

Policy/Advocacy Update – 5/10/2019

Federal Legislation Update:

FY20 Budget & Appropriations – Update – Congress is working on the FY 20 allocations and budget, which begins 10/1/19. If Congress does not lift the Budget Control Act federal spending caps, sequestration would occur, as the previous agreement to lift the caps only included FY 18 & 19. Advocacy organizations are urging Congress to lift the caps to ensure affordable housing, community development, and transportation programs receive the highest allocation of discretionary funds possible for FY20. The House Appropriations Committee is in the process of releasing subcommittee allocations, which will allocate overall funding with which each subcommittee will have to work for their individual FY 20 appropriations bills.

House Appropriations Labor, HHS, & Education Allocation Would Increase RHYA Funding – New – On 5/7, The House Appropriations Committee released its fiscal year 2020 subcommittee allocations and its report accompanying the fiscal year 2020 Labor, Health and Human Services, Education, and Related Agencies appropriations bill, ahead of a scheduled 5/8 markup. 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.

HUD Proposed Rule amending implementing of section 214 of the Housing and Community Development Act of 1980, as amended (Section 214) – New – 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, which closes on 7/9/19. To view the proposed rule and submit comments go to: <https://www.federalregister.gov/documents/2019/05/10/2019-09566/housing-and-community-development-act-of-1980-verification-of-eligible-status>

President Trump's Poverty Policy Proposal – New – 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 – 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. 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: 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 – No new update – Sponsored by Rep. Steve Stivers. Content of bill and bill summary not available.

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) – 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 Legislation Update:

Bills of note: → = change since last report. Upcoming public hearings, if any, are highlighted.

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 \$15million bond, to go to referendum, to invest in the creation of housing for people experiencing homelessness, to be administered by MaineHousing. A Public Hearing was held on 1/22. Not reported out by Committee.

Rental Subsidies

- LD 1523, An Act To Ensure the Quality of and Increase Access to Recovery Residences – Sen. Bellow. This bill adds definitions of "person recovering from substance use disorder" and "recovery residence" to the laws governing the substance use disorder programs of the Department of Health and Human Services and directs the department to establish a voluntary certification process for recovery residences. It also directs the Maine State Housing Authority to create a pilot project to provide a short-term rental subsidy to a person recovering from substance use disorder to reside in a certified recovery residence that provides medication-assisted treatment. This bill also adds "recovery" to "substance use disorder prevention and treatment" in the context of activities and services under the laws addressing alcohol and drug use. The bill also adds an appropriations and allocations section. **Referred to the HHS Committee. Public Hearing in front of the HHS Committee held 4/26; Work Session held Thursday, 5/9.**

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. **Public Hearing in front of the HHS Committee, held on 4/9; Work Session held on 4/22 in which there was a divided report. The bill will technically be considered dead; however, there will be a resolve directing DHHS to create a new rule around Section 17 eligibility which will focus more on functionality and less on diagnosis.**
- → **LD 613**, Resolve, Concerning the Adoption of Rules To Carry Out the Purpose of the Bridging Rental Assistance Program – Rep. Dick Farnsworth. This resolve directs DHHS to adopt rules for BRAP in order to ensure fairness, equity and access to the program for those persons with mental illness who qualify for the program. **Public Hearing in front of the HHS Committee held on 4/17; Work Session held 4/25, in which the **Committee voted OTP.****
- → **LD 1404**, Resolve, To Require the Department of Health and Human Services To Request a Waiver Relating to Support Services and To Provide Funds To Prevent Homelessness – Rep. Brennan. This resolve requires DHHS to CMS (Centers for Medicare and Medicaid Services) for a waiver from the requirements of federal law and regulations to allow Maine to provide Medicaid-funded direct support services to individuals experiencing homelessness. In addition, the bill provides ongoing funds (\$500,000 annually) to the Housing First Assistance Program established within the Maine State Housing Authority to be distributed to community action agencies to assist individuals on the verge of becoming homeless. **Public Hearing in front of the HHS Committee held on 4/12; Work Session held 4/25, in which there was a divided report from the Committee.**
- → **LD 195**, An Act To Continue MaineCare Coverage for Parents During the Rehabilitation and Reunification Process – Rep. Patty Hymanson. This bill requires the Department of Health and Human Services to continue to provide MaineCare coverage to parents who are MaineCare members while they are participating in reunification efforts with child welfare. **The bill was voted passed to be enacted by the House on 5/2, and by the Senate on 5/7. The bill now goes for the Governor's signature.**
- → 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. **Public Hearing in front of the HHS Committee, held on 4/9; Work Session held on 4/22 in which**

there was a divided report. The majority report is expected to be OTP, in which case it would be sent to the Appropriations Committee.

- → **LD 1275**, An Act To Support Access to Health Services for Homeless Youth in Maine – Sen. Linda Sanborn. This bill allows a minor to provide consent to all medical, mental, dental and other health counseling and services by proving that the minor is living separately and is independent of parental support through various means such as a written, signed statement to that fact from the director of a governmental or nonprofit agency that provides services to homeless persons or an attorney representing the minor or proof of filing for emancipation. This bill also provides immunity to a health care practitioner who provides services to a minor if the minor consented to those services and provided proof of living separately and independently. Finally, this bill prohibits a minor or other person from disaffirming the consent given by the minor solely because the minor is a minor. **Public Hearing in front of the HHS Committee held on 4/12; Work Session held 4/25, in which the Committee voted OTP as amended.**

- → **LD 1318**, Resolve, To Increase Access to Housing-related Support Services – Rep. Drew Gattine. This resolve directs the Department of Health and Human Services to apply for waivers to provide housing-related services, including housing transition and tenancy sustaining services, to individuals with disabilities, older adults needing long-term services and supports and persons experiencing chronic homelessness under the 1915(b) and 1915(c) Medicaid waiver provisions. **Public Hearing in front of the HHS Committee held on 4/17; Work Session held 4/25, in which the Committee voted OTP as amended.**

Combination of Housing, Subsidies, and/or Support Services:

- → LD 1337, An Act To Save Lives by Establishing a Homeless Opioid Users Service Engagement Project within the Department of Health and Human Services (HOUSE) – Rep. Gattine. This bill will establish and fund a program to support recovery and create stability for people using opioids who are among the most vulnerable in Maine. This program will address the intersection of the opioid and homelessness crises by providing rapid access to low barrier treatment for substance use disorders, intensive case management, and a housing assistance fund to support stable housing. **Public Hearing in front of the HHS Committee held 4/8; Work Session held 4/25, in which there was a divided report from the Committee.**

Food Security and Basic Safety Net Assistance:

- → LD 1317, An Act To Restore Services To Help Certain Noncitizens Meet Their Basic Needs. Rep Gattine. This bill removes limitations on food supplement program benefits and Temporary Assistance to Needy Families program benefits, provides MaineCare coverage and modifies language for state-funded supplemental security income to maintain consistency throughout the law for certain noncitizens who are lawfully present in the United States or pursuing a lawful process to apply for immigration relief. **Public Hearing in front of the HHS Committee held on 4/12; Work Session held 4/25, in which there was a divided report from the Committee.**

- 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. **Public Hearing in front of the Agriculture Conservation and Forestry Committee held on 4/2. Work Session held on 4/11, in which there was a divided report from the Committee.**

Other Homelessness Related Bills:

- → **LD 184** – An Act To Amend the Veterans' Homelessness Prevention Coordination Program – Rep. John DeVeau. Referred to the Committee on Veterans and Legal Affairs. A Public hearing was held on 2/4, and a Work Session was held on 2/4 and 3/27. **The bill was voted passed to be enacted by the House and Senate. The bill is now on the Special Appropriations Table pending passage to be enacted.**
- LD 459, An Act To Include Homelessness in the Laws Governing Emergency General Assistance – Sen. Ben Chipman. Bill summary: This bill defines "homelessness" for the purposes of the laws governing general assistance and specifies that a person experiencing or facing homelessness who meets the conditions for receiving emergency assistance in current law is eligible for emergency general assistance. **Public Hearing in front of the HHS Committee held on 4/12; Work Session held 4/25, in which there was a divided report from the Committee.**
- → 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. **Public Hearing in front of the HHS Committee held on 4/1; Work Session scheduled held 5/10.**
- → **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. **The bill was voted passed to be enacted by the House and Senate. The bill is now on the Special Appropriations Table pending passage to be enacted.**
- → **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. **Public Hearing in front of the Education and Cultural Affairs Committee held on 4/17; Work Session held on 4/22, in which the Committee voted OTP as amended.**

- → 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. **Public Hearing in front of the Committee held on 5/6.**
- → LD 353, An Act to Classify Recovery Residences as One-family Dwellings for the Purposes of the Fire Code. This bill requires a recovery residence located in a house to be considered a one family dwelling under rules concerning safety to life from fire if the recovery residence has no more than 6 occupants and contains a fire extinguisher and smoke detector in each room. This bill also defines "recovery residence" as an alcohol-free and illegal substance free shared living residence for persons recovering from substance use disorder that provides peer support and connects residents to support services and community resources. **Public Hearing in front of the Committee on Criminal Justice and Public Safety held 4/26; Work Session held 4/29, in which the Committee voted OTP as amended.**

Bills voted ONTP in Committee:

- → LD 1201, An Act To Create a Low-barrier, Permanent Housing Rental Subsidy for Individuals in the State Experiencing Long-term Homelessness – Rep. Dick Farnsworth. **There was a work session in front of the HHS Committee on Tuesday, 5/7, in which the Committee voted ONTP at the request of the bill sponsor.**
- LD 876, Resolve, Directing the Department of Health and Human Services, Office of Substance Abuse and Mental Health Services To Build Peer Respite Program Capacity in Maine by Implementing at Least One Peer Respite Program – Rep. Madigan. **Public Hearing in front of the HHS Committee held 4/8, in which the Committee voted ONTP.**

Bills that are now dead:

- LD 80, An Act To Create the Department of Substance Use Disorder Services – Rep. Perry.
- LD 964, Resolve, To Study Housing Options for Persons with Mental Health Challenges and Substance Use Disorder – Rep. Beebe-Center.
- LD 447, An Act Regarding the Substance Abuse Disorder Continuum of Care – Sen. Geoff Gratwick.
- LD 578, Resolve, To Create a Pilot Program to Assist the Transition to Recovery of Persons Suffering from Opioid Use Disorder – Rep. Patty Hymanson.
- LD 591, An Act To Create Flexibility in Affordable Housing Calculations – Rep. Mike Sylvester.
- LD 683, An Act to Provide Social Workers to Persons with Mental Illness to Help Them Avoid Incarceration – Rep. Craven.
- LD 730, An Act To Create the Substance Use Disorders Cabinet – Rep. Patty Hymanson.
- LD 808, An Act to Create a Youth Wage – Sen. Timberlake.