

## Federal Legislation Update – Short Version

## BUDGET &amp; FUNDING-RELATED ITEMS - Updates

**President Biden Memorandum re. FEMA & 100% Federal cost coverage for hotels through 4/1/2022 – New** – On 11/9 President Biden released a memorandum to FEMA and Homeland Security directing them to provide 100% federal cost share for all work eligible for assistance under Public Assistance Category B sections 403, 502, and 503 of the Safford Act, as well as subsequent related memorandums/executive orders issued by the President during the pandemic, through 4/1/2022. This includes the use of hotels/motels.

**FY 22 Budget – Update** – On 12/3 Congress passed and the President signed another short-term Continuing Resolution to keep the government open through 2/18/22. The CR maintains current federal funding levels.

**Senate FY 22 T-HUD Budget – No new update** – On 10/19 the Senate Appropriations Committee released its FY 22 THUD bill. Overall, the bill increases funding for HUD programs in FY22, although at levels lower than those proposed in the House. The Senate bill funds HUD at \$65.4 billion, or \$5.7 billion above FY21 enacted levels. Unfortunately, the Senate bill does not include the major expansion of rental assistance proposed by both President Biden and the House. More information on what’s included in the Senate bill, the House bill, and the President’s request from NLIHC can be found by [clicking here](#).

**Senate Merkley-Padilla letter to preserve housing investments in Build Back Better reconciliation package – No new update** – On 10/14 Senators Merkley and Padilla sent a dear colleague letter to the President, Speaker Pelosi and majority Leader Schumer urging them to preserve the housing investments included in the Build Back Better Act (see below). A total of 36 Senators including the two authors and Senator King signed on to this letter.

**Congress’ Budget Resolution & “Build Back Better Act” Infrastructure Reconciliation Package – Update** – On 11/5, the House passed the \$1.2 trillion bipartisan infrastructure bill, which the House had previously tied to the passage of Build Back Better. **And, on 11/19 the House voted to approve the Build Back Better Act. The bill now goes to the Senate, where further changes to the bill are expected per NLIHC. As passed by the House, the Build Back Better Act is a \$1.75 trillion package – negotiated down from \$3.5 trillion – and includes \$150 billion in affordable housing investments, including:**

- \$25 billion in rental assistance for hundreds of thousands of households
- \$65 billion to preserve our nation’s public housing infrastructure
- \$15 billion for the national Housing Trust Fund (HTF) to build and preserve over 150,000 homes affordable to extremely low-income households.

This is less than the original proposed \$330 billion in affordable housing, but is still the most substantial federal investment in quality, stable, affordable homes for the country’s lowest-income people ever (per NLIHC). The bill includes an additional investment of \$150 billion for Home and Community-Based Services. These services can help older adults and people with serious disabilities, including those who have experienced homelessness and now have access to housing, to receive essential services to assist them to retain that housing and be connected to their communities. The extension of the refundable Child Tax Credit will also provide those eligible families experiencing homelessness with much needed income.

**House T-HUD FY 22 Appropriations – No new update** – On 7/12, House Appropriations Subcommittee overseeing HUD spending passed a [bill](#) to fund critical housing and homelessness programs for FY 22. The full House Appropriations Committee is expected to vote on the bill on 7/16. Per the CBPP: The bill includes \$56.5 billion for HUD programs, a \$6.8 billion increase (14%) above FY 21 enacted levels and \$314 million below the President’s FY 22 request. Specifically the bill provides the following increases:

- \$1 billion to fund approximately 125,000 new HCVs targeting people experiencing or at risk of homelessness (In addition to \$25 billion to renew existing vouchers);
- \$150 million to enable housing agencies to provide robust services to expand housing options for families with vouchers;
- An 11% increase for housing agencies to operate, maintain, and improve public housing for more than 955,000 resident households;
- A 14% increase for Homeless Assistance Grants; and
- A \$45 million dollar (43%) increase for the Family Self-Sufficiency Program.

**BILLS - Updates**

**The Decent, Affordable, Safe Housing for All (DASH) Act – No new update** – On 8/18 Senate Finance Committee Chair Ron Wyden (D-Ore.) announced the DASH Act, legislation to make a generational investment to house all people experiencing homelessness, tackle the housing affordability crisis, and expand homeownership opportunities for young people by creating a new down payment tax credit for first-time homebuyers. The DASH Act would make stable, safe and decent housing available for all by:

- Housing everyone experiencing homelessness within five years, and prioritizing children and families for placement, by issuing them a Housing Choice Voucher, because young children are heavily impacted by housing instability, and because housing is a chief determinant of health;
- Expanding health, child care, financial and nutrition services for families and individuals to stay on a path to unassisted housing stability, because the climb out of housing poverty is nearly impossible to complete alone;

- Greatly increasing the production of deeply affordable housing for families exiting homelessness and for low-income households by investing in effective, efficient existing programs and reforming the tax code to strengthen the Low-Income Housing Tax Credit (LIHTC) to weather the economic fallout from the pandemic, as well as establish a Renter's Tax Credit and Middle-Income Housing Tax Credit (MIHTC);
- Investing in homeownership in underserved communities and for low income Americans with new tax credits and down payment assistance, including a down payment tax credit for first-time homebuyers; and
- Incentivizing environmentally-friendly development strategies and land use policies.

#### How the DASH Act ends homelessness:

- Any person or family experiencing homelessness or at risk of homelessness will be able to contact a public child welfare agency, a public housing agency or any organization that is a part of a community's Continuum of Care and be evaluated for their eligibility for a Housing Choice Voucher. If they are deemed eligible, they will receive a voucher to pay the amount of rent that exceeds 30% of their adjusted income. Each person or family that receives a voucher will be individually evaluated for supportive services and will have access to a caseworker. Services will be provided through the Continuum of Care, and public housing agencies will administer the voucher; services will be permanently funded federally to meet the need.
- Housing Trust Fund: The legislation provides \$10 billion in the Housing Trust Fund (HTF) for the next ten years to states to acquire, develop or rehabilitate deeply affordable housing. States will be required to commit their entire allocation to eligible activities within five years, though the construction does not have a time limit. The intent is for states to efficiently construct a sufficient supply of deeply affordable housing that cannot otherwise be built given current resources and market conditions.
- Public housing agencies will receive a capacity investment in order to serve everyone experiencing homelessness in their jurisdiction, and states will receive a generational investment through the Housing Trust Fund program to construct an initial tranche of housing for these voucher recipients. States will be held accountable for making demonstrated progress towards housing all eligible people and families.

#### Key tax Provisions of the DASH Act:

- *Emergency Affordable Housing Act:* The Emergency Affordable Housing Act (EAHA) would strengthen the Low-Income Housing Tax Credit (LIHTC) to weather the economic fallout from the pandemic, by preserving and protecting current LIHTC properties, dramatically expanding production, and extending housing to those at extremely low incomes. Key provisions would expand the 9% housing credit by 50% to house more families; provide a 50% basis boost to projects that prioritize extremely low-income renters; expand the 4% credit for rural areas; reduce the tax-exempt bond financing threshold for 4% credit projects from 50% to 25% for 3 years; and preserve tens of thousands of affordable housing units by closing a key loophole. EAHA would produce nearly 1 million new affordable housing units over the next ten years.
- *Renter's Tax Credit:* Some 11 million low-income Americans are rent burdened. The Renter's Tax Credit provides a refundable tax credit to property owners who rent to eligible tenants with incomes at or below 30% of area median income. The credit equals up to 110% of the difference between market rent and utilities and 30% of the tenant's income. Each year, Treasury will allocate renters' credits to states through a per capita formula. States in turn will allocate their credits to participating property owners who have signed a binding rent reduction agreement with eligible tenants. A state's unused credits are returned to the national pool. Participating property owners must also comply with the Fair Housing Act.
- *Middle-Income Housing Tax Credit (MIHTC):* A new Middle Income Housing Tax Credit (MIHTC) would continue where the very successful LIHTC program leaves off, by providing a tax credit to developers who house tenants between 60 and 100% of area median income. The credit would equal 50% of the present value of construction costs, or 5% per year on an undiscounted basis. States would administer the program, and Treasury would annually allocate the credit to states based on a \$1 per capita formula with a \$1.14 million small state minimum. States could also use MIHTC dollars to augment their LIHTC program.

**Affordable Housing Opportunities Made Equitable (HOME) Act – *No new update*** – On 9/24 Representative Ilhan Omar (D-MN) and Senator Jeff Merkley (D-OR) introduced the "[Affordable Housing Opportunities Made Equitable \(HOME\) Act](#)," which would address the nation's housing crisis by providing significant funding for the construction of affordable housing. If enacted, the Affordable HOME Act would:

- Allocate \$40 billion for the national Housing Trust Fund to construct, preserve, and operate deeply affordable housing
- Provide \$10 billion for the construction of permanent supportive housing via McKinney-Vento Homeless Assistance Grants
- Provide \$70 billion for the public housing capital fund
- Repeal the Faircloth Amendment to allow for the construction of additional public housing units
- Provide \$10 billion for the development of housing co-ops and community land trusts
- Establish \$10 billion to provide federal down payment assistance

**Expediting Assistance to Renters and Landlords Act – *No new update*** – On 9/14 The House Financial Services Committee voted to approve the "Expediting Assistance to Renters and Landlords Act," introduced by Chair Maxine Waters (D-CA) to address and correct many of the root causes of slow ERA spending and provide tenant protections, including:

- Requiring all programs to use self-certification for all eligibility criteria without the need for further documentation.
- Requiring programs to provide direct-to-tenant assistance when landlords refuse to participate.
- Expanding eligibility for ERA1 to renters who experienced a hardship "during" – and not just "due to" – the COVID-19 pandemic.

- Prohibiting programs from requiring written leases.
- Creating a presumption that people experiencing homelessness meet all eligibility criteria.
- Extending the maximum length of assistance from 18 months to 24 months, and increasing the availability of future rent from 3 months to 4 months before renters must reapply.

### RULES – No New Updates

**State Update:** Per Statute, the 2<sup>nd</sup> Regular Session of the 130<sup>th</sup> Legislature (the “short session”) begins the first Wednesday after the first Tuesday of January (1/12/22) and concludes the third Wednesday in April (4/20/22). Cloture, that date when bill titles must be submitted for consideration, is on 9/24.

**LD 1733 An Act To Provide Allocations for the Distribution of State Fiscal Recovery Funds – Governor’s Bill Re. American Rescue Plan Act funding** – On 7/19 the Legislature passed and the Governor signed this bill as amended into law. It did not receive 2/3’s vote so it will become effective 90 days after adjournment sine die (which occurred on 7/19). The final bill can be found here: [http://www.mainelegislature.org/legis/bills/display\\_ps.asp?id=1733&PID=1456&snum=130](http://www.mainelegislature.org/legis/bills/display_ps.asp?id=1733&PID=1456&snum=130) The bill includes:

- Nearly \$6M to backstop increased pay for behavioral health workers under Secs. 17, 26, 28, and 65 passed in the budget
- \$50M for affordable workforce housing with a Maine State Housing Authority and Department of Economic and Community Development partnership, \$20M of which is subject to a pilot program using Project Labor Agreements.
- \$10M in one-time funds (2021-2022) for grants to existing emergency homeless shelters, including those that assist homeless youth, to be used for operations, maintenance or capital improvements. – ***The Maine Shelter Network has recommended MaineHousing include this money in the operations pot within the ESHAP program.***
- \$1.5M Support for Housing navigators in the Maine State Housing Authority – 2-year pilot program within the Maine State Housing Authority. The authority shall hire individuals referred to as "housing navigators" affiliated with local housing authorities, general assistance programs or nonprofit organizations to assist tenants with locating housing and the rental application process and to provide supportive services to promote successful landlord-tenant relationships.

### BILLS

Color code: Color code: Bills highlighted in yellow are bills that the Maine Homeless Policy Committee have endorsed. Bills highlighted in light blue have faced votes in the House and/or Senate either to be engrossed or enacted. Bills highlighted in purple have been carried over.

#### Homelessness

- **LD 211** An Act To Support Emergency Shelter Access for Persons Experiencing Homelessness – **Placed on the Special Appropriations Table.** – **Carried Over**
- **LD 654** An Act To Create a 24-hour Shelter Capital Project Funding Program - **Placed on the Special Appropriations Table.** – **Carried Over**
- **LD 175** An Act To Authorize a General Fund Bond Issue To Create and Enhance Regional Homeless Shelters – **Public Hearing in front of the Appropriations and Financial Affairs Committee was held on Wednesday, 4/21.** – **Carried Over**
- **LD 1300** An Act to Require County Governments to Coordinate with Municipalities to Create Plans to Address Homelessness - **Placed on the Special Appropriations Table.** – **Carried Over**
- **LR 2498**, Resolve, Directing the Maine Human Rights Commission To Extend Its Pilot Program To Investigate and Report on Incidents of Harassment Due to Housing Status, Lack of Employment and Other Issues, Representative Talbot Ross

#### Housing/Rental Assistance

- **LD 773** An Act To Assist Public School Students and Families Who Are Homeless – **Placed on the Special Appropriations Table.** – **Carried Over**
  - **LD 473** An Act To Create the Maine Rental Assistance and Guarantee Program **Placed on the Special Appropriations Table.** – **Carried Over**
  - **LD 50** An Act To Authorize a General Fund Bond Issue To Invest in Housing for Persons Who Are Homeless – **Public Hearing in front of the Appropriations and Financial Affairs Committee was held on Wednesday, 4/21.** – **Carried Over**
  - **LR 2299** An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions, Speaker Fecteau
  - **LR 2339** An Act To Help Alleviate Maine's Housing Shortage through Changes to Zoning Laws, Senator Hickman
- #### Services
- **LD 415** Resolve, Directing the Department of Health and Human Services To Increase MaineCare Reimbursement Rates for Targeted Case Management Services To Reflect Inflation – **Placed on the Special Appropriations Table.** – **Carried Over**
  - **LD 582** An Act To Support the Fidelity and Sustainability of Assertive Community Treatment – **Passed to be enacted in the House on 6/8, and the Senate on 6/9. Placed on the Special Appropriations Table.** – **Carried Over**
  - **LD 1059** An Act To Provide Substance Use Disorder treatment to Adolescents – **Carried Over**
  - **LD 512** An Act to Provide Intensive Case Managers to Counties That Do Not Have County Jails or Regional Jails – **Placed on the Special Appropriations Table.** – **Carried Over**

General Assistance

- LD 910 An Act To Amend the General Assistance Laws Governing Reimbursement – **Placed on the Special Appropriations Table.** – *Carried Over*