

Federal Legislation Update:

BUDGET & FUNDING-RELATED ITEMS

- ➔ **Federal Moratorium on Evictions – New** – 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.
- ➔ **FY 21 Budget – 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 – No new update** – 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 – New** – 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

PROPOSED RULES/PUBLIC COMMENT OPPORTUNITIES

Community Planning and Development Housing Programs: Making Admission or Placement Determinations Based on Sex in Facilities – No new update

– On 7/24 the Administration published a new proposed rule, which would affect transgender and nonbinary people, who are often overrepresented in homelessness specifically youth homelessness, and create more barriers. Some of those barriers include the ability for single-sex shelter staff to assign people to sex/gender-based shelter based on observation. The proposed rule can be found here: <https://www.federalregister.gov/documents/2020/07/24/2020-14718/making-admission-or-placement-determinations-based-on-sex-in-facilities-under-community-planning-and> On 7/30, Representatives Jennifer Wexton (D-VA), Frank Pallone (D-NJ), and Joe Kennedy III (D-MA) and Senator Brian Schatz (D-HI) submitted a public comment letter to HUD on this proposed rule. The letter urges Secretary Ben Carson to rescind the proposed rule change that would allow federally funded emergency and temporary shelter providers to turn away transgender Americans. This letter is signed by 23 Senators and 122 Representatives, demonstrating significant outrage from lawmakers and affirming that anti-discrimination policy for the LGBTQ community will continue to be fought for.

Preserving Community and Neighborhood Choice – No new update

– On 8/7 the Administration and HUD published its final Preserving Community and Neighborhood Choice Rule in the Federal Register: <https://www.federalregister.gov/documents/2020/08/07/2020-16320/preserving-community-and-neighborhood-choice> which goes into effect on 9/8. This rule repeals the 2015 Affirmatively Furthering Fair Housing (AFFH) final rule and the 1994 Analysis of Impediments requirements. The new Preserving Community and Neighborhood Choice rule defines fair housing broadly, removing AFFH certifications which will seriously weaken community efforts to enable all households to secure housing without facing discrimination. HUD published a proposed rule in January 2020 which would alter the AFFH Rule; this Final Rule repeals it altogether. This Final Rule could potentially restrict people of color, seniors, people with disabilities, families with children, LGBTQ people, victims of domestic violence, and others’ access to housing. The 1968 Fair Housing Act was a monumental, bipartisan milestone civil rights bill protecting access to housing and preventing housing discrimination. The AFFH rule was a key way in which the tenets of the Fair Housing Act were upheld; its repeal with this new Final Rule could result in various vulnerable populations losing access to housing, putting them at imminent risk of homelessness, and would act a barrier to housing people already experiencing homelessness. Per the Rule itself: “HUD concludes that there are sound policy reasons for abandoning its prior approach and taking a narrower view of the extent of the obligations surrounding the AFFH certification.” The Rule gives local governments control of administering local housing policies, including zoning and development policies, for access to affordable housing, and removes HUD oversight from the equation, with HUD citing “federalism” as its primary rationale. HUD grantees have previously had to certify they would “affirmatively further fair housing” (AFFH) (per HUD’s implementation of the 1968 Fair Housing Act). This was used primarily as a way in which HUD could enforce fair housing and civil rights statutes. HUD also used it as a tool to push for zoning and land use law changes that would allow for the development of housing (specifically affordable housing) in areas it otherwise would not be built. This granted people with low incomes greater access to housing opportunities in communities they otherwise would lack them altogether.

- **There is no comment period for this Rule.** Per the notice in the Federal Register, “The Administrative Procedure Act exempts from notice-and-comment rulemaking any “matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.” Because this rule applies only to the AFFH obligation of grantees, it is exempt under the APA. [...] HUD has received extensive public feedback about AFFH. Both through the notice-and-comment period in connection with the July 2015 AFFH Rule and the notice-and-comment period that concluded earlier this year [...] Accordingly, HUD has waived its policy that would otherwise voluntarily subject the new AFFH rule to notice-and-comment. As required by law, the waiver will be printed in the Federal Register.


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). However, a judge has since blocked this rule from taking effect – which would have taken effect 4/1/20.

President Trump's Medicaid Proposal –No New Update– According to the CBPP: The Trump Administration has issued guidance inviting states to seek demonstration projects — often called waivers — that would radically overhaul Medicaid coverage. Under the guidance, states could apply for waivers that would convert their Medicaid programs for many adults into a form of block grant, with capped federal funding and new authorities to cut coverage and benefits. The proposed waivers are a lose-lose proposition for people with Medicaid and for states. Far from promoting better health outcomes, as the Administration has claimed, the waivers would worsen people's health by taking away coverage and reducing access to care. For states, they would mean greater financial risk, with federal funding cuts most likely to occur during recessions, public health emergencies, and other times when states face high demand for coverage and strain on other parts of their budgets. States taking up the proposed waivers should also expect to face litigation, since the waivers appear to violate federal law in several respects. The waivers could harm many people who rely on Medicaid coverage, including:


- [5 million](#) people with disabilities. Although the guidance excludes beneficiaries who receive federal disability assistance, millions more with chronic conditions or serious health needs could be affected.
- Millions of low-income parents and their children. And when parents lose coverage, children are more likely to go uninsured; they also suffer when parents can't get needed care.
- Older adults. While Medicare-eligible seniors would be excluded, early retirees receiving Social Security but not yet eligible for Medicare could be affected.

[\(Click here for more information on the proposed changes from CBPP; click here for FAQs on this proposal from CBPP.\)](#)

BILLS

 **HR 2 Moving Forward Act – No new update**– On 7/1 the House approved its infrastructure package, the Moving Forward Act. The bill is a more than \$1.5 trillion plan to rebuild American infrastructure—not only roads, bridges, and transit systems, but also schools, housing, broadband access, etc.

- Community Development:
 - Promotes revitalization in economically distressed communities by making permanent and expanding the New Markets Tax Credit;
 - Encourages the rehabilitation of historic buildings by temporarily increasing the Historic Tax Credit program for all projects, permanently expanding the credit for small projects, and eliminating rules that prevent access for non-profits, including public schools.
- Housing:
 - Invests over \$100 billion into our nation's affordable housing infrastructure to create or preserve 1.8 million affordable homes, helping to reduce housing inequality, create jobs, and stimulate the broader economy, increase community and household resiliency in the face of natural disasters, improve hazardous living conditions, and increase the environmental sustainability of our housing stock.
 - Increases the federal investment in low-income housing through a robust expansion of the Low-Income Housing Tax Credit by establishing a permanent minimum 4% rate for LIHTC and increasing the annual 9% LIHTC allocation amount. The LIHTC program would also include new, targeted housing incentives for rural and tribal communities and individuals at risk of homelessness.
 - Establishes a new Neighborhood Investment tax credit that would subsidize certain development costs to encourage the rehabilitation of vacant homes or construction of new homes in distressed areas. The credit requires homes to be owner-occupied and contains other limits meant to maintain affordable housing prices in these communities.

 **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.

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/S 2803: 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 / HR 5813: 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. On 2/7, Representative Grace Meng (D-NY) introduced a companion bill in the House.

S 1703 / HR 3077: 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.

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. **The House passed this by voice vote on a motion to suspend the rules on 1/13. It now goes to the Senate for consideration.**

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. On 2/27 the bill was passed by the House Committee on Financial Services.

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 / HR 1978: 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 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

S 789/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.

S 2615 / HR 2825: 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 – No new update– 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.

S 3276: Allowing Steady Savings by Eliminating Tests (ASSET) Act” – No new update – On 2/11, Senators Chris Coons (D-DE) and Sherrod Brown (D-OH) and Representatives TJ Cox (D-CA), Kim Schrier (D-WA), and Jimmy Gomez (D-CA) introduced the ASSET Act, which proposes eliminating asset limits for the Temporary Assistance for Needy Families (TANF) program, Supplemental Nutrition Assistance Program (SNAP), and Low Income Home Energy Assistance Program (LIHEAP) and raising asset limits on Supplemental Security Income (SSI). The bill aims to improve financial security for low-income Americans and remove barriers to program applicants.

H.R. 3749: The Legal Services for Homeless Veterans Act – No new update– This bill requires the Department of Veterans Affairs (VA) to make grants to eligible entities that provide legal services to homeless veterans and veterans at risk for homelessness. To be eligible, an entity must (1) be a public or nonprofit private entity with the capacity to effectively administer a grant, (2) demonstrate that adequate financial support will be available to provide legal services to homeless veterans and veterans at risk for homelessness, and (3) agree to meet the VA's established requirements and demonstrate a capacity to meet such requirements. The bill requires the VA to (1) use a specified portion of the grants to provide legal services to women veterans, and (2) report on areas where VA programs are failing to meet the needs of women veterans who are homeless. This bill passed the House on 2/25, and now goes to the Senate for consideration.

S 3685/HR 6820: Emergency Rental Assistance and Rental Market Stabilization Act – No New Update – Representative Maxine Waters (D-CA), chair of the House Financial Services Committee, Representative Denny Heck (D-WA), and over seventy original cosponsors will soon introduce the “Emergency Rental Assistance and Rental Market Stabilization Act” to provide \$100 billion in emergency rental assistance to help keep the lowest-income renters stably housed during the coronavirus pandemic. Senator Sherrod Brown (D-OH), ranking member of the Senate Committee on Banking, Housing and Urban Affairs, will introduce companion legislation.

HR 6724/S 3856: The Public Health Emergency Shelter Act – No New Update – A bicameral letter was sent to Congressional leadership in support of legislation introduced recently by Senator Elizabeth Warren (D-MA) and Representatives Ayanna Pressley (D-MA-7) and Joe Neguse (D-CO-2). Their bill, The Public Health Emergency Shelter Act, would provide an additional \$11.5 billion in ESG for homelessness services. Here is a link to the letter:

https://www.warren.senate.gov/imo/media/doc/Final_ESG%20Letter%20to%20Leadership.pdf And here is a link to their legislation: <https://docs.house.gov/billsthisweek/20200511/BILLS-116hr6800ih.pdf>

S 3923 / HR 7950: The Emergency Family Stabilization Act – No new update– Introduced by senators Murkowski, Manchin, and Sinema on 6/9 (and the House companion bill by Representatives John Yarmuth (D-KY), Don Bacon (R-NE), Danny K. Davis (D-IL), and Don Young (R-AK) on 8/7), this bill provides flexible funding directly to community-based organizations to meet the needs of children, families, and unaccompanied youth who are experiencing homelessness during the COVID-19 pandemic. The bipartisan Emergency Family Stabilization Act creates a new emergency funding stream through the Administration for Children and Families (ACF) within DHHS to provide flexible funding for community-based organizations to meet the unique needs of children, youth, and families experiencing homelessness (as defined by the education subtitle of the McKinney-Vento Act) in the wake of the coronavirus. Special consideration is given to pregnant women, pregnant and parenting youth, children under age 6, children with disabilities, families experiencing domestic violence, survivors of sexual assault or human trafficking, historically marginalized and underserved communities of color, and families and youth in rural areas. Funds may be used for a wide range of housing, health, education, and safety-related activities. The House version of EFSA provides \$2 billion in flexible funding directly to community agencies (including local educational agencies) to respond to the emergency needs of children, youth, and families experiencing homelessness in the wake of the coronavirus, using the broader definition of homelessness. (The Senate bill provides \$800 million.)

INITIATIVES

CSH A Million Homes for Safer & Healthier Communities – No New Update– CSH is calling for the creation of 1.1 million supportive housing apartments to dramatically shift the way we address health, income, and racial disparities of the most vulnerable Americans in the midst of the country’s largest public health crisis in nearly a century. This effort would drive **\$400 billion in catalytic investments generating nearly 900,000 new construction and permanent jobs in housing management and human services.** (See the attached CSH proposal for more information.)

State Legislation Update: The Legislature adjourned Sine Die on Tuesday 3/17, with any bills remaining being carried over into any Special Session of the 129th Legislature.

- ➔ • 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**
- **Increasing eligibility for youth homeless shelters during the COVID-19 pandemic:** on 4/27, Governor Mills issued an [Executive Order](#) suspending the parts of 22 M.R.S. § 8101(2) and § 8101(4-A) that limit placement of children in an emergency children’s shelter and a shelter for homeless children to thirty consecutive days or less; and suspending the parts of 22 M.R.S. § 8101(2) and § 8101(4-A) that limit placement of children in an emergency children’s shelter and a shelter for homeless children to persons under 21 years of age are suspended and modified to establish a limitation of 22 years of age. This essentially allows youth to stay in shelter beyond the 30-day time limit (imposed by licensing) without a waiver, and allows youth to remain in shelter through their 21st year, until they turn 22.
- ➔ • **Maine COVID-19 Rent Relief Program:** Established at the urging of Governor Mills, MaineHousing has created a \$5 million COVID-19 Rent Relief Program. Each household that meets certain ability to pay requirements may receive a one-time payment of up to \$500 in rental assistance paid directly to the landlord. The landlord then agrees not to evict the tenant for nonpayment for the month the payment was issued. Maine’s Community Action Agencies will administer the program locally and may have additional resources available for other needs. The funding, which comes from the Housing Opportunity for Maine (HOME) Fund, will go entirely to Mainers served. No organization will receive administrative fees for program administration. For more information you can go to www.mainehousing.org/covidrent **On 7/30, Governor Mills announced that the Rent Relief Program will double to \$1,000 effective Monday, 8/3. Renters are eligible for up to 3 months of rent payments (including overdue rent).**
- ➔ • **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. The Governor also strengthened the penalties for landlords who may try to evict tenants by unlawful means (increasing the fine to \$1000), and she extended the timeframe for the eviction process in the event that the Courts reopen before the Governor’s state of emergency is terminated. Regarding the latter piece, the Governor’s Order protects tenants who are considered “at will”, meaning they do not have a legal agreement with their landlord, and because of COVID-19 cannot make their rent payment, by requiring a landlord to provide at least 60 days’ notice, rather than 30, to a tenant to leave. If the landlord is attempting to evict those at-will tenants, the Order also extends an eviction notice timeframe from 7 to 30 days. **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.**

- **General Assistance:** On March 31, Governor Mills issued an [Executive Order](#) bolstering General Assistance vouchers for basic necessities, such as housing. Under the Executive Order, all applications for General Assistance will be processed as emergency applications for eligibility purposes, and certain other requirements are waived. The order also allows eligible individuals to reapply after 60 days rather than 30 days for ongoing assistance.
- **BRAP:** Additionally, on March 25, 2020, [Governor Mills directed](#) the Maine Department of Health and Human Services to adjust requirements for the Bridging Rental Assistance Program (BRAP) beginning May 1, 2020. BRAP helps clients with serious mental illness, including those who also have substance use disorder, obtain transitional housing. The transition to lower income requirements is expected to be completed by July 1, 2020 for all new and existing BRAP participants.

State Supplemental Budget

Maine lawmakers enacted a variety of measures on 3/17 to address the impact of the coronavirus on the state and its economy. The \$73 million supplemental budget approved by lawmakers was down from the \$134 initially proposed by the governor prior to the outbreak's spread to the U.S. The Maine CDC will receive \$1 million and \$15 million will be for direct health care providers. In the sweeping omnibus bill, the state will expand unemployment benefits to those impacted by closures or quarantine, while temporarily removing the week-long waiting period for benefits. The bill also includes low-interest loans through the Finance Authority of Maine, adjustments to school-day requirements, and assistance in providing school lunches for low-income families. It also gives the governor the ability to direct changes to June elections. Another bill sets aside \$11 million to a COVID-19 fund, to address any unforeseen expenses related to the outbreak. Also included is a \$120 million bond package, with \$105 million earmarked for transportation infrastructure upgrades.

Housing & Services

- **LD 2056, An Act to Create a Frequent Users Systems Engagement Collaborative** – Rep. Morales. This resolve establishes the Frequent Users System Engagement Collaborative in order to develop a plan to provide stable housing and community services to 200 persons who are homeless or at risk of homelessness who are the most frequent consumers of high-cost services, such as psychiatric hospitals, emergency shelters, emergency rooms, police, jails and prisons. The collaborative must submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 1, 2021 on its plan and recommendations. The joint standing committee of the Legislature having jurisdiction over health and human services matters is authorized to report out a bill to the First Regular Session of the 130th Legislature related to the report. **An HHS work session on 7/15 was held, after which the Committee voted OTP-AM.** The full bill text can be found here: <http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1460&item=1&snum=129>

Homelessness Related Bills

- **LD 1909, An Act to Support Emergency Shelter Access for Persons Experiencing Homelessness in Maine** – Rep. Gattine – This bill, as amended would include ongoing General Fund appropriations of \$3,000,000 per year to the Shelter Operating Subsidy program within the Maine State Housing Authority to support operations and capacity at emergency homeless shelters across the State. The bill was amended to expand the use of funds to support shelter operations at all emergency homeless shelters, not just low-barrier emergency shelters as proposed in the bill. It also allows the Maine State Housing Authority to allocate funds to shelters using the funding formula methodology for shelter operations from its Homeless Solutions Rule. **On 3/3 the Senate placed the bill on the Special Appropriation Table pending Passage to be Enacted.** – **Carried over into any Special Session of the 129th Legislature.** The full amended bill can be found here: <http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1363&item=2&snum=129>
- **LD 1916, An Act To Increase High School Graduation Rates for Students Experiencing Homelessness or in Foster Care** – Senator Libby – This bill would assist in increased high school graduation rates for youth experiencing homelessness in foster care. **A public hearing was held on 1/22 and a work session on 1/29. There is an anticipated divided report.** – **Carried over into any Special Session of the 129th Legislature.** The full bill text can be found here: <http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0663&item=1&snum=129>

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 Session of the 129th Legislature.**

Support Services

- LD 1404, Resolve, To Provide Support Services and Funds to Prevent Homelessness – Rep. Brennan. – **Carried over into any Special Session 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 Session 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. – **Carried over into any Special Session of the 129th Legislature.**
- LD 1403, An Act To Amend the General Assistance Laws Governing Eligibility and Reimbursement – Rep. Brennan. This bill, as amended, would reestablish the 90% reimbursement rate for municipalities that incur net general assistance costs in any fiscal


year in excess of .0003 of that municipality's most recent state valuation and 100% reimbursement for general assistance costs to Indian tribes. It retains the 70% reimbursement rate for other municipalities for costs below the .0003% of municipalities' most recent state valuation. The bill clarifies that reimbursement is based on gross costs rather than net costs. **- Carried over into any Special Session of the 129th Legislature.**

- LD 2157, An Act Regarding Reimbursements to Municipalities for General Assistance – Emergency Bill submitted by Rep. Gratwick. This proposal is the result of a stakeholder working group and is supported by the Maine Welfare Directors' Association, the Maine Municipal Association, and Maine Equal Justice, among others. Under current law, the State reimburses towns 70% of the General Assistance (GA) benefits they provide. Under this bill, the State would reimburse towns 100% of the amount of GA they provide "over and above" the usual maximum levels, when the extra amount is necessary to remedy an emergency.

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 Session 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 Session of the 129th Legislature.**
- LD 2145, An Act To Help Veterans Access Jobs, Education, Health Care and Housing and Provide General Support to Veterans (attached), sponsored by Sen. Michael Carpenter (D - Aroostook), is a concept draft that would provide assistance to veterans in the areas of employment education, health care and housing. The bill would help veterans access housing as follows:
 - Provide funds to reduce barriers to veterans seeking housing, e.g., criminal convictions, substance use, mental illness and physical disabilities;
 - Increase the number of housing vouchers provided to homeless veterans;
 - Provide funds to assist landlords to improve substandard apartments and give incentives to landlords to rent to veterans;
 - Change the "Salute ME" mortgage program administered by MaineHousing to provide veterans with a greater discount on home mortgage rates;
 - Change the property tax exemption for certain veterans to apply to all veterans;
 - Survey public land, unused public buildings and available private buildings, including closed mills, for opportunities to provide housing or temporary shelter for veterans;
 - Provide preference to veterans in the Bridging Rental Assistance Program; and
 - Provide funds for organizations and facilities that provide housing for homeless veterans.**- Carried over into any Special Session of the 129th Legislature.**

Local/Municipal Update:

- 
- **There are three ballot referendum questions in Portland that would affect development and landlords:**
 - **A local green new deal (Question C);**
 - **Rent control (Question D); and**
 - **A short-term rental prohibition (Question E).**

If they pass, the City Council cannot amend them for five years, per the Portland City Charter. Question C could dramatically raise the cost of development and construction, which would affect affordable and senior housing development. Question D could affect landlords' ability to adjust rents, a standard practice as Fair Market Rents increase, and it would also impose a set of rules led and governed by a citizens' led Rent Control Board.