not necessarily a challenge but important to note that this will look different for different populations (e.g., DV victims/survivors, youth, etc.).
- DV programs will not take perpetrators of DV. Cannot shelter both the victim and offender. Also concerns on criminal sexual conduct or human trafficking offenses. Shelters must be given the discretion respective of criminal histories and also such issues as mental illness or substance use. If the shelter does not have specific services to serve mental health or substance use disorder, it could harm the guest themselves or other guests.
- I do not understand what this means and feel like it needs to be clarified before I can vote on it. "It is also understood that shelters that serve specific populations would need to differ on this to secure safety of guests or based on funding sources (e.g., Housing Support)."
- Although the standard clarifies that shelters that serve specific populations may need to differ on the standard to secure the safety of guests or based upon funding sources, that should be more clearly stated at the beginning.
- Legal Aid attorneys who are experienced in representing shelter residents have reviewed this standard and offer the following analysis and recommendations:
  - Criminal history—some exceptions may be necessary in the family shelter context with respect to certain violent or sexual offenders.
  - Family status, except that shelters specifically for families with children may exclude households without children and vice versa. In accordance with the federal law that already applies to shelters receiving ESG, "family" should be defined as a group of individuals seeking shelter together, without regard to blood or legal relationship.
  - Employment status or status with regard to public assistance (this is a protected status under the Minnesota Human Rights Act).
  - Disability (this is alluded to and is required under the human rights laws discussed above, but is not specifically listed).
  - Third-party verification of homelessness (this is already barred for ESG recipients, but is required by some county agencies that control shelter placement).
  - We note that saying support animals are welcome "if shelter permits" is an unworkable standard, as shelters would be granted unlimited discretion to deny such animals.

- Many shelters, if not all, are already doing these things. It may, at first glance, seem burdensome and pushback, but if communicated appropriately with the shelter providers, this pushback may be prevented on some level. Of course, this could be said about all the standards and not just this one.
- Too wordy and redundant.
- I am not a shelter provider so I cannot speak to this.
- None.
- None.

## 2. Interpersonal treatment

### Member support for the standard

Option	Votes
Comfortable with the standard	17
Had reservations about the standard	2

### Benefits and challenges of the standard as written

#### Benefits

- Training will be required. Ongoing provision of training will become uniform.
- I really like this one—emphasizes what I hope most shelters are doing.
- Love the approaches named.
- I think this keeps respect and dignity front of mind when working in a shelter. As a former provider, it's very easy to get sucked into a negative culture, but this voices the consistent need and expectation to treat guests as we would want to be treated ourselves.
- Trauma informed and de-escalation are addressed. This is very important.
- Open and transparent, culturally responsive and uses de-escalation techniques in working with those in crisis.
- The defining of all of the terms.
- Provides detailed guidance on expectations.
- It creates a healing space for traumatic displacement.

#### Challenges

- Concerned about this statement, “Shelter staff should have lived experience with homelessness, or experience working within trauma-informed programs and training in trauma-informed care.” To me that reads that all staff must have lived experience. I suggest the language be changed to “staff should have lived experience when possible...” While having staff who have lived experience of homelessness is important, there are other experiences and backgrounds that are important and critical to have in a shelter staff that may not include lived experience (e.g., experience with domestic violence, for



example). It may also be unrealistic to have all your staff have lived experience given hiring issues (some shelters reporting only a couple applicants for open positions).

- Legal Aid attorneys who are experienced in representing shelter residents have reviewed this standard and offer the following analysis and recommendation: The standard regarding de-escalation and harm reduction should be modified to clarify that training in these areas should be extended to all staff. As it reads, it could be interpreted to mean (which is not likely to be the intent) that shelter staff with lived experience would not need to have training in trauma-informed care.
- This was brought up before but due to staffing shortages, assigned staff may not be an option.
- There are times when this is not 100% possible. Human beings are messy and we all have problems. Holding this level of dignity and respect at times may have to go by the wayside when someone is a danger to themselves or others.
- The words ethnic origin are not included. “Other” categories of difference need included. Costs of language interpretation are not estimated. Special staffing for unique needs to be met have no central or regional employee pool or funding. People on staff who violate these values are kept on board despite their bad actions.
- The availability of training may be limited.
- This reads like a best practice guide not a shelter standard.
- None, it’s really good.
- None.

### 3. Gender identity equity

#### Member support for the standard

Option	Votes
Comfortable with the standard	17
Had reservations about the standard	2

#### Benefits and challenges of the standard as written

##### Benefits

- Again, this focuses the shelter provider to keep these very important issues front of mind, and it also allows guests to understand the type of environment they are walking into.
- It’s entirely beneficial.
- Intentionally identifying this is wonderful.
- Clear and easy to follow expectations.
- Equitable access that benefits all who need shelter.
- It is well written but too long.

- Less encampments occupation.

### Challenges

- The staff that I have worked with over the years is very aware and supportive of this standard. The challenge would be volunteers coming into the environment and having very different belief systems to uphold these standards. Specific training would have to be done for volunteers to maintain this standard.
- Availability of training and expense of preparing policies and publications.
- Being well written but too long, it can be reduced to nondiscrimination/protected classes with these best practices as addenda. Rural Minnesota may run the risk of ignoring or rejecting these values.
- None, it's very clear.
- None.

## 4. Physical environment

### Member support for the standard

Option	Votes
Comfortable with the standard	15
Had reservations about the standard	4

### Benefits and challenges of the standard as written

#### Benefits

- Locked storage is required. Public health standards of cleanliness and sanitation will be required and not optional.
- It's attempting to set a decent standard.
- It's a good start to impose standards for the physical environment that may not be covered by existing laws.
- It gives minimum requirements that work for small shelters and allows more when necessary and able to provide more.
- Creates safe space and room to grow.

#### Challenges

- Cost of bed replacement. Cost of locked storage per client. Length and cost of storage subsequent to separation are not offered that real life demands.
- To me, this is the standard that could cost shelter the most money. The cost to do many of these things listed are not things that shelters, in my experience, save for. They are just raising enough revenue to stay afloat. The mechanism to fund these items is typically through grants, which shelters are dependent on the competitive process, fitting within the funders funding cycle and eligibility requirements, etc.

- It's very difficult financially to provide all the above for people seeking shelter. Cost restraints, labor, etc. are fiscally challenging.
- I just worry about the "must" re: accessible space, knowing many of our shelters are not wheelchair accessible and have nowhere near the resources to make them wheelchair accessible. I agree that this is a need and universal design should be implemented in all spaces but the reality is many of our buildings/existing infrastructure are very old. I think that as new spaces are created, universal design and accessibility is a priority to implement.
- This is unclear—"Includes reasonable accommodation for translation and disabilities." It could be something like "Includes information about how someone with a disability can request a reasonable accommodation."
  - This is still confusing to task force members as they are still asking me to clarify things like if service animals are always required to be let in shelters.
  - When they use the word "translation" here are they referring to an ASL interpreter, or does that include other languages like a Spanish translator, for example?
    - There are no laws that require anyone to accommodate anyone who needs a Spanish interpreter, for example.
    - There are laws that require that you can request accommodations, including interpreters, if you have a disability, and that they have to be provided unless it is a financial hardship.
  - Also, "reasonable accommodations and modifications" only refer to housing or the workplace, which does not apply to overnight shelters, but would apply to a DV shelter, for example, or any shelter where you stay for more than just overnight or a few days. Then it qualifies for "housing" which then means these laws allow.
    - We can still recommend these things as they can be required by the standards passed by legislation, even for overnight shelters, but currently the law only requires reasonable accommodations in the workplace or in housing. (The definition of housing only applies to shelters with longer stays)
    - I hope this makes sense and here is a link that helps explain reasonable accommodations.  
[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/reasonable\\_accommodations\\_and\\_modifications](https://www.hud.gov/program_offices/fair_housing_equal_opp/reasonable_accommodations_and_modifications).
    - Because of this confusion we could remove this sentence with the asterisk altogether, or we could give more information and be clearer.
- Legal Aid attorneys practicing in this area have heard many complaints from shelter issues about issues concerning food and meals (e.g., undercooked food, expired food, sanitation problems). A provision should be added that reads: Where food is served, it must be prepared in a safe and sanitary manner in accordance with all state and local health codes and ordinances.
  - Further, the standard should include a provision that would require reasonable accommodation to the dietary and religious needs of residents.
- Standard may be too flexible to achieve results.

## 5. Accessibility and equity

### Member support for the standard

Option	Votes
Comfortable with the standard	15
Had reservations about the standard	4

### Benefits and challenges of the standard as written

#### Benefits

- It invokes the ADA.
- It's an attempt to standardize accessibility and equity, that's a really good thing.
- Provides some different ideas for areas of accessibility and equity that are not typically considered in accessibility requirements under existing law—i.e., gender neutral bathrooms and sensory considerations.
- Shows where equity and accessibility align with other parts of the guidelines.
- For shelter to take a closer look at what their needs are.

#### Challenges

- Violations are not consequenced. No teeth to this hoped-for improvement. Violations by staff can be hidden, subtle, micro-aggressive, mean spirited, hateful and there are no replacement staff available. Victims of these maltreatments will remain silent for need of shelter.
- Legal Aid attorneys who are experienced in representing shelter residents have reviewed this standard and offer the following analysis and recommendations. They note federal requirements are not included, which should be extended to all shelters, specifically the requirement to inform residents of the right and procedure to request a reasonable accommodation or modification of a policy, practice, or procedure. This information should be included in any printed material distributed to residents, posted in a conspicuous place on premises, and communicated to residents upon intake or as soon as practicable thereafter.
  - Further, Legal Aid practitioners recommend modifying this standard to include a provision that shelters take all reasonable steps to ensure that residents with limited English proficiency are able to understand shelter policies and communicate their needs.
- Some of the standard seems like it is more commentary than standards.
- I am confused by what is being asked in this standard.
- None.
- None.

## 6. Length of stay

### Member support for the standard

Option	Votes
Comfortable with the standard	17
Had reservations about the standard	2

### Benefits and challenges of the standard as written

#### Benefits

- Provides flexibility to shelters in determining the length of stay and makes the person seeking shelter the center of the consideration.
- Client-centered approach and flexible based on capacity of the shelter.
- Again, full knowledge of the guest as they are coming into the shelter is great.
- Shelter gets a better understanding of their needs.
- It's really good.
- It is short.

#### Challenges

- People experiencing homelessness have no control over length of need. (For example, in child and adult foster care the provider has committed to being available for as long as the person in care has a need.) Shelters should follow this same value. The pressure to leave and be assisted in a time-limited manner is crushing and debilitating.
- Even though this information will be given to guests, in my experience, many guests see that as a deadline and don't work towards leaving the shelter until the date arrives.
- Legal Aid attorneys who are experienced in representing shelter residents have reviewed this standard and offer the following analysis and recommendations: Absolute length of stay policies should be discouraged. They suggest the standard be modified to include language to read: residents vary widely in their ability to resolve barriers to housing.
- Time restraints are very stressful to impoverished people.

## 7. Social and supportive services

### Member support for the standard

Option	Votes
Comfortable with the standard	17
Had reservations about the standard	2

## Benefits and challenges of the standard as written

### Benefits

- Part of the extreme probably that guests have is knowing who to call when they need help. Service providers excel in building these relationships, so we should pass them along whenever possible.
- Requires that information be provided for all resources and not just the resources that the provider thinks the person seeking shelter needs.
- Has minimum requirements to ensure supportive services are provided to each person based on their identified need.
- This is a relatively easy thing to provide and people are desperate for solutions.
- Can help with homeless prevention.
- Brevity.

### Challenges

- There are no funds for same. Will train community volunteers might/could service case managers and befrienders or peers we're funding is lacking to provide actual case management.
  - The cost of case management on a professional level has traditionally been refused by the Minnesota legislature as necessary.
  - We say that persons themselves impacted and sheltered should be hired and employed at the shelters of their choice but we don't actually do that.
- Feels like it is missing something but I understand the need to be broad here.
- When a guest is a danger to himself or others, the exit may not permit the shelter provider to provide them with a list of resources. Again, in certain situations, this standard may not be possible.
- None.
- Potentially the person seeking shelter will just be handed a list of resources without any further explanation or guidance.

## 8. Financial policies

### Member support for the standard

Option	Votes
Comfortable with the standard	14
Had reservations about the standard	5

## Benefits and challenges of the standard as written

### Benefits

- The value of shelter provision as a universal entitlement or human need will establish the Minnesota model in our nation.
- Establishes that fees may not be charged and encourages shelters to assist in the establishment of bank accounts.
- Shelters should not charge people for being homeless.
- Helps in the moment for those without resources.
- Prior to our Housing Support allocation, we charged client fees. We had to have a full-time person on staff to collect these fees because it was a huge process. Leading up to the allocation, we realized how inhumane this process was and worked towards removing it and shifting our funding revenue away from reliance on residents. Our policy shifted toward residents should keep as much money as they can.
- Generally agree with standard with one exception noted below.

## Challenges

- Our legislation does not include funding for these full services without docking our shelter residents. Some elected legislators have never even rented let alone been homeless and have no idea how devastating the experience is to human health and longevity. Displacement and homelessness are not common among elected officials.
- I am not sure if all the concerns around Housing Supports have been addressed. That knowledge is beyond what I can speak to, but I know there were a lot of issues and concerns raised, multiple times, about how this one conflicted with Housing Support and we need to make sure that has been resolved.
- There are some funding streams that require fees, to change this would require legislative change of those programs/funding streams. How does this distinguish between shelter exit and displacement?
- Shelters who still use this model will need significant financial and organizational assistance to implement. The state, if this standard is implemented, should work directly with these shelters, communicating with them a solid plan to move forward and still keep their doors open.
- DV shelters must be excluded—they are unable to charge for shelter per federal law.
- Some understanding that people have to pay for housing, prepare for future housing expenses. Must plan to have finances to cover housing costs.
- The benefits are also the challenge—setting up bank accounts may expose the shelter to liability.
- Legal Aid attorneys who are experienced in representing shelter residents have reviewed this standard and offer the following analysis and recommendations: If a complete ban on charging residents is not accepted, then there should be a limit placed on how much can be charged and failure to pay or the inability to pay should not be a bar to admission or continuing stay in shelter.
  - Further, the issue of whether a ban on fees would conflict with the Housing Supports Rules has been brought up. To address this concern, the standard should be modified to include the qualifying phrase, “Notwithstanding chapter 256I...”
  - Finally, many shelters receive funding through counties’ Emergency Assistance allotments under the Minnesota Family Investment Program (MFIP) Consolidated Fund. Most counties restrict Emergency Assistance to one payment per year per household. This leads to households who obtain housing being ineligible for rent or utility assistance because their Emergency Assistance has been used for shelter, potentially causing a return to homelessness. We would propose a

specific standard that use of Emergency Assistance to pay for shelter should not prevent an additional use within a 12-month period for a security deposit, rent, or utilities.

- I highly doubt that anyone in a shelter can save money.

## 9. Grievance

### Member support for the standard

Option	Votes
Comfortable with the standard	16
Had reservations about the standard	3

### Benefits and challenges of the standard as written

#### Benefits

- It acknowledges there are grievances possible by all parties.
- Guests must be able to know they have a voice if something is going wrong.
- It's great, every human being should have access to a forum for grievances.
- Clear, detailed requirements for the grievance policy.
- Provides for shelter when addressing grievance.

#### Challenges

- It is extremely redundant, has not been edited, and though unique has possible relationship to the Ombudsman of Mental Health and Developmental Disability, and other ombuds people and departments.
  - Something is needed currently in lieu of the creation of a shelter task force ombuds office.
  - Clients and staff should be encouraged never to file grievance or lay complaint frivolously.
- This is very lengthy and staff would be spending a significant amount of time on grievances, which happen quite frequently. The time spent on dealing with grievances is time taken away from supporting residents in their successes.
- Maybe a little heavy on the bureaucracy.
- I still have a real problem with giving so much time before addressing grievances. We heard from people with lived experience about how they were sexually harassed by other guests, as well as staff, for example. Even 7 days is way too long for this to be addressed, and 14 days is simply outrageous for someone to live under these conditions. And like someone brought up before, if you are only there 3 days it simply would never be addressed since they would have a week or more to address it. I know that the next standard talks about immediate displacement, but does that mean in certain cases the grievance will be addressed the same day or in what timeframe then?



- Allowing guests to choose the meeting space and have an advocate of their choosing present may add delay to the process.
- Legal Aid attorneys who are experienced in representing shelter residents have reviewed this standard and offer the following analysis and recommendations: *Goldberg v. Kelly* is the landmark 1970 Supreme Court decision that requires due process in cases where public benefits for basic needs are provided to an individual. Emergency shelter is a public benefit. In accordance with this right and decision, Legal Aid practitioners recommend the standard be modified to add that:
  - A resident must have the opportunity to present a grievance orally, not only in writing.
  - Residents shall receive written notification of how their grievance has been resolved, and the reasoning behind the decision.
  - The standards should also clarify that with respect to displacement, the grievance process is in addition to the DHS appeal process.
- What is the interaction with the Ombuds office?

## 10. Displacements

### Member support for the standard

Option	Votes
Comfortable with the standard	11
Had reservations about the standard	8

### Benefits and challenges of the standard as written

#### Benefits

- For persons experiencing homelessness this standard attempts to prevent further trauma through displacement from homelessness shelter.
- Again, sounds good as written and gives the guest an understanding of the process to exit without it being on a “whim.”
- Has requirements to protect shelter guests and staff from dangerous situations. Attempts to prevent homelessness with appeal, allows for other options that might work better.
- Clear guidance and process for displacement.
- Prevention of physical emotional trauma or death.
- It’s probably as good as it can get.

#### Challenges

- There is no mention made of who will physically remove someone at risk of harming themselves or others.

- The weather warning standard here should be at all times under all conditions. Not when it's 30 below and they want to open Union Station for a night.
- I am concerned about this piece, "If only one person in the household is being displaced, the shelter must give the remaining members of the household the option to stay."
  - What happens when a parent of a minor child is being displaced? A family shelter will not be able to keep the minor child of the displaced parent in shelter. The current standard does include info on what happens if a minor child is the one being displaced, but it does not mention if a parent of a minor child is the one being displaced. As written, it would be expected that the shelter continues to serve the minor child without the parent. Family shelters will not be able to keep a minor child in the shelter when their parent has been displaced.
  - In addition, if a child is being displaced from a family shelter (and they are the only child in the family unit) the household is no longer a group of people, or a family being sheltered together and instead would be a single person (the parent) being served alone. I am not sure family shelters would be able to still have the parent staying there alone without their child (a single person), as that household composition would be outside scope of the family shelter. Continuing to serve a single person, who is sheltered without their children, would conflict with who the family shelter is contractually obligated to serve if receiving funding for being a family shelter.
- Would need to develop another appeal process to protect the identity of guests at DV shelters that does not violate confidentiality standards.
- Appeals to DHS may take too long. Consider using the grievance standard as the process for displacement appeals.
- The Appeals process as written is troubling and may not be implemented statewide. There are some policies in place that bar people who have been displaced from one shelter from entering another county affiliated shelter. There is not a timeline on the DHS appeals process, some displacements are very short and may be shorter than appeal process. Shelters need greater discretion on who can stay during appeal or at the very least be able to balance that with the health of the building.
- Shelter providers of varying sizes and composition—both in the Metro and Greater Minnesota—raised serious concerns that the proposed "displacement" standard would undermine safety in their programs for both guests and staff. This standard does not address those important concerns. Specifically, requiring that guests remain in programs while awaiting a DHS appeal process risks considerable harm. Doing so would require shelters to continue accommodating guests who may be racially or homophobically abusing other guests—as one example of a variety of potential challenging behaviors that can and do occur in shelters—for days or potentially weeks. The impact on the shelter environment, on other guests' safety and wellbeing, and on that of staff would be significant and harmful if the standard is implemented as written.
- Most people are not going to be honest about an incriminating history. On the other hand, other people may interpret anything as an unwanted sexual advance. Possibly leading to a lot of nitpicking. Background checks are impractical and criminal behavior is difficult to monitor, reporting is often subjective. I'm on the fence on this one.
- Legal Aid attorneys who are experienced in representing shelter residents primarily in the area of displacement have reviewed this standard and offer the following analysis and recommendations:
  - 1. For immediate displacements, modify the standard to include the right of shelters to immediately displace residents if they commit an act of criminal sexual misconduct.

- 2. Provide more specific requirements for displacements for threats of violence to avoid unsupported allegations of staff or other residents (e.g., brandishing a weapon).
  - 3. The standard for other displacements should be amended to that extenuating circumstances should include age and mental health conditions. A recurring area of concern is displacing entire households for the actions of a child.
  - 4. Adopt the federal standard of displacements “only in the most severe cases.”
  - 5. While timelines on appeals to DHS depend on the benefit provided, Legal Aid practitioners recommend adoption across the board of the MFIP standards for timelines.
  - 6. Legal Aid practitioners recommend adding a provision that shelters may not displace a resident in retaliation for filing a grievance, filing a complaint with a government entity, or retaining legal counsel or taking legal action against the shelter.
  - 7. Regarding displacements involving only one member of the household, the standard should be amended to read: “If only one person in the household is being has committed an act for which displacement is proposed...” And that standard should be amended to include a provision that clarifies that addresses the situation where displacement of one member but not the others would jeopardize eligibility for the shelter (e.g., the offender is the only parent or only child in a family shelter).
  - 8. The standard should be clarified to ensure that residents appealing have the right to remain in the shelter while the appeal is pending (whether at that shelter or an alternative one). Displacing residents during the appeal process can raise constitutional questions and lead to litigation.
- It seems important to make sure someone “displaced” has another place to go.
  - Again, may not be possible in all situations but something to consistently strive towards.

## 11. Privacy

### Member support for the standard

Option	Votes
Comfortable with the standard	14
Had reservations about the standard	5

### Benefits and challenges of the standard as written

#### Benefits

- It must comply with existing law.
- Puts in place some protections and procedures that may not exist today.
- Provides for confidentiality, ability to come and go and have privacy.
- It’s well constructed.

## Challenges

- Wondering about the statement, “Residents must be notified when personal records are requested by, or released to, any outside party.” Aren’t there situations where it would be unlawful to notify the resident when records are being released (for example, situations related to child protection, criminal investigations, etc...)?
  - I know this survey is about the standard, but this standard reminds me of the importance about the question “who should be included in having to follow the standards.” It has been said before but needs to be said again that youth shelters that are under license cannot and should not also be expected to follow these standards. Not only is it overly burdensome, but these standards, in several places, conflict with what is in the youth license. For example, the above standards states, “(1) Staff and volunteers shall not dispense medication except when the resident requests the shelter to dispense medication and shelter staff have appropriate training and any required certifications or licenses.” That would conflict with youth shelters who, under license, are required to dispense meds, regardless of whether the resident requests the shelter to do so. Youth shelters MUST, in all situations, dispense meds. Youth shelters, under license, should not be required to follow these standards.
- DV shelters must be exempt for this standard. They must follow federal confidentiality laws (Violence Against Women Act).
- Specific details like even allowing to come and go at reasonable hours might still not reflect needs of guests.
- Legal Aid attorneys who are experienced in representing shelter residents have reviewed this standard and offer the following analysis and recommendations:
  - 1. The HMIS system is extremely burdensome for providers and should be mandated for shelters that are not already required to use it.
  - 2. The standard should be modified to add a right to come and go freely. Except where shelters allocate beds on a single-night basis, shelters must permit some or all members of a household to be temporarily absent overnight, with notice to the shelter that is reasonable under the circumstances. If a resident appears to have abandoned shelter, the shelter shall make a good faith effort to reach the resident to confirm whether and when the resident intends to return. The shelter shall preserve any abandoned property as provided in the section on displacement above. Legal Aid practitioners see recurring issues where individuals are discharged from shelter for reasonable absences (such as caring for sick relatives or partners). The standards should address this common scenario.
  - 3. The standard should be amended to include a provision regarding the creation and use of photo or video of residents, by either other residents or staff.
- There may be nothing unique to people experiencing homelessness that is not already found in Health Insurance Portability and Accountability Act (HIPAA) and existing law.
- Standard is lengthy and should be scaled back.
- None.

# Appendix J: How the standards could impose costs on shelters

This appendix shares ideas on how the standards could potentially create additional costs for shelters. Not all shelters would experience all of these as new costs because some shelters are already close to meeting all the standards. The list below contains general categories of possible costs. It is shared to offer perspective on how the standards could affect shelters financially, so the legislature can take that into consideration as it makes decisions on standards, oversight, and funding.

Depending on the oversight model implemented, overseeing entities could help reduce some of these costs to shelters. For example, an Ombuds office could create standard materials that shelters could choose to use, which would reduce some of the assumed staff time for those tasks.

Shelters could consider creating a Joint Purchasing Agreement to improve their purchasing power and reduce costs to purchase technology, supplies, replacement beds, etc.

## 1. Entry into shelter

- Staff time to more thoroughly welcome and orient guests.
- Staff time and supply costs to create materials to share with guests.
- Staff time to develop a network of other shelters/services and community resources to refer guests to.
- Translation and interpretation costs to communicate with guests in languages other than English.
- Costs to shelter companion or emotional support animals if the shelter chooses to allow them.

## 2. Interpersonal treatment

- Staff time to develop a network of other shelters/services and community resources to refer guests to.
- Staff time to engage guests in the design of program guidelines and efforts to ensure program effectiveness.
- Cost of making advocacy services available to guests.
- Translation and interpretation costs to communicate with guests in languages other than English.
- Cost of training on de-escalation, cultural responsiveness, implicit bias, and providing advocacy services and trauma-informed care.
- Staff time to be trained on and adopt a relationship-based approach to working with guests.

## 3. Gender identity equity

- Staff time to adapt policies, publications, signage, etc. in line with the standards.
- Cost of training on gender identity, racial equity, and disability etiquette.

## 4. Physical environment

- Cost to make, as necessary and not already required, physical space for walkers/wheelchairs; accessible bathrooms; additional tables, bathrooms, and shower stalls; and gender neutral or single-use bathrooms.
- Supply costs for sanitation and cleaning products, replacement beds, resource list handouts or other communication methods, and other materials.
- Staff time or payment to third parties to clean the facility and to prevent, treat, and eradicate infestations.
- Staff time to create and comply with a safety plan and storage policy.
- Staff time and supply costs to create resource materials to share with guests.
- Cost of storage lockers.

## **5. Accessibility and equity**

- Staff time to assess overall accessibility and equity.
- Staff time and possible other costs to implement changes based on the assessment.
- Note: the standards do not create new costs to comply with accessibility and equity beyond what is already required by the ADA, Fair Housing Act, Minnesota Human Rights Act, or other applicable local, state, federal, or tribal law. Shelters may need to spend money to comply with the law, regardless of the standards. They may also choose to become more accessible or equitable than the law requires and face costs as a result.

## **6. Length of stay**

- Staff time to create and comply with a length of stay policy.

## **7. Social and supportive services**

- Staff time and supply costs to create referral lists of local services.
- Staff time to engage guests about supportive services.
- Staff time to provide supportive services and costs to support people on the path to housing stability (for example, paying for state IDs, clearing back rent, child care copays) as much as the shelter decides to offer those services.

## **8. Financial policies for residents**

- Lost revenue if a shelter currently charges fees to guests.
- Staff time and other costs if the shelter chooses to establish financial accounts for guests.

## **9. Grievance**

- Staff time to establish a grievance process, train staff on the process, respond to grievances in a timely way, retain documentation, manage appeals, and evaluate grievances and policies.
- Supply costs to create resources on the grievance process to share with guests.
- Costs to involve third parties in the grievance process as needed.
- Staff time to create, track, and report grievance metrics, outcomes, and policies.

## **10. Displacements**

- Staff time to comply with requirements; for example, creating written notices of displacement and packing displaced guests' property.

- Cost of providing alternate shelter to a guest during the appeal process.
- Cost of storing displaced guests' property (if not storing on shelter property).
- In a situation where one member of the household is being displaced and there are only two members total in the household, that household is no longer a "family" and instead is a single adult, meaning the family shelter could no longer shelter them. For the family shelter to continue to provide shelter to that individual (as required by this standard), staff would need to refer the guest to a single adult shelter or put them up in a hotel if no shelter is available. There would be a cost for this referral service, and/or a cost to providing a hotel stay.

## **11. Privacy**

- Staff time to comply with requirements; for example, notifying guests when their records have been requested by or released to an outside party, or sharing the guest's record with a new shelter at the guest's request.
- Staff time to create and use policies, procedures, release authorization forms, resident agreements, and other materials.
- Cost of training on confidentiality and cultural sensitivity.
- Storage and retrieval costs if a shelter ceases to operate.
- Cost of locked spaces (refrigerated and non-refrigerated) for guests' medications.
- Costs to provide staff training or to hire a staff member certified to dispense medication.
- Staff time and cost of software fees to use HMIS.

# Appendix K: Equity review questions

Task Force members created a list of questions for the legislature to consider when discussing shelter standards.

1. **What are all the groups affected by the standard? Who is most impacted by the standard? Are any Tribal Nations affected by the standard?** [Be as specific and detailed as possible.]
2. **Are some groups impacted differently by its implementation? If so, how?** [This question is designed to help you drill deeper into past or future inequities. Ask if and how the desired outcome will adversely affect marginalized communities and/or perpetuate inequities. This is a chance to be intentional and clear about disparate impact on communities with emphasis on historical and systemic inequities.]
3. **What are the relevant social disparities within the broader community that need to be considered?** (Examples might include: racial, cultural, political) [List specifics. Is access an issue? Are there financial implications? What have stakeholders mentioned?]
4. **Are there potential unintended consequences or negative impacts/outcomes to specific protected groups?**
5. **Is there any indication of conscious or unconscious bias being applied?** [Remember that equity is about fairness rather than sameness. Is there some perpetuation of historical inequities that will result from this policy? If so, how will this be resolved? What needs to happen to dismantle inequities and reshape the system for an equitable outcome? Is anyone blocking progress? Do you meet resistance? If so, explain.]
6. **Can the standard(s) be sustainably successful** (adequate funding, implementation strategies, accountability mechanisms)?



# Appendix L: Other possible oversight models for Minnesota

This appendix shares information about oversight models that Minnesota could adopt besides an Ombuds office: a reporting system separate from an Ombuds office and requiring all shelters to be certified to operate. These two options had less support from members than an Ombuds office, but still had some support from at least a few members each.

## Create a reporting system (without an Ombuds office)

The state would create a centralized system for people to report to when a Minnesota shelter isn't meeting standards. The system would collect information and send it to relevant points of contact; this is different from a consumer advocate role like an Ombuds office. The state could require all Minnesota shelters to share information about the reporting system with guests. Guests would need to know which issues to tell the shelter about directly versus making an official report.

### Complaint collection

Guests, shelter staff, or other concerned people would make a report by filling out an online form or calling an automated phone service (with menu options for different languages and accessibilities). The person would report the specifics of their problems through a series of prompts. The online form would share a lot of detail about guest rights, the standards, and links to other resources. The reporter could choose to share their name and contact information.

### Comparable examples of state reporting systems

The state already operates many different reporting systems. The list below describes some of the existing systems to provide context for what a shelter reporting system could look like. A shelter system would need to be tailored to shelter guest needs.

- **Minnesota Public Utilities Commission Consumer Affairs Office**
  - Complaint system for consumers of utilities.
  - Online and email options; no phone option due to small staff.
  - Complaints get routed to the appropriate utility complaint resolution team.
  - <https://mn.gov/puc/consumers/complaint/>
- **Minnesota Department of Commerce's Consumer Portal and Energy Assistance Program**
  - People can file a complaint in 40 different categories (examples: abstractors, workers compensation), each of which has an investigation person or team.
  - Online and phone options.

- Consumers must create an account with an email address and password.
- Commerce’s “authority is limited to the determination of a regulated entity’s compliance with Minnesota law and/or policy provisions, where applicable. Our department cannot determine who is correct in a factual dispute. That authority rests solely with a court of law.”<sup>198</sup>
- <https://mn.gov/commerce/consumers/file-a-complaint/>
- **Minnesota Housing Complaint System**
  - People can report instances of fraud, misuse of funds, conflicts of interest, or other concerns. They may do so anonymously or provide contact information.
  - The system has a phone line staffed 24/7 by a third-party call center. Callers can report to a live person in over 150 languages. There is also an online version where reporters can complete their own report with no contact with vendor operators.
  - One staff member tracks incoming data and responds to complaints.
  - The reporter receives a report “key” and a password from the system or operator, which allows them to access their complaint file at a later date. The reporter and agency staff can communicate with each other in an ongoing way through the hotline system. Both the reporter and agency staff can upload additional documentation to the case file. The reporter can remain anonymous throughout the process, regardless of how they make the report and regardless of any follow-up completed after initial report intake.
  - <https://www.mnhousing.gov/sites/Satellite?c=Page&cid=1520203970980&d=Touch&pagename=External%2FPage%2FEXTStandardLayout>

## Who receives the complaint

The system would email the information from an online report to a central entity. The Task Force did not recommend a specific entity for this work.

If auto-transcription technology is not available for phone recordings, someone from the overseeing entity listens to the recorded call and fills out the online form for the person.

The reporting person’s name and contact information would not be public data.

## Complaint follow-up

The entity receiving an official complaint would have a process for responding; specific steps would depend on their scope of authority. Although the entity would not seek to be punitive when shelters make mistakes and strive for de-escalation, there would be clear timeframes and action steps after missteps by shelters.

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<sup>198</sup> “File a Complaint,” Minnesota Department of Commerce, accessed December 7, 2022, <https://mn.gov/commerce/consumers/file-a-complaint/>.

The entity responsible for maintaining the automated reporting system would create an annual summary of complaints. They would share the report with the public and all shelters would receive an automated “report card.”

## Cost to the state

The state does not have a close comparison for this possible approach, which makes it difficult to create a cost estimate. Some cost considerations of existing models include:

- **Minnesota Public Utilities Commission Consumer Affairs Office**<sup>199</sup>
  - Initial costs to create an online intake form and supporting data collection forms.
  - Ongoing cost of four FTE mediators and a supervisor (approximately \$420,000 annually).
  - Costs to maintain the complaint system and office administrative concerns.
- **Minnesota Department of Commerce’s Consumer Portal and Energy Assistance Program**
  - Initial IT costs to create online and phone complaint system.
  - Cost for a part-time staff person to gather and route complaints to different industries (approximately \$35,000 in compensation for a half-time position).<sup>200</sup>
  - Ongoing website maintenance costs.
- **Minnesota Housing Complaint System**<sup>201</sup>
  - Housing is currently using a third-party call center that costs \$25,000 annually. They are preparing a request for proposal for future services because the volume of reports has increased significantly since the COVID-19 pandemic began.
  - Currently, one staff member spends part of their time on tracking required data and responding to complaints. Housing is reassessing that staffing level because of how many more reports they receive now.

## Benefits of this approach

- Guests have a place to contact if they have a bad experience at a shelter.
- This would provide a new opportunity for the state. The information collected could be a continuous improvement effort for shelters and the state. Everyone would do better based on feedback.

## Challenges of this approach

- It relies on people having to advocate for themselves, which can be a barrier. People experiencing homelessness are often in crisis and not in a strong position to be self-advocates, especially not when they may fear retaliation from the shelter.

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<sup>199</sup> Public Utilities Commission staff provided information for these estimates.

<sup>200</sup> Estimate based on the midpoint compensation of a MAPE 14G 08L position.

<sup>201</sup> Minnesota Housing staff provided information for these estimates.

- Because this is a reactive-only model, there would need to be work from shelters to ensure there is no need for reactive oversight.
- This model would not provide an advocate to support and work with a shelter guest experiencing issues.
- The overseeing entity would have no regulatory, investigative, or enforcement authority. Guests might be frustrated when they report problems and concerns but the entity cannot require the shelter to do anything.

## Require shelters to be certified to operate

The legislature would require all shelters to be certified to operate. The state would create standards about how shelters need to operate to become and stay certified.

A state agency would oversee certified facilities. The agency or another entity would oversee hotels/motels used as shelter; Task Force members did not recommend a specific entity to oversee hotels/motels.

### Types of certification

There would be different types of certification for different types of shelters:

- **Type 1:** Adult individuals or families residing in shelter for 24 hours a day.
- **Type 2:** Shelter is for overnight guests only. Guests must leave in the morning and return in the evening.
- **Type 3:** Domestic violence shelters for individuals and/or families.
- **Type 4:** Shelters serving minors without an accompanying adult.
- **Hotels/motels** being used as shelter do not have to be certified but are subject to some oversight.

The standards and certification procedures would be customized to each certification type.

The state would need to create new certificates, or it would need to build on existing licenses (such as the residential support license—which already applies to shelters serving minors without an accompanying adult—or the supervised living facility license).

Shelters would need to pay an annual fee to stay certified.

### How oversight would work

A state agency would review applications for certification. At least every two years, staff would conduct certification reviews. This would involve client interviews, physical plant inspection, and record inspection. Staff would also respond to complaints about licensed facilities.

Shelters that consistently do not meet requirements may lose their certification and ability to operate.

The state agency would need to create a database for managing licensed facilities, or create a new service category in an existing license database.

Counties or COCs would inspect hotels/motels used as shelter and report their results to the state agency. Staff would inspect these shelters every year and as needed based on complaints.

## Cost to the state

Requiring all shelters to be certified would cost the state at least \$750,000 annually in staff and related expenses.<sup>202</sup> The state would also need to cover the costs related to a database about licensed facilities, but those costs are difficult to estimate; the cost would depend on whether the state builds on an existing system or creates a new one. The estimate does not include the costs of overseeing hotels/motels used as shelter.

The state costs of licensing would include:

### Direct staffing costs

- Three licensors: staff that review applications, visit facilities, etc.
- Two intake staff: staff that receive complaints and inquiries about licensed facilities.
- One legal counsel: staff to manage appeals, provide legal guidance, and other support.
- Additional staff costs if the state requires all shelter staff to complete background studies before hiring.

### Other staffing costs

- Supervision of staff
- Administrative support of staff

### Supply and support costs

- Technology for staff (equipment, service fees, etc.)
- Office lease costs
- Travel costs
- Other supplies

### Database costs

- Create, maintain, and support a system with information and documentation about licensed facilities.

## Benefits of this approach

- The burden of reporting and ensuring quality wouldn't be on shelter guests.
- There would likely be a more similar standard of quality across shelters because they would all receive a similar amount of state oversight.
- Minnesota and other states have existing licensing models that could be helpful for designing an expanded shelter system.

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<sup>202</sup> This rough estimate is based on information provided by OIG, labor agreements, and past fiscal notes.

## Challenges of this approach

- The state would need to decide how to oversee hotels/motels and who should be responsible.
- There would be a direct cost to shelters to stay certified.