

Policy/Advocacy Update – 9/3/2019

Federal Legislation Update:

FY20 Budget & Appropriations – Update – President Trump signed into law a two-year FY20-21 budget deal (H.R. 3877), which lifts low federal spending caps on defense and domestic programs by \$321 billion for the next two fiscal years.

Fannie Mae, Freddie Mac, and Ginnie Mae – Freddie Mac, Fannie Mae, and Ginnie Mae are all down on receipts, which will affect available funding for HUD unless Congress authorizes additional funding. Just to keep housing where it is currently, there is a \$7-8 billion gap which will need to be addressed in addition to raising the caps.

Senate Appropriations FY 20 THUD Bill – Update – Now that that the caps have been lifted it is expected that the Senate Appropriations Committee will consider its THUD funding bill after the August recess, after which the House and Senate will attempt to negotiate a final bill.

House Appropriations FY 20 THUD Bill – No new update – The House approved its FY20 THUD funding bill. In total, the legislation provides \$137.1 billion in budgetary resources, an increase of \$6 billion above the 2019 enacted level and \$17.3 billion above the President's budget request.

- House FY 20 HUD funding levels for specific programs (not an all-inclusive list):

- **Tenant-based Rental Assistance:** \$23.8 billion, \$1.2 billion above the 2019 enacted level and \$1.6 billion above the President's budget request.
 - **HUD/VASH:** \$40 million, equal to the 2019 enacted level. The President's budget request proposed eliminating this program.
- **Project-Based Rental Assistance:** \$12.6 billion, \$843 million above the 2019 enacted level and \$570 million above the President's budget request.
- **Homeless Assistance Grants:** \$2.8 billion, \$164 million above the 2019 enacted level and \$201 million above the President's budget request.
- **HOPWA:** \$410 million, \$17 million above the 2019 enacted level and \$80 million above the President's budget request.
- **CDBG:** \$3.6 billion, \$300 million above the 2019 enacted level. The President's budget request proposed eliminating this program.
- **HOME:** \$1.75 billion, \$500 million above the 2019 enacted level. The President's budget request proposed eliminating this program.
- **Public Housing Capital Fund:** \$2.9 billion, \$80 million above the 2019 enacted level. The President's budget request proposed eliminating this program.
- **Public Housing Operating Fund:** \$4.8 billion, \$100 million above the 2019 enacted level and \$1.9 billion above the President's budget request.
- **Choice Neighborhoods Initiative:** \$300 million, \$150 million above the 2019 enacted level. The President's budget request proposed eliminating this program.
- **Self-Sufficiency Programs:** \$150 million, \$20 million above the 2019 enacted level and \$75 million above the President's budget request.
- **USICH:** \$4.1 million, \$500,000 above the 2019 enacted level. The President's budget request proposed eliminating this program.

-Policy Provisions included in the funding bill:

- Blocks the administration's public housing rule change on undocumented immigrants in affordable housing, which would threaten the housing tenure of 55,000 children who are citizens or legal residents.
- Requires all HUD grantees to develop a resiliency plan as part of the consolidated planning process.

House Appropriations Labor, HHS, & Education Allocation Would Increase RHYA Funding – No new update – On 6/19 the House passed its H.R.2740, 'Labor, Health and Human Services, Education, Defense, State, Foreign Operations, and Energy and Water Development Appropriations Act, 2020' which would fund HHS for FY 20, among other agencies. With this bill RHYA would be funded at \$147 million in FY 2020--- a 15% increase from FY 2019. This would also fund the Education for Homeless Children and Youth Act (EHCY) at \$100 million---a 7% increase from FY 2019.

SNAP Proposed Rule – New – The Administration has proposed rules for the SNAP program end food stamp benefits for 3 million people with proposed new regulations curtailing the leeway of states to automatically enroll residents who receive welfare benefits. The administration's rule would rein in states' ability to enroll recipients earning more than 130% of the federal poverty guidelines – in most cases capping eligibility to an annual income of \$32,640 for a family of four. The proposed rule would only allow automatic enrollment of people who receive welfare benefits worth at least \$50 a month on an ongoing basis for at least six months. More information on the proposed rule can be found here: <https://www.fns.usda.gov/snap/fr-072419> Comments are due Monday, 9/23 and can be submitted here: <https://www.federalregister.gov/documents/2019/07/24/2019-15670/revision-of-categorical-eligibility-in-the-supplemental-nutrition-assistance-program-snap#open-comment>

HUD Proposed Rule amending implementing of section 214 of the Housing and Community Development Act of 1980, as amended (Section 214) – No new update – The proposed rule, published on 5/10 in the Federal Registrar, would bar U.S. citizens and eligible immigrants from receiving federal housing assistance if they share a home with an immigrant family member who's ineligible due their immigration status. The proposed rule would also specify that individuals who are not in eligible immigration status may not serve as the leaseholder, even as part of a mixed family whose assistance is prorated based on the percentage of

members with eligible status. The current rule allows for mixed-status families; under this new rule, every single member of a household must be of “eligible immigration status.” HUD acknowledged that this rule could displace more than 55,000 children, all of whom are legal U.S. residents or citizens. Approximately 25,000 households, representing about 108,000 people, now living in subsidized housing have at least one ineligible member, according to the HUD analysis. Per Diane Yentel with NLIHC: “Tens of thousands of deeply poor kids, mostly U.S. citizens, could be evicted and made homeless because of this rule, and – by HUD’s own admission – there would be no benefit to families on the waiting list.” There is a 60-day comment period closed on 7/9/19. To view the proposed rule go to: <https://www.federalregister.gov/documents/2019/05/10/2019-09566/housing-and-community-development-act-of-1980-verification-of-eligible-status>

HUD Proposed Rule Re. Fair Housing Disparate Impact – New – On 8/16 HUD released a proposed rule that would make changes to fair housing rules, specifically regarding its interpretation of the Fair Housing Act’s disparate impact standard. Per the NLIHC this change would “dismantle an important enforcement tool for combatting discrimination, further restricting access to housing for people of color, seniors, people with disabilities, families with children, LGBTQ people, victims of domestic violence and others.” Comments are due by 10/18 and can be submitted here: <https://www.federalregister.gov/documents/2019/08/19/2019-17542/huds-implementation-of-the-fair-housing-acts-disparate-impact-standard>

President Trump’s Poverty Policy Proposal – No new update – Per CBPP: The Trump Administration yesterday [floated a proposal](#) to use a lower measure of inflation when adjusting the poverty line each year. This policy would over time cut or take away food assistance, health, and other forms of basic assistance from millions of people who struggle to put food on the table, keep a roof over their heads, and see a doctor when they need to. If the [poverty line is altered](#) in this fashion, fewer individuals and families will qualify over time for various forms of assistance, including many who work hard but are paid low wages.

HR 1856: Ending Homelessness Act of 2019 – No new update– Reintroduced by House Financial Services Committee Chair Maxine Waters (D-CA). This bill would provide a path to end homelessness in the United States, and for other purposes. This bill passed the House Financial Service Committee on 3/28. This legislation is a comprehensive plan to ensure the lowest-income people have safe, decent, and affordable homes. The bill invests \$13.27 billion over five years to address the shortage of affordable housing and combat homelessness by providing 410,000 new affordable homes for the lowest-income households. The bill earmarks \$1 billion annually to the national Housing Trust Fund (HTF) and \$50 million each year for rental assistance to be used in conjunction with HTF-created housing. Within Congressman Waters’ bill is a 75% set-aside that will help create new supportive housing throughout the country. Additionally, this bill would permanently authorize appropriations for the McKinney-Vento Homeless Assistance Grants Act and permanently reauthorize USICH.

S. 923: Fighting Homelessness Through Services and Housing Act (companion bill: HR 1978)– No new update – Sponsored by Senators Feinstein, Murkowski, and Congressmen Lieu and Stivers. This bill would bill authorize \$750 million in grants annually for the next five years for local governments. It also conditions federal funds on a grant recipient’s ability to provide not only housing but also comprehensive services like mental health care, substance abuse treatment and job training.

H.R. 2399: Homes for Our Heroes Act – No new update – Sponsored by Rep Peters (CA-52), this bill seeks to expand HUD-VASH eligibility to Veterans who are not dishonorably discharged, but who have not received supportive housing services from Veteran’s Affairs, and greater transparency about implementation.

H.R. 508: Trafficking Victims Housing Act of 2019 – No new update – Sponsored by Rep. Joyce Beatty. This bill would require a study and report on the housing and service needs of victims of trafficking and individuals at risk for trafficking.

H.R. 232: Landlord Accountability Act of 2019 – No new update – Sponsored by Rep. Nydia Velazquez. This bill would amend the Fair Housing Act, to prohibit discrimination based on use of section 8 vouchers, and for other purposes.

H.R. 715: HOMeS Act of 2019 – No new update – Sponsored by Rep. Steve Stivers. To amend section 428 of the McKinney-Vento Homeless Assistance Act to provide incentives to grantees under the Continuum of Care program to re-house all former members of the Armed Forces, and for other purposes.

S. 8: Preserving Our Commitment to Homeless Veterans Act – No new update – Sponsored by Sen. Marco Rubio. This bill would require the Secretary of Veterans Affairs to ensure that the supported housing program of the Department of Veterans Affairs has not fewer than one program manager for every 35 rental assistance cases under such program, and for other purposes.

Trump Administration Proposed SNAP Rule – No new update – Per the Food Research & Action Center: The Trump Administration’s [proposed Supplemental Nutrition Assistance Program \(SNAP\) rule](#) would time limit food benefits for unemployed and underemployed people who can’t document sufficient weekly work hours. They would lose SNAP eligibility after three months. Comments were due 4/2/19.

H.R. 1724: The Higher Education Access and Success for Homeless and Foster Youth Act of 2019 (HEASHFY) (companion bill S 789)– No new update– This bill was introduced by Senators Patty Murray (D-WA) and Rob Portman (R-OH) in the Senate, and by Representatives Katherine Clark (D-MA) and Don Young (R- AK). HEASHFY amends the Higher Education Act to simplify eligibility for federal financial aid and to improve outreach, resources, and policies for homeless and foster youth. The legislation:

- Streamlines the process of applying for and receiving financial aid;
- Helps students access housing;
- Designates a higher education liaison to help students access services;
- Asks states to grant in-state tuition rates to those students who haven’t had stable residency;
- Ensures that college access programs identify, recruit, and prepare homeless and foster students for college; and

- Requires the U.S. Department of Education to help resolve questions about a student's independence, simplify the FAFSA, and publish useable data and reports.

State Proposed Rule Changes:

- MaineHousing release a Notice of Agency Rule-Making for Maine's Homeless Solutions Rule. Per the Notice, "The proposed rule repeals and replaces the current Homeless Solutions Rule in order to (i) revise and update language where appropriate; (ii) address concerns regarding bed utilization; and (iii) make changes to the funding formula allocation." A public hearing will be held on Tuesday, September 17, 2019 at 9:45 AM at Maine State Housing, 353 Water Street, Augusta, Maine 04330. The deadline to submit public comments is Friday, September 27, 2019 at 5:00 PM. Comments may be sent to Linda Uhl, Chief Counsel, Maine State Housing Authority, State House Station #89, 353 Water Street, Augusta, Maine 04330 email: luhl@mainehousing.org

State Legislation Update: *The Governor called a Special Session of the Legislature, to begin on 8/26, primarily to address bond issues.*

Color key-code: Bills highlighted in yellow have been carried over into the next Legislative Session. Bills highlighted in green have been sent to the Governor for signature but have not become public law ("held by the Governor"). Bills that became public law, previously reported in these updates, have been removed but are available upon request.

Affordable Housing

- LD 48, An Act to Authorize a General Fund Bond Issue To Invest in Housing for Persons Who Are Homeless (Presented by Representative BRENNAN of Portland). This bill would authorize a \$15 million bond, to go to referendum, to invest in the creation of housing for people experiencing homelessness, to be administered by MaineHousing. **Carried over into any special or regular sessions, or both, of the 129th Legislature.**

Support Services

- LD, 775, An Act To Expand Community Support Services for Certain Adult Members of the MaineCare Program – Rep. Gramlich. This bill directs the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services to include access to services to persons who have a diagnosis of bipolar disorder, major depressive disorder, panic disorder or post-traumatic stress disorder. In practice, this would revert back to the previous Section 17 (pre-March 2016) eligibility criteria. **The bill went for the Governor's for Signature, but is being held by the Governor. "Held by the governor" means that the governor neither signed nor vetoed the bill and it did not become law without her signature after 10 days because the Legislature adjourned before 10 days were up. The bill will become law if this Legislature comes back into session unless the governor returns the bill within 3 days after their next meeting starts.**
- LD 1404, Resolve, To Provide Support Services and Funds to Prevent Homelessness – Rep. Brennan. **Carried over into any special or regular sessions, or both, of the 129th Legislature.**
- LD, 763, An Act To Ensure the Availability of Community Integration Services – Rep. Rachel Talbot-Ross. This bill provides funding to increase reimbursement rates in the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 17 for community integration services to \$24.25 per quarter-hour. This would increase the rate for Section 17 CI services. **Carried over into any special or regular sessions, or both, of the 129th Legislature.**

Food Security and Basic Safety Net Assistance:

- LD 795, Resolution, Proposing an Amendment to the Constitution of Maine to Establish a Right to Food – Rep. Craig Hickman. This constitutional resolution declares that all individuals have a natural, inherent and unalienable right to acquire, produce, process, prepare, preserve and consume and to barter, trade and purchase the food of their own choosing for their own nourishment, sustenance, bodily health and well-being. **Carried over into any special or regular sessions, or both, of the 129th Legislature.**

Other Homelessness Related Bills:

- LD 46, An Act to Establish a Substance Use Disorder Clinic at the Cumberland County Jail – Rep. Michael Brennan. This bill would provide funding (\$250,000 in each year of the biennium) to create a substance use disorder clinic at the Cumberland County jail. On 5/28 both the House and Senate passed the bill to be engrossed as amended. **Carried over into any special or regular sessions, or both, of the 129th Legislature.**
- LD 510, An Act To Authorize Funding for Transitional Housing for Women Veterans and Their Families – Rep. Bettyann Sheats. This bill would provide a one-time \$150,000 General Fund appropriation in fiscal year 2019-20 to the Department of Defense, Veterans and Emergency Management for the Betsy Ann Ross House of Hope to provide suitable housing for women veterans in transition and their families. **Carried over into any special or regular sessions, or both, of the 129th Legislature.**
- LD 866, An Act To Support College Completion by Homeless Youth in Maine – Rep. Michael Brennan, & Rep. Charlotte Warren. This bill requires institutions of higher education in the State to designate an existing staff member to serve as a liaison for homeless youth who are enrolled in that institution of higher education. The bill also requires institutions of higher education to give homeless youth priority for on-campus housing, develop a plan to provide homeless youth housing during school breaks and allow homeless youth who are enrolled part-time to access on-campus housing during the homeless youth's first year of school. The bill also expands the tuition waiver for state postsecondary educational institutions to include tuition waivers for

homeless youth. **On 6/18 the bill was taken from the Special Appropriations Table and subsequently finally passed. The bill went for the Governor's for Signature, but is being held by the Governor.**

- LD 1294, Resolve, Directing the Maine Human Rights Commission To Implement a Pilot Program To Investigate and Report on Incidents of Harassment Due to Housing Status, Lack of Employment and Other Issues – Rep. Talbot-Ross. **The bill went for the Governor's for Signature, but is being held by the Governor.**