

## Federal Legislation Update:

## BUDGET &amp; FUNDING-RELATED ITEMS

**FY20 Budget & Appropriations – Update** – The President signed a final deal to fund affordable housing and community development programs at HUD and USDA as part of a larger minibus package for FY 20. Per the NLIHC, the spending package also includes legislative provisions to stop the administration from moving forward with efforts to undermine evidence-based approaches to ending homelessness, and it includes strong language to require HUD to release critical mitigation funds for Puerto Rico that were approved by Congress nearly two years ago. Unfortunately, the final bill does not include language to prevent HUD from moving forward with harmful policy proposals to force mixed-status immigrant families to separate or face eviction from HUD-assisted housing or to allow shelters to discriminate against transgender and LGBT people experiencing homelessness. Also included in the budget deal is \$132.4 million for Runaway and Homeless Youth (RHY) programs an increase of \$5 million / 4% over last year's enacted levels; and \$80 million for the Youth Homelessness Demonstration Program (YHDP) at HUD, of which, up to \$10 million may be used for technical assistance. This represents level funding for YHDP overall with a slight increase for technical assistance. The House is expected to vote on the spending package this week, quickly followed by a vote in the Senate before it heads to the president's desk for his signature.

**FY 20 THUD – Update** – The President signed a final spending package which included FY 20 HUD funding. See the attached chart for more details.

**HR 2740: 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.

## PROPOSED RULES

**SNAP Proposed Rule (broad-based categorical eligibility) – No new update** – The Trump Administration is expected to reopen the public comment period on a proposed rule to end broad-based categorical eligibility for the Supplemental Nutrition Assistance Program (SNAP) after new analysis from the Food and Nutrition Service (FNS), SNAP's administering agency, suggested almost one million children could lose access to free school meals if the rule were implemented. It is anticipated the rule will be re-opened for 14 days. The rule received more than 127,000 comments during the 60-day comment period. Original analysis of the rule's impact indicated that, if implemented, as many as 3 million low-income people would be kicked off the program, and 500,000 children would no longer qualify for free school meals. According to the new analysis, as many as 982,000 children could be impacted by the rule change, with 497,000 children shifting from free to reduced-price meals and 40,000 children losing eligibility for the program altogether.

**SNAP Proposed Rule (Utility Allowance) – No new update** – The USDA release a proposed rule which would revise Supplemental Nutrition Assistance Program (SNAP) regulations to standardize the methodology for calculating standard utility allowances (SUAs or standards). The proposed rule would remove state flexibility in calculating Standard Utility Allowances (SUAs) to accommodate for differences in utility costs facing SNAP households when determining monthly benefit size. By capping and standardizing SUA calculations, the proposal would result in \$4.5 billion in cuts to the Supplemental Nutrition Assistance Program (SNAP). Nearly 20 percent of all SNAP households with children would see cuts to their monthly benefit. Comments were due on Monday, 12/2.

**SNAP Proposed Rule (time limits for unemployed/underemployed) – No new update** – On 12/4 the Trump Administration stated that it had finalized SNAP rule which will 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. States could previously waive this, however this rule would eliminate that option. The USDA estimated earlier this year that up to 750,000 people would lose SNAP benefits if this proposal took effect – in Maine this will affect 1,200+ SNAP recipients. Officials say that about 7% of the individuals on SNAP are considered able-bodied adults without dependents (ABWDs). The new SNAP rule will take effect on 4/1/2020.

**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 Register, 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. Affirmatively Furthering Fair Housing Rule – New** – On 1/7 HUD announced it would be publishing in the Federal Register a proposed rule which would completely change the Affirmatively Furthering Fair Housing Rule. The proposed rule would largely reverse 2015 regulations designed to ensure that housing agencies and communities receiving Department of Housing

and Urban Development (HUD) funding fulfill their obligations under the 1968 Fair Housing Act. Per the CBPP: The AFFH rule is intended to offer guidance to states and local governments to meet their obligation to promote fair housing. HUD previously published a final AFFH rule in 2015, but now says that rule was “ineffective, highly prescriptive and effectively discouraged the production of affordable housing.” The new proposed rule revises the definition of AFFH, develops metrics to compare jurisdictions and requires jurisdictions to identify steps they will take over five years to comply with AFFH requirements. Comments on the proposal are due 60 days after the proposed rule is published in the Federal Register.

**HUD Proposed Rule Re. Fair Housing Disparate Impact – No new update** – 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 were 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.


#### BILLS

**HR 5191/S 2916 Runaway and Homeless Youth and Trafficking Prevention Act (RHYTPA) – No new update** – On 11/20 Senators Susan Collins and Patrick Leahy (D-VT.), and Representatives John Yarmuth (D-KY-3), Don Bacon (R-NE-2), Jahana Hayes (D-CT-5), and Pramila Jayapal (D-WA-7) introduced the bipartisan, bicameral Runaway and Homeless Youth and Trafficking Prevention Act (RHYTPA). RHYTPA provides authorization for many essential local programs for youth and young adults experiencing homelessness, including Basic Center Programs, Transitional Living Programs, Maternity Group Homes, and Street Outreach Programs. As authorizing legislation, the Runaway and Homeless Youth Act defines the structure for these critical programs, as well as provides Congress with the legal authority to actually appropriate public dollars for the purpose of RHY grants. According to cosponsor Senator Leahy’s [press release](#), RHYTPA would:

- Act to reauthorize and increase authorization levels for programs under the Runaway and Homeless Youth Act;
- Increase annual competitive grants for rural youth demographics from \$100,000 to \$200,000;
- Require the Department of Health and Human Services to develop every three years a national estimate of the prevalence of homeless youth; and,
- Allow extensions in length of stay in Basic Center Programs (BCP) from 21 days, to up to 30 days.

**HR 4300: Fostering Stable Housing Opportunities Act – No new update** – On 9/12 Rep. Madeline Dean (D-PA) reintroduced an improved version of the Fostering Stable Housing Opportunities Act to expand the availability of FUP vouchers for youth aging out of foster care. The House passed this bill on 11/18, it now goes to the Senate for consideration.

**S. 2946: Pathway to Stable and Affordable Housing for All Act – No new update** – on 11/21 Senator Mazie Hirono (D-HI) introduced this bill to effectively end homelessness through robust investments in the national Housing Trust Fund, funding rental assistance, and expanded funding for homelessness programs.

 **S 1703 / HR3077: The Affordable Housing Credit Improvement Act of 2019 – No new update** – The Affordable Housing Credit Improvement Act (AHCIA) of 2019 is sponsored by Senators Maria Cantwell (D-WA), Johnny Isakson (R-GA), Ron Wyden (D-OR), and Todd Young (R-IN), and Representatives Suzan DelBene (D-WA-1), Kenny Marchant (R-TX-24), Don Beyer (D-VA-8) and Jackie Walorski (R-IN-2). Maine’s entire Delegation has co-sponsored these bills, at the request of advocates in Maine. In the 115th Congress, AHCIA was cosponsored by more than 40 percent of all members of Congress. In 2018 two key provisions were enacted: a 12.5 percent Housing Credit allocation increase for four years (2018-2021), as well as “income averaging,” a provision that provides flexibility to serve a broader range of low, very-low and extremely-low income families. This year’s legislation builds on last year’s bill, and adds several new provisions to strengthen and improve the Housing Credit. The bill is estimated to incentivize the building of over 450,000 affordable homes over the next decade, and generate \$48.5 billion in wages and business income, \$19.1 billion in additional tax revenue, and 510,000 jobs.

#### Key provisions reintroduced in the AHCIA of 2019:

- Increase Housing Credit allocations by 50 percent, phased in over five years, to help meet the vast and growing need for affordable housing.
- Enact a minimum 4 percent rate to parallel the minimum 9 percent rate already enacted, providing predictability to the marketplace and substantially increasing production by making more developments financially feasible.
- Enable the Housing Credit to better serve hard-to reach communities including rural, Native American, high-poverty, and high-cost communities, as well as extremely low-income tenants.

- Make the Housing Credit a more effective tool for preserving the nation’s existing affordable housing inventory by simplifying and aligning rules.

#### New provisions in the AHCIA of 2019 that will strengthen the Housing Credit:

- Make Housing Credit properties in rural areas eligible for additional credits if needed for financial feasibility.
- Clarify that the Housing Credit and Housing Bonds can be used to develop properties specifically for veterans and other special populations.
- Better align the Housing Credit with Violence Against Women Act protections.

- Ensure cost reasonableness is considered when awarding Housing Credits.

- Enable states to maximize Private Activity Bond affordable housing resources by recycling Multifamily Housing Bonds that are used in conjunction with Housing Credits.

**HR 4302: Homeless Assistance Act of 2019 – No new update** – Sponsored by Rep. Sherman (D-CA). This bill would authorize public housing agencies to share certain data regarding homeless individuals and families for the provision of housing and services, and for other purposes. This House Financial Services Committee unanimously ordered the bill to be reported on 9/20.

**HR 5187: Housing is Infrastructure Act of 2019 – No new update** – Sponsored by Rep. Maxine Waters (D-CA). This bill would provide \$70 billion to address the capital needs backlog for public housing and another \$32.1 billion for investments in affordable housing. This bill includes \$10 billion for a Community Development Block Grant set-aside to incentivize states and cities to eliminate impact fees and streamline the process to develop affordable homes, \$5 billion for mitigation efforts to protect communities from future disasters, \$5 billion for the national Housing Trust Fund and \$5 billion for the HOME Investment Partnership program. The legislation also includes \$2.5 billion each the Section 202 Supportive Housing for the Elderly program, the Section 811 Supportive Housing for Persons with Disabilities program and the Capital Magnet Fund and \$1 billion for the backlog of capital needs for the Section 515 and Section 514 rural housing stock. Senator Kamala Harris (D-CA) is expected to introduce companion legislation in the Senate.

**S 2613: Ending Homelessness Act of 2019 – No new update** – Introduced by Senator Kamala Harris (D-CA). The bill would establish federal grant programs to address the unmet needs of people experiencing homelessness and would authorize increased funding for existing programs including the national Housing Trust Fund (HTF), project-based rental assistance (PBRA), and project-based vouchers (PBVs).

**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.

**HR 3620: Strategy and investment in Rural Housing Preservation Act of 2019 – No new update** – Introduced by Rep. Lacy Clay. This bill was passed by voice vote in the House on 9/10. This bill would permanently authorize the Multifamily Housing Preservation and Revitalization program, expand the use of U.S. Department of Agriculture (USDA) vouchers, and create an advisory committee to help the agency develop a comprehensive strategy to maintain the agency's rental housing portfolio, which provides more than 415,000 affordable homes to low-income people living in rural areas. The bill has been received by the Senate and assigned to the Committee on Banking, Housing and Urban Affairs.

**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.

**HR 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.

**HR 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.

**HR 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.

**HR 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

**HR 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.

**S 2615 Historic Tax Credit Growth and Opportunity Act (HTC-GO) – *No new update*** – Introduced by Senator Collins along with Senators Cassidy, Cardin, and Cantwell. This bill is the Senate version of the House's HTC-GO bill. The Senate bill would bring more value to Historic Tax Credit projects, improve access to the credit, and encourage investment in smaller rehabilitation projects. Key provisions of the bill:

- Increasing the credit from 20 to 30 percent for projects with rehabilitation expenses of less than \$2.5 million;
- Making it easier to meet the substantial rehabilitation test;
- Creating greater flexibility for nonprofit organizations to access HTC benefits; and
- Eliminating the HTC basis adjustment requirement which will bring more value to all HTC projects by increasing the basis of rehabilitated historic buildings for building owners and eliminating the so-called 50(d) rules.

➔ **S 3083: Family Stability and Opportunity Vouchers Act of 2019 – *New*** – On 12/18, Senators Young and Van Hollen introduced bipartisan legislation which would authorize a new type of housing choice voucher to help achieve the goals of ending homelessness among families with children, increasing housing opportunities, and improving life outcomes of poor children. The bill defines an "eligible family" as: pregnant woman or a child under the age of 6; meets all applicable eligibility requirements under this subsection; and is: a) homeless; b) unstably housed; c) living in an area of concentrated poverty; or d) at risk of displacement from an opportunity area for children or an area rapidly transitioning to become an opportunity area for children. Assistance would be provided to public housing authorities on a competitive basis.

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**State Legislation Update:** Per Statute, the Second Legislative Session of the 129<sup>th</sup> Legislature begins on the first Wednesday after the first Tuesday of January (Wednesday, 1/8/20), and has a statutory adjournment date of the third Wednesday in April (4/15/20).

#### Housing & Services

- ➔ • **LR 3086, An Act to Create a Frequent Users Systems Engagement Collaborative** – Rep. Morales. *Introduced as an emergency bill in the second Legislative Session.* This bill would bring together the Maine State Housing Authority, the Department of Health and Human Services, the Statewide Homeless Council, the County Jail System, the Department of Corrections, and other stakeholders to wrap services and housing around the 500 highest users of various high cost services, including emergency shelters, emergency rooms, policing, jails, and prisons, so that they can be stabilized in permanent housing and supported with services in the community. The goal of this Act is to create a coalition of stakeholders to replicate the successful FUSE program in Maine. *Update: This bill was successfully appealed and will be introduced as emergency legislation.*

#### Homelessness Related Bills

- ➔ • **LR 2900, An Act to Support Emergency Shelter Access for Persons Experiencing Homelessness in Maine** – Rep. Gattine – *Introduced as an emergency bill in the second Legislative Session.* This bill would provide an additional \$3 million in operations funding for Maine shelters (that would run alongside the ESHAP program, not as part of the program). *Update: This bill was approved by the Legislative Council to be introduced as emergency legislation.*

**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 1645, An Act To Create Affordable Workforce and Senior Housing and Preserve Affordable Rural Housing** – Rep. Fecteau. The purpose of this bill is to address Maine's shortage of safe, affordable housing by creating a state affordable housing tax credit. The tax credit is administered by the Maine State Housing Authority, which will allocate the state credit through a process similar to its current allocation of federal housing tax credits. This would:
- Create more than 1,000 units of affordable housing over 8 years
  - At least 30% of credits would be targeted to housing for older Mainers
  - At least 20% of credits would be targeted to Maine's rural communities
  - Preserve some of rural Maine's most at-risk affordable housing
  - Creates jobs and critical economic activity statewide in the construction, engineering, and design sectors.

**Carried over into any special or regular sessions, or both, of the 129<sup>th</sup> Legislature.**

- **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 129<sup>th</sup> 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.**

- 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 129<sup>th</sup> 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 129<sup>th</sup> 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 129<sup>th</sup> Legislature – listed as Unfinished Business in the House as of 8/26.**

#### **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 129<sup>th</sup> 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 129<sup>th</sup> 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.**