

<b>LFC Requester:</b>	<b>Eric Chenier</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.gov**

*{Analysis must be uploaded as a PDF}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date** 01/24/2024  
**Bill No:** SB166

<b>Sponsor:</b> <u>Harold Pope &amp; Eleanor Chavez</u>	<b>Agency Name and Code</b>
<b>Short Title:</b> <u>Homelessness Reduction Division</u>	<b>Number:</b> <u>770 - NMCD</u>
	<b>Person Writing</b> <u>Anisa Griego-Quintana</u>
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
0	0	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
0	0	0	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: Amends the Health Care Authority Department Act to create the Homelessness Reduction Division within the Department and provides for its duty to lead the state’s comprehensive efforts to reduce homelessness, including creating a statewide “homeless data integration system.” Creates a 16-member Interagency Homeless Reduction Task Force, most at the Cabinet level, and an 18-member Homelessness Reduction Advisory Council, both administratively attached to the Division. Appropriates \$1 million (GF) to the Health Care Authority Department (HCAD) for FY2025 to fund operations of the Division, Task Force and Advisory Council.

SB166 adds an eleventh division to HCAD with the following duties:

- develop and facilitate implementation of a Statewide Strategic Homelessness Reduction Plan to: (a) decrease homelessness and unnecessary institutionalization in NM; (b) improve health and human services outcomes for people who experience homelessness; and (c) strengthen safety nets that contribute to housing stability;
- create a statewide data system, which shall be known as the "homeless data integration system", to collect local data through homeless management information systems so as to match data on homelessness to programs affecting homeless recipients of state programs;
- specify the form and substance of required data elements of system;
- identify mainstream resources, benefits and services that can be accessed to prevent and end homelessness in NM;
- coordinate efforts to reduce homelessness across state agencies;
- serve within state government and in the state at large as an advocate for people experiencing homelessness;
- lead and collaborate with persons developing and implementing local plans to end homelessness, including the Homelessness Reduction Advisory Council created herein.

On creation of the data integration system, all continuums of care in the state shall provide collected data elements, including health information, consistent with federal law. Health information or personal identifying information in the data system shall not be subject to IPRA.

INTERAGENCY HOMELESSNESS REDUCTION TASK FORCE is created and administratively attached to HCAD, with the following 16 members:

- Director of Homelessness Reduction Division, Chair
- Executive Director of New Mexico Finance Authority
- Secretary of Economic Development
- Secretary of Finance And Administration
- Secretary of Public Education
- Secretary of Higher Education
- Secretary of Indian Affairs
- Secretary of Workforce Solutions
- Secretary of Corrections
- Secretary of Veterans' Services
- Secretary of Children, Youth and Families
- Secretary of Early Childhood Education and Care;
- Secretary of Aging and Long-term Services
- Secretary of Public Safety
- Secretary of Health
- Chair, Homelessness Reduction Advisory Council, Vice Chair

The Task Force advises the Division regarding initiatives related to the Division's purposes and meets at the call of the Chair. The Task Force shall:

- recommend policy, regulatory and resource changes necessary to accomplish goals and objectives set forth in the Statewide Strategic Homelessness Reduction Plan;
- recommend resources needed for successful implementation of the Statewide Strategic Homelessness Reduction Plan and oversee that implementation;
- recommend and promote effective interagency collaboration and system integration to converge related efforts to draft policy recommendations related to the intersection of homelessness and poverty;
- recommend policy, regulatory and resource distribution changes that will help ensure accountability, results and sustained success in reducing homelessness, including specific legislative proposals and recommendations for consideration by the legislature.

The Task Force may solicit feedback from stakeholders and advocates. By October 1, 2024, it shall submit a report to the Governor, appropriate interim legislative committee, LFC and the Division regarding its work during the prior fiscal year; its recommendations and those of the Advisory Council (see below) regarding implementation of the statewide strategic homelessness reduction plan and initiatives; and key outcomes and measures related to homelessness in the state.

HOMELESSNESS REDUCTION ADVISORY COUNCIL is created and administratively attached to the Division to advise and make recommendations to the Task Force and the Division Director regarding:

- homelessness and unnecessary institutionalization with the goals of reducing and preventing homelessness;
- improving health and human services outcomes for people experiencing homelessness;
- strengthening the safety nets that contribute to housing stability;
- developing and achieving the goals of the statewide strategic homelessness reduction plan and initiatives provided for in this act.

The Advisory Council consists of 18 members appointed by the Governor, as follows:

- three members with lived experience of homelessness or housing insecurity, which may include formerly incarcerated persons, veterans and individuals sixteen to twenty-five years of age;
- one member representing individuals with disabilities;
- two members representing the philanthropic private-funding sector;
- one member representing a statewide behavioral health advocacy organization;
- one member representing a statewide housing advocacy organization;
- two members representing local continuums of care organizations;
- three members representing regional or local units of government;
- one member representing an organization that supports victims of domestic violence;
- four members representing providers of the homeless response system, including emergency supportive housing, rapid rehousing, permanent supportive housing, homeless youth programs and homelessness prevention.

Public members are entitled to travel and per diem. The Division Director may appoint as ex-officio, non-voting members any state agency staff the Director deems necessary. The Chair of the Council is elected by the Council. HCAD shall provide necessary staff and administrative support.

By September 1, 2024, and annually thereafter, the Council shall submit findings and recommendations to the Task Force.

APPROPRIATION. \$1 million (GF) is appropriated to HCAD for FY2025 to fund operation of the Homelessness Reduction Division, the Interagency Homelessness Reduction Task Force and the Homelessness Reduction Advisory Council.

Effective date is July 1, 2024.

## **FISCAL IMPLICATIONS**

There would be minimal to zero fiscal impacts to the department.

## **SIGNIFICANT ISSUES**

The proposed legislation requires the homelessness reduction division and the interagency homelessness reduction task force to implement a plan and initiatives that are directed at decreasing unnecessary institutionalization. This conflicts with the Criminal Sentencing Authority, NMSA 1978, Section 31-18-15 that grants discretion to the Courts in determining necessary institutionalization of criminal defendants. Changing the language to “decreasing homelessness and **preventing** institutionalization” would cure this conflict.

## **PERFORMANCE IMPLICATIONS**

None for the Corrections Department.

## **ADMINISTRATIVE IMPLICATIONS**

None for the Corrections Department.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None for the Corrections Department.

**TECHNICAL ISSUES**

None for the Corrections Department.

**OTHER SUBSTANTIVE ISSUES**

None for the Corrections Department.

**ALTERNATIVES**

None for the Corrections Department.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

**AMENDMENTS**

None proposed by the Corrections Department.