



Maine Equal Justice

People Policy Solutions

126 Sewall Street
Augusta, Maine 04330-6822
TTY/Voice: (207) 626-7058
Fax: (207) 621-8148
www.mejp.org

Prepared by Maine Equal Justice

11/5/20

Response to additional information requests from the Committee to Study the Feasibility of Creating Basic Income Security

Housing

In addition to MaineHousing's Section 8 Housing Choice Voucher Program, MaineHousing also administers the housing programs outlined below. While we have not yet been able to obtain information on the number of individuals enrolled in each program, we do know that approximately 39,540 of renters receive some type of government assistance¹ with approximately 12,000 of Maine households receiving a Section 8 Housing Choice Voucher.²

- **Stability Through Engagement Program (STEP):** STEP is designed to provide short term rental assistance to rapidly re-house individuals and families who meet the federal definition of homelessness. STEP is administered directly through the shelters participating in the Emergency Shelter and Housing Assistance Program (ESHAP). The STEP Program is currently offered in ten counties (Androscoggin, Aroostook, Cumberland, Hancock, Kennebec, Knox, Oxford, Penobscot, Washington, and York counties).³
 - People may be eligible for STEP if they are:
 - Currently homeless; and
 - It is likely they will attain housing stability within 12 months; and
 - They are currently staying in one of the homeless shelters that is participating in the STEP Program.⁴

¹ https://www.mainehousing.org/docs/default-source/policy-research/research-reports/housing-profiles/characteristics-of-housing-in-maine---january-2019.pdf?sfvrsn=5a63a815_10&sfvrsn=5a63a815_10

² <https://www.cbpp.org/housing-choice-voucher-fact-sheets>

³ <https://www.mainehousing.org/programs-services/rental/rentaldetail/stability-through-engagement-program>

⁴ *ibid*

- The program provides a housing voucher for a maximum limit of 2 years that can be extended in limited circumstances.
 - Through MaineHousing, there are currently 123 STEP vouchers leased and 70 available (these numbers are for MaineHousing and do not include other housing authorities in Maine). STEP funding is a total dollar amount and not expressed as an individual number of vouchers so this number can fluctuate.
- **Maine’s temporary Rental Relief program**
 - Under this temporary program (created by the Governor in April), renters in certain types of apartments that meet income and other requirements may receive a payment of up to \$1,000 in rental assistance paid directly to the landlord for up to three months. The assistance may also be used to pay for overdue rent. In accepting the payment, the landlord agrees not to evict the tenant for nonpayment for the month the payment was issued.⁵
 - This program ended, but was extended to cover rent for the months of October and November, 2020. Only if funds remain after requests for October and November will applications for December rent be considered.⁶
 - MaineHousing administers the funds through local Community Action Agencies.
 - **Family Self Sufficiency Program:** The Family Self-Sufficiency (FSS) program is a federal employment and savings incentive program for low-income families that have Section 8 vouchers or live in public housing. It consists both of case management services that help participants pursue employment and other goals, and of escrow accounts into which the public housing agency deposits the increased rental charges that a family pays as its earnings rise. Families that complete the program may withdraw funds from these accounts for any purpose after five years.⁷ MaineHousing and local housing authorities administer the FFS program to match housing-assisted families with a broad range of collaborative existing community services. The goal of the FSS program is to help housing assisted families achieve economic self-sufficiency defined as having the sustainable skills necessary to maintain employment paying a “living wage.”⁸ There are currently 57 people enrolled through MaineHousing (this number does not include other housing authorities in Maine).
 - **Federal and State Housing Tax Credits and HOME Funds for Production of New and Renovated Affordable Housing:** The majority of “affordable” housing is created through the federal Low Income Housing Tax Credit (LIHTC)– administered in Maine by MaineHousing. MaineHousing bridges gaps in tax credit funding through HOME funds provided to developers. Starting this

⁵ <https://www.maine.gov/governor/mills/news/governor-mills-mainehousing-expand-rental-relief-program-help-prevent-evictions-counter#:~:text=Governor%20Janet%20Mills%20announced%20today,beginning%20next%20Monday%2C%20August%203rd.&text=My%20Administration%20will%20continue%20to,to%20help%20keep%20Mainers%20housed.%E2%80%9D>

⁶ <https://mecap.org/rent>

⁷ <https://www.cbpp.org/research/the-family-self-sufficiency-program>

⁸ <https://www.mainehousing.org/docs/default-source/rental/fssactionplan.pdf>

year, MaineHousing will begin to issue credits under a new Maine Affordable Housing Tax Credit. These credits do not provide subsidies to tenants, but instead provide credit to investors in development of affordable housing projects in exchange for restrictions on rents. The challenge with these tax credit programs is that the housing is often still unaffordable to low income households. Many families still need to turn to the patchwork of vouchers to afford rent in these “affordable” housing tax credit buildings.

- In 2019 MaineHousing financed the construction of 222 units and the preservation of 559 existing affordable housing units (including Rural Development units discussed below).⁹ For these affordable housing projects, the affordability expires after 30-45 years and requires upkeep and maintenance. This is why so much of the housing funds go to preserve what little affordable housing we have.

Local Housing Authorities: In addition to these programs administered by MaineHousing, Maine’s 20 local housing authorities also administer a variety of voucher and affordable housing programs including their own Section 8 vouchers. Section 8 vouchers administered by local housing authorities can only be used within a certain distance of the administering housing authority and often have different levels of rent they can pay as compared to MaineHousing.

Rural Development Housing: The United States Department of Agriculture (USDA) also funded affordable housing development in rural communities across Maine referred to as “Rural Development Housing” (RD Housing). This housing is privately owned but does provide rent subsidies that often limit a tenant’s portion to 30% of household income. USDA has not funded new housing in years and much of the current affordable housing is set to expire.¹⁰

Maine Department of Health and Human Services Housing Programs: In addition to the programs administered by MaineHousing, local housing authorities, and funded by USDA, the Maine Department of Health and Human Services also administers two housing programs through Shalom House and four other local organizations. These are:

- **Bridging Rental Assistance Program (BRAP):** BRAP is a state-run program that assists clients with Serious Mental Illness, including those who also have a Substance Use Disorder, with obtaining transitional housing. BRAP is an outcome of the AMHI (Augusta Mental Health Institute) Consent Decree, but is no longer limited to AMHI class members. BRAP provides a rental subsidy and assists clients with finding independent housing in communities throughout Maine. A program of the DHHS Office of Behavioral Health, BRAP is intended to serve as a bridge between homelessness and more permanent housing options, such as Section 8.¹¹ However, since there is such a long waitlist for permanent rental programs, BRAP effectively operates as a permanent subsidy for those who have it.
 - Participants must contribute 40% of their income towards their monthly rent.

⁹ https://www.mainehousing.org/docs/default-source/annual-reports/2019-annual-report.pdf?sfvrsn=42398e15_0

¹⁰ “Ticking Clock: Genesis Fund works to preserve rural rental housing.” *Northern New England Housing Investment Fund News*. (Sept. 26, 2019), <https://nnehif.wordpress.com/2019/09/26/ticking-clock/> (Maine has over 8,000 Rural Development units, 20% are set to expire by 2027).

¹¹ <https://www.maine.gov/dhhs/samhs/mentalhealth/housing/brap/>

- Eligible individuals include adults with a severe and disabling mental illness who:
 - Meet Eligibility for Care Criteria for Community Support Services as defined by Section 17.02 of the MaineCare Benefits Manual; and
 - Currently receive SSI/SSDI benefits, have applied for benefits, or are in the process of appealing a denial; and
 - Have applied for a Section 8 Housing Voucher; and
 - Meet one of BRAP's priorities (See current Application for Priorities¹²)
- **Shelter Plus Care:** Shelter Plus Care is a HUD program that is designed to provide permanent rental subsidies and supportive service to homeless individuals with disabilities, primarily those with chronic mental illness, substance use disorder, and HIV/AIDS.¹³ The Care in Shelter Plus Care is case management services that help voucher recipients with housing related needs – pursuing treatment, case management, educational and job opportunities. However, this is an unfunded component of the program. This means the services provided for Shelter Plus Care recipients is provided by providers who receive a wide range of homeless services or mental health counseling funding.
 - Participants contribute 30% of their income towards rent.
 - Eligible participants must meet homelessness and disability criteria as established by HUD.

Safety net eligibility for criminal justice involved populations

The 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) included a provision that denies SNAP and TANF benefits to individuals with prior drug felony convictions for a lifetime. States, however, have the option to remove or modify this restriction, which Maine has done.¹⁴

Maine has lifted this ban within both SNAP and TANF, making people with drug felony convictions eligible for both (see Title 22, §3104 (14) for SNAP and Title 22, §3762 (17) for TANF). People convicted of certain felonies including violent crimes and sexual assault are ineligible for SNAP in Maine (see Title 22, §3104 (15)).

Legislation passed in 2019 aims to improve access to SNAP and MaineCare for people released from incarceration. It enables incarcerated individuals to apply for SNAP just prior to their release and become enrolled immediately upon their release. The legislation also ensures people receiving MaineCare prior to incarceration do not lose eligibility as a result of that incarceration. These procedures are intended to be established through an MOU between DHHS and the Department of Corrections; however, we do not have any current data as to the progress of this work.

People convicted of drug offenses also may be denied federal post-secondary education benefits like Federal Pell Grants, Stafford loans, and work study assistance, but benefits may be restored after completion of a drug treatment or if the conviction is rendered obsolete. People convicted of drug

¹² <https://www.shalomhouseinc.org/wp-content/uploads/2019/01/BRAP-App-Effective-April-2019.pdf>

¹³ <https://www.maine.gov/dhhs/samhs/mentalhealth/housing/spc/index.html>

¹⁴ <https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/Safety-Net-Felony-Ban-FINAL.pdf>

offenses can also be denied federal housing assistance, but benefits may be restored after completion of drug treatment (with the exception of people convicted of certain methamphetamine offenses).

Under federal law, Public Housing Authorities (PHAs) have discretion as to whether they evict tenants for drug-related offenses, but are not required to do so (except in the case of methamphetamine offenses). PHAs are required to use leases that indicate any drug-related criminal activity on or off the premises by a public housing tenant shall be cause for termination of the tenancy.¹⁵

People with a lifetime listing on the sex offender registry are not eligible for Section 8 and the other publicly funded housing.¹⁶ The only housing program that can work with those on the sex offender registry is the state funded BRAP program.

¹⁵ <https://www.gao.gov/new.items/d05238.pdf>

¹⁶ <https://www.hud.gov/sites/documents/2012-28ATTACHMENT.PDF>