

Federal Legislation Update:

BUDGET & FUNDING-RELATED ITEMS

Federal Moratorium on Evictions – No New Update – On 9/1 the White House (and the CDC) issued a national moratorium on most evictions for nonpayment of rent. The moratorium takes effect on September 4 and is in effect through December 31. It applies to covered tenants facing eviction for nonpayment of rent who present a signed declaration to their landlords that they meet certain income and hardship criteria. On 10/9 the Administration issued guidance on the CDC eviction moratorium. The guidance allows landlords to challenge tenant declarations and allows landlords to initiate eviction proceedings for nonpayment of rent at any time, although an actual eviction of a covered tenant cannot take place until the moratorium expires on January 1, 2021. This shifts the work of gathering paperwork and evidence to renters struggling to remain stably housed during the pandemic.

FY 21 Budget – No new update – On 9/30 Congress passed and the President signed a short-term, stop-gap Continuing Resolution, funding agencies at FY 20 levels 12/11, averting a government shutdown. In addition to funding agencies at FY 20 levels through 12/11, the bill adds \$8 billion in nutrition assistance programs; allows for the farm aid distributed through the Commodity Credit Corporation but with measures to prohibit payments to fossil fuel refiners and importers; and expands an expiring program providing low-income children with meals to include child care centers impacted by pandemic-related closures.

FY 21 T-HUD Appropriations – Update – Senate Bill: On 11/10, the Senate released its FY 21 appropriations bills, including T-HUD. Overall, the Senate bill provides more funding than the Administration’s budget request, and provides modest funding increases to HUD programs – though at levels lower than what was proposed by the House earlier this year.

- The FY 21 Hud funding bill increases overall funding for HUD by \$2.9 billion (5.2%), vs. FY20.
- The bill includes substantial funding increases necessary to renew existing housing vouchers and Section 8 project-based rental assistance. (However, additional funds are likely to be needed to fully renew vouchers in 2021 because of the extraordinary cost increases caused by COVID and its economic aftermath.)
- \$40 million for new VASH vouchers;
- \$25 million for new FUP vouchers;
- \$174 million increase in homeless assistance grants; and
- Increases for the Family Self-Sufficiency program and grants to address lead and other health hazards
- Thanks to the leadership of Senate T-HUD Subcommittee Chair Susan Collins (R-ME) and Ranking Member Jack Reed (D-RI), the THUD bill includes modest increases in funding for affordable housing programs, despite strict budget caps required by the Budget Control Act.
- The bill includes some measures to prevent HUD from undermining Housing First, a proven model for addressing homelessness backed by decades of research and learning, though these protections are not as extensive as in the House version.
- The Senate bill doesn’t include legislative language approved in the House version that would halt HUD proposed rules/proposals, including the proposed anti-transgender rule change to the Equal Access Rule.
- It does not prevent changes to the Affirmatively Furthering Fair Housing rule and Disparate Impact rule.
- The bill does not prevent HUD from moving forward with its proposal for mixed-status immigrant families – including 55,000 U.S. citizen children – to separate or face eviction from HUD housing.

House Bill: On 7/31, the House passed a package of 6 spending bills, including T-HUD, for FY 21. Despite limited budget caps, the bill (H.R. 7617) provides a significant increase in funding for housing programs that serve low-income people and communities. The House also adopted two amendments to block implementation of harmful HUD proposals. The FY 21 T-HUD spending bill provides a significant increase in funding to housing programs that serve low-income people and communities. The bill provides overall funding for HUD at \$13 billion above the president’s FY21 request and at least \$1.5 billion above FY20 enacted levels; programmatic funding levels are \$18 billion above the president’s FY21 request and \$4.6 billion above FY20 enacted levels. See the budget chart from the NLIHC for more information.

COVID-19 Pandemic Response – Congress and the Administration have taken measures regarding the COVID-19 pandemic. Three stimulus packages have been signed into law, with Congress currently in negotiations on a fourth stimulus package.

Congress has yet to come to consensus on another stimulus package, with both the House and Senate having their own versions. It appears they may not act until after the election. Without congressional action many programs/benefits included in previous stimulus bills would expire including:

- **Pandemic EBT (P-EBT)** – a new program, enacted in March 2020 and set to expire at the end of September 2020, that gives families benefits they can use to buy groceries to replace the free breakfasts and lunches their children missed while schools were closed due to the pandemic.
- The temporary 15% increase in SNAP benefits
- The federal supplement to unemployment benefits
- **House HEROES Act Updated 9/28 – No new update** – A new version of the House HEROES Act was released on 9/28. Per the CBPP, the new package scales back the House-passed Heroes bill from \$3.4 trillion to \$2.2 trillion, but does so in sound ways. The new package contains the same core elements, which together form a strong response to the crisis: food, housing, and income assistance to tens of millions of struggling households, including improvements in jobless benefits; state and local fiscal relief; and a strong public health response. It outlines a [shorter time frame](#) to implement new funds, which include:

- \$5 billion in Emergency Solutions Grants (ESG).
 - \$50 billion for rental assistance.
 - \$4 billion for Tenant-Based Rental Assistance (TBRA), which includes an additional \$1 billion for new, temporary, housing vouchers.
 - A 12-month uniform, national eviction moratorium would extend from the date of enactment.
 - Note also that the updated bill also cancels the 2020 Continuum of Care (CoC) Notice of Funding Availability (NOFA) competition, and instead proposes that funding is renewed for existing grantees.
- **House “HEROES” Act Phase 4 Stimulus Package (HR 6800) – *No new update*** – On Friday 5/15 the House passed its \$3 trillion COVID-19 relief bill, their “Phase 4” pandemic relief legislation. It now heads to the Senate for its response, where it will likely face criticism.

[The Health and Economic Recovery Omnibus Emergency Solutions \(HEROES\) Act](#) would provide nearly \$1 trillion to state and local governments to avert layoffs and \$200 billion in hazard pay for essential workers. It also includes \$1,200 direct payments to individuals. The legislation includes \$100 billion in emergency rental assistance and more than \$24 billion in other U.S. Department of Housing and Urban Development (HUD) funding, including (but not limited to):

 - \$4 billion for tenant-based rental assistance, including \$1 billion for new, temporary, vouchers for individuals and families who are homeless or at risk of becoming homeless, or fleeing domestic violence. Allows PHAs the flexibility necessary for the safe and effective administration of these funds while maintaining fair housing, nondiscrimination, labor standards, and environmental protections;
 - \$11.5 billion for Emergency Solutions Grants (ESG) to address the impact of coronavirus among individuals and families who are homeless or at risk of homelessness and to support additional homeless assistance, prevention, and diversion activities to mitigate the impacts of the pandemic.
 - Notes: the bill language includes a section which would cancel the 2020 CoC NoFA information on [page 1020 of the bill](#). Also, the ESG money can be used for hazard pay, including for time already served. The ESG provision also includes the prohibition against imposing preconditions on folk before they can be helped.
 - \$100 billion to provide emergency rental assistance to help low income renters at risk of homelessness avoid eviction due to the economic impact of the coronavirus pandemic. (More information on this can be found on [page 948 of the bill](#)).
 - \$2 billion for the public housing operating fund;
 - \$5 billion in Community Development Block Grant funding
 - \$750 million for project-based rental assistance;
 - \$1 billion for the Community Development Financial Institutions (CDFI) Fund; and
 - \$700 million in rural rental assistance, among other affordable housing and community development expenditures.

The legislation also extends and expands the CARES Act eviction moratorium for 12 months. The bill also includes a 15% increase in SNAP benefits, increases the monthly minimum benefit from \$16 to \$30, and suspends all SNAP rule changes that would terminate or weaken SNAP benefits.

-Additionally, Senator King is pushing for funding for the charitable/nonprofit sector in the Phase 4 stimulus package.
 - **Senate “HEALS” Act – *No new update*** – On 7/27 Senate Republicans released information on the Health, Economic Assistance, Liability Protection and Schools (HEALS) Act, a \$1 trillion proposal to provide the next round of economic stimulus. The bill provides about \$3.3 billion for affordable housing which is much less than the over \$130 billion included in the Heroes Act. Per CBPP, the HEALS Act does include about \$3.2 billion for current federal rental assistance recipients to help housing agencies cover increased costs during the health and economic crisis. Per the NLIHC, despite need, the bill only provides \$3.3 billion to assist those households living in public housing or receiving HUD vouchers or USDA rental assistance. The proposal includes no emergency rental assistance for the millions of unassisted households facing evictions and homelessness during the pandemic. The proposal also fails to extend the federal moratorium on evictions that expired last week due or to expand it to cover all renters. The proposal includes no resources to prevent and respond to outbreaks among people experiencing homelessness who are at great risk of severe illness and death due to the virus. And it calls for slashing unemployment insurance (UI) payments for millions of low-wage workers who lost jobs during the pandemic, many of whom have used the benefits to stay housed. *Senators Collins and Shelby included specific language in the HEALS act requiring the Secretary of HUD to renew for one 12-month period, without additional competition, all projects with existing grants expiring during calendar year 2021, including youth homeless demonstration projects and shelter plus care projects expiring during calendar year 2021, as well as Planning Grants.*
 - **Senate “SMART” Act Phase 4 Stimulus Package – *No new update*** – On Monday, 5/18, Senator Collins along with Senators Bob Menendez, Bill Cassidy, Joe Manchin, Cory Booker, and Cindy Hyde Smith, introduced the State and Municipal Assistance for Recovery and Transition (SMART) Act, which would provide \$500 billion in direct aid to state and local governments impacted by the pandemic. For Maine this would provide at least \$2 billion to state, county, and municipal governments in Maine for coronavirus relief. In addition, the \$1.25 billion already allocated to Maine through the CARES Act would become more flexible.
 - **Phase 4 Stimulus Ask re. Youth Homelessness – *No new update*** – There are two dear colleague letters circulating Congress to get increased funding for homeless youth providers. Both have bipartisan support in both chambers. Homeless youth providers and other advocates are working with Senator Collins to get her support for the Murkowski, Manchin letter

-The House Yarmuth, Bacon, Davis Dear Colleague Letter is specifically requesting:

- \$300 million for the Runaway and Homeless Youth Act (RHYA) program, with \$150 million being disbursed to existing RHYA grantees and the remaining funds used to expand services through new grants.
- \$500 million for the McKinney-Vento Act's Education for Homeless Children and Youth (EHCY) program.
- \$2 million for an online curriculum that will train parents, teachers, and students how to recognize the indicators of trafficking.
- \$25 million in supplemental funding for existing HHS trafficking grantees to provide direct survivor support and operate the National Human Trafficking Hotline.
- \$2 billion for a Family Stabilization Fund to provide flexible funding for community organizations to meet the unique needs of children, youth, and families experiencing homelessness.

-The Murkowski, Manchin, Sullivan, Sinema Senate Dear Colleague Letter is specifically requesting:

- \$25 million for existing RHYA grantees to allow 336 American communities to maintain and expand housing and services for youth and young adults at-risk of and experiencing homelessness.
 - \$75 million to fund new RHYA grants to expand services. (Only 25% of applicants receive a RHYA grant, with many applicants scoring high and not receiving a grant due to the lack of funding.)
 - \$150 million in supplemental funding to provide targeted support to children and youth experiencing homelessness through the EHCY infrastructure and service delivery system.
 - \$2 million for an online program that will train parents, educators, and students how to recognize the indicators of trafficking.
 - \$15 million in supplemental funding for existing HHS trafficking grantees to provide direct survivor support and operate the National Human Trafficking Hotline.
 - \$2 million for HHS to collect data on how increased unemployment rates and economic and social instabilities related to COVID-19 impact human trafficking, including among immigrant populations, both documented and undocumented.
 - \$800 million for a Family Stabilization Fund to provide flexible funding for community organizations to meet the unique needs of children, youth, and families experiencing homelessness. – Of note, Senator Collins has lent her support to this specific measure.
- **"CARES Act" 3rd Stimulus package:** The President signed the nearly \$2 trillion stimulus package to combat the economic fallout of the coronavirus outbreak, including direct payments to most Americans and a half-trillion-dollar fund to shore up struggling companies. Additionally, language in the bill included "None of the funds provided...may be used to require people experiencing homelessness to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, housing, or other services." This ensures the integrity of the Housing First model is retained for HUD programs.

HUD funding & funding to address homelessness in the bill:

- More than \$6.5 billion in Federal funding for CDBG, the Economic Development Administration, and the Manufacturing Extension Partnership to help mitigate the local economic crisis and rebuild impacted industries such as tourism or manufacturing supply chains.
- Community Development Block Grant (CDBG) – \$5 billion
- Homeless Assistance Grants – \$4 billion.
- Section 8 Tenant-Based Rental Assistance – \$1.25 billion.
- Project-Based Rental Assistance – \$1 billion
- \$450 million for The Emergency Food Assistance Program (TEFAP)

Other individual assistance:

- \$15.5 billion to help cover increased demand for SNAP.
- \$8.8 billion for child food assistance

BILLS

HR 7301 The Emergency Housing Protections and Relief Act of 2020 – No new update – The House passed this bill on 6/29, which includes a package of critically needed emergency housing resources and protections to help keep renters in their homes and to address the health and safety of people experiencing homelessness. The bill includes the housing and homelessness resources approved by the House in the HEROES Act, including many top priorities:

- \$100 billion in emergency rental assistance;
- A national, uniform moratorium on evictions and foreclosures;
- \$11.5 billion to prevent and respond to outbreaks among people experiencing homelessness; and
- Additional needed resources to ensure housing stability.

State Legislation Update: The 130th Legislature convenes on Wednesday, 12/2.

- The Governor released a [statement](#) regarding the previously predicted budget shortfall for this fiscal year. It appears that by using unspent funds from last year, CARES Act funding, and unexpected increased revenue from alcohol sales, that they will be able to balance the budget without using the Rainy-Day Fund. However, when the new Legislature convenes and they begin work on the next biennial budget, they will be looking at about \$100 million in revenue losses.
- **Joint Standing Committee on Appropriations and Financial Affairs:** The Committee continues to meet with regularity, with the majority of meetings focusing on items related to the pandemic and its effect on Maine, the current fiscal year revenue report and CARES Act funding.

- **Health and Human Services (HHS) Committee:** The Committee continues to meet with regularity.

Governor Mills' Executive Orders and Programs re. COVID-19

- **Maine COVID-19 Rent Relief Program:** The Governor's rent relief program, which had been put on pause at the end of September, is now accepting applications again. Eligible renters may apply for help with paying their October and November rents – up to \$1,000 per month. A key update to the program is that every eligible renter in Maine, regardless of what town they live in or whether or not they live in a property that was financed with low income housing tax credits, can now apply through one common point of entry which is through the Cap Agencies, link here: <https://mecap.org/rent>. The only exception to this rule is for tenants who live in Lewiston, who should continue to seek rent relief [through the City of Lewiston](#) because their CARES Act rent relief funds have not been fully exhausted yet. Once the city funds are exhausted, renters can then apply through the Cap Agency link above. For more details on the state rent relief program, [click here](#).
- **Evictions:** On 4/16, Governor Mills issued an [Executive Order](#) that, when taken in combination with a March 18 order issued by the Maine Court System, will prevent the immediate eviction of tenants other than those who engage in dangerous or unlawful conduct for the duration of the state of emergency. On 7/30, Governor Mills signed an Executive Order extending protections for renters in the eviction process, as Maine courts are beginning to reopen next week. The order allows evictions scheduled before the pandemic and that are unrelated to the pandemic to move forward. The order requires landlords to provide at least 45 days' notice for a tenant to leave, rather than 30 under Maine law. It also extends an eviction notice timeframe from 7 to 30 days.

Local/Municipal Update:

- **Referendum election results in Portland:** 5 of the 6 referendum questions on the ballot in Portland passed, including:
 - **Question C: A local green new deal (Question C)**
 - **Question D: Rent control (Question D)**
 - **\$15 minimum wage** – with a provision that mandates time and a half be paid during declared emergencies.

The only referendum question that did not pass was Question E, the short-term rental prohibition. For the referendums that passed, the City Council cannot amend them for five years, per the Portland City Charter. Question C will dramatically raise the cost of development and construction, affecting affordable and senior housing development. Question D will affect landlords' ability to adjust rents, a standard practice as Fair Market Rents increase, and it will also impose a set of rules led and governed by a citizens' led Rent Control Board.