

MAINE STATE LEGISLATURE

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Maine Affordable Housing Working Group

Report & Recommendations
December 2015

Presented by
MaineHousing Director John Gallagher

AFFORDABLE HOUSING WORKING GROUP REPORT AND RECOMMENDATIONS

INDEX

- I. Purpose
 - A-F. Legislative Charge
- II. Composition and Study Process
 - A. Members
 - B. Meetings
 - C. Opportunities for Public Comment
- III. Background
 - A. Description of Existing Rental Assistance Programs in Maine
 - B. The Need for Rental Assistance in Maine
 - C. The Impact of the Lack of Affordable Housing on General Assistance
 - D. An Assessment of Rental Assistance – Benefits, Best Practice, Research
 - 1. Other State Funded Housing Assistance Programs
 - 2. The Effectiveness of Rental Assistance
 - E. Recent Initiatives to Improve Housing Stability and Family Self-Sufficiency
 - 1. Housing Navigators
 - 2. Self-Sufficiency
- IV. Findings and Recommendations
- V. Suggested Legislation
- VI. Appendices
 - A. Summary of Rental Assistance Programs in Maine
 - B. Summary of Public Comment
 - C. Center for Medicaid Services letter
 - D. Media reports

AFFORDABLE HOUSING WORKING GROUP

FINAL REPORT AND RECOMMENDATIONS

I. PURPOSE

The 127th Maine Legislature established the Maine Affordable Housing Working Group (Part QQQQ of Public Law 2015 chapter 267) “to evaluate the extent to which extremely low-income households, including families, persons with disabilities and elderly, lack access to safe and affordable housing, and the burden that this inadequacy creates for individuals and communities. ‘Extremely low-income households’ mean those with incomes at or below 30% of the area median income for their county or metropolitan area.”

The Affordable Housing Working Group is charged with preparing a report based on its findings, and the Director of the Maine State Housing Authority with submitting the report and recommendations no later than December 1, 2015 to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Labor, Commerce, Research, and Economic Development.

In developing its recommendations, the working group shall:

- A. Review existing data, reports and other materials describing the extent to which Maine people with extremely low incomes lack access to safe and affordable housing, including data related to waiting lists for the United States Department of Housing and Urban Development's housing choice voucher program.
- B. Assess the burden that lack of affordable housing places on municipal general assistance programs and other community resources;
- C. Review the role of the Maine State Housing Authority in providing housing assistance to households with extremely low incomes;
- D. Examine strategies employed by other states to improve access to affordable housing for extremely low-income people and determine best practices among those states;
- E. Evaluate resources and strategies available to the Maine State Housing Authority to increase access to safe and affordable housing for extremely low-income households, including strategies to transition families or individuals from shelters to permanent housing, to address the needs of families at risk of homelessness that must rely on support from municipal general assistance programs and to assist families facing housing instability due to high housing cost burdens; and
- F. Examine all state-administered housing voucher programs to determine if they are being administered in an efficacious manner through the most appropriate state agency.

II. COMPOSITION AND STUDY PROCESS

A. Housing Affordability Working Group Members

The working group is comprised of nine members as follows:

John Gallagher
Director of MaineHousing

Michael Frey
Representing the director of the Office for Family Independence within the Department of Health and Human Services

Suesan Packer, General Assistance Administrator, Brewer
Representing a statewide organization representing Maine municipal welfare directors

John Egan, CEI
Representing a nonprofit developer of affordable housing

Chris Hastedt, Public Policy Director, Maine Equal Justice Partners
Representing an advocacy organization representing the interests of people with low income expertise in policy and legal matters related to public benefit programs

Debora Keller, Executive Director, Bath Housing Authority
Representing a public housing authority

Betty Palmer, Executive Director, Mid-Maine Homeless Shelter
Representing a nonprofit homeless service provider

Kelly Martineau
Representing consumers with extremely low income who have experienced housing inadequacy

Rick McCarthy, Maine Community Action Association
Representing a community action agency

B. Meetings

The working group met seven times during the months of September through December.

C. Opportunities for Public Comment

A public meeting was held on December 7, 2015 for purposes of hearing public comment on the working group's draft findings and recommendations. Members of the public were also offered an opportunity to submit written comments. The working group received

comment from nine individuals during the public meeting and written comments from six individuals or organizations.

Maine Equal Justice Partners solicited comments from approximately 135 clients and other people living with low income as well as advocates and service providers who work with people struggling with housing insecurity. Its testimony, which includes survey results, is attached as an appendix to the working group's final report.

The working group also maintained a webpage for posting its research, minutes, and working drafts throughout their deliberations.

III. BACKGROUND

A. Description of Existing Rental Assistance Programs in Maine

The working group is charged with addressing the needs of families with extremely low income. Extremely low income means those at or below 30% of area median income for their county or metropolitan area. Extremely low income is one of several income categories used by U.S. Department of Housing and Urban Development (HUD) in determining eligibility for its rental assistance programs.

What do we mean by low income? Income eligibility may vary, depending on the rental program, from 30% to 80% of area median income. Since area median income varies from place to place and by size of household, the amount of household income in each income category (30%, 50%, and 80%) for eligibility purposes will also vary. The statewide income categories are:

- Extremely Low Income = 30% or less of Area Median Income or \$14,924 or less
- Very Low Income = 50% of Area Median Income or \$24,874 or less
- 80% of Area Median Income = \$39,798 or less

Rental Assistance can be broadly categorized into tenant-based rental assistance or project-based rental assistance. Tenant-Based Rental Assistance can help pay rent in the apartment of an eligible household's choice. While most tenant-based vouchers are used for private market-rate rental units, a number of tenant-based vouchers may be used in affordable housing projects.

Project-Based Rental Assistance is tied to a housing project and provides affordable rents. It includes an array of federal programs including public housing, HUD Section 8, and Rural Development (USDA).

Tenant-Based Rental Assistance (TBRA) includes these programs:

- Housing Choice Vouchers (HCV) which include several types of vouchers such as Veterans Assisted Supported Housing (VASH) and Family Unification Program (FUP) vouchers
- Shelter Plus Care (SPC)
- Home to Stay/Stability Through Engagement (STEP)
- Bridging Rental Assistance (BRAP)

With the exception of the BRAP, all programs are funded by the federal government. Each program has its own program requirements, and while all programs serve extremely low income households, each target different needs such as homeless, and disabled..

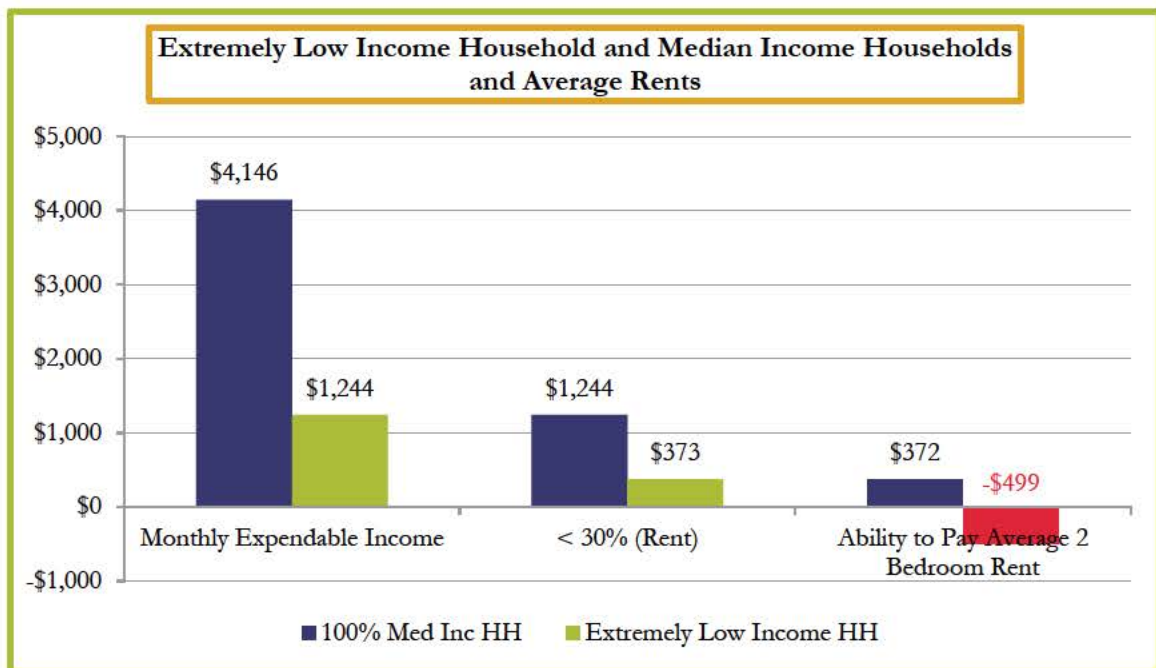
Appendix A provides a short description of some of the rental assistance programs available in Maine.

B. The Need for Rental Assistance

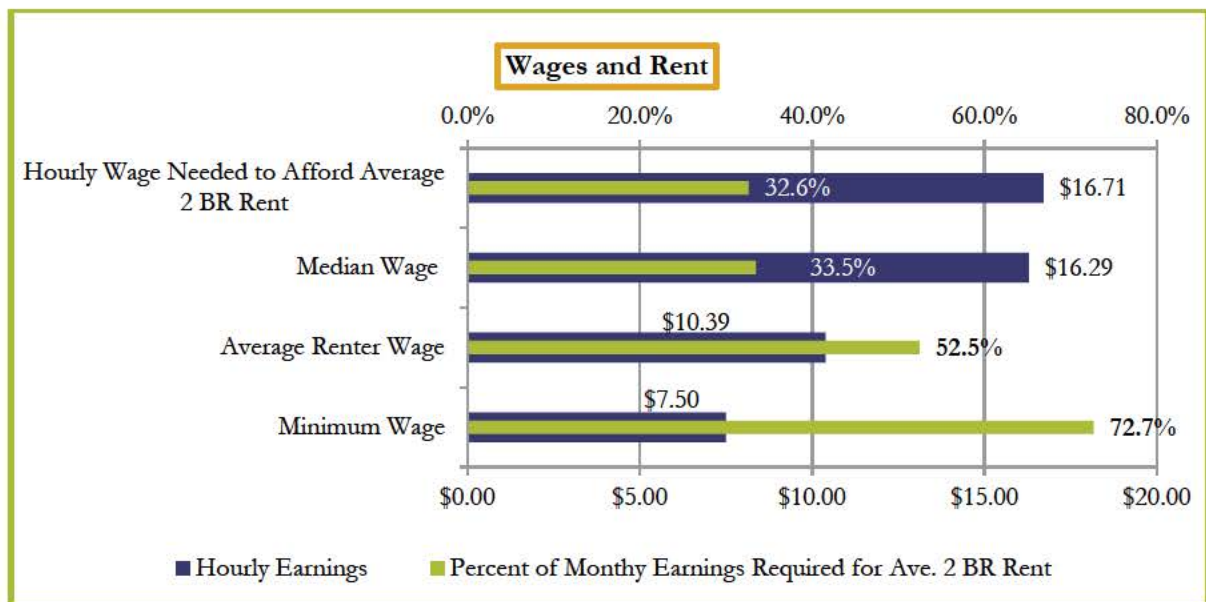
There are an estimated 561,129 households in Maine. Nearly 13 percent or 75,364 earn less than 30 percent of the area median household income or \$14,924 annually, and are considered to have extremely low incomes. Households earning 30% or less of the area median income are the focus of the working group's assessment of need.

Most lower-income households are renters. Of the households with extremely low income, 42,088 or 56 percent are renters. An extremely low income renter household can only afford a monthly rent of \$373 in order to not spend more than 30 percent of their income for rent. In 2014, the average \$872 two-bedroom rent in Maine would require an additional \$499 more than they can afford. It's a cost that would consume 70 percent of the households' annual income.

The average renter hourly wage in Maine is \$10.39. Working 40 hours a week would require a wage of \$16.71 an hour in order to afford the average two-bedroom apartment in Maine. A person earning Maine's overall median wage of \$16.29 would be unable to afford an average two-bedroom apartment. A household earning the minimum wage of \$7.50 an hour in Maine would have to work over 70 hours a week to afford a single-bedroom apartment.



Changes in household income will have an impact on rental housing affordability and subsequently need. Maine's shifting household structure, particularly the growing share of retiree households, will continue to put downward pressure on household income. In Maine, the two-year average median household income dropped 2.6 percent between 2011-2012 and 2012-2013. This potential decline in income will make rental housing less affordable and increase the need for assistance. With median gross rents increasing, the mismatch of affordable housing to low income households will widen.



It is difficult to quantify the unmet need for rental assistance within our target population – households with incomes less than 30% of area median income. Low income owner households may or may not be cost burdened and without greater analysis, we do not know how many of these households would be eligible for rental assistance if they decide to become renters. For renter households, existing rental assistance programs in Maine may serve households with incomes ranging from less than 30% to 50% and in some cases, up to 80% of area median income. Quantifying the number of extremely low income households who are served in these programs is difficult as well.

What we can quantify: Of the 42,088 renters with extremely low income, there are an estimated 8,680 renter households receiving rental assistance through the Housing Choice Voucher program who are at 30% or less of area median income. The HCV program, the largest source of rental assistance for this group of families, is required to issue 75 percent of its vouchers to this income category. *This leaves potentially 33,400 renter households eligible for rental assistance.* Since we know that extremely low income households are receiving assistance through other rental programs, this estimate overstates the need.

An estimated 31,000 renter households are receiving rental assistance or subsidy through one or more of several programs; how many of these households are extremely low income is difficult to determine. *If half of the households currently receiving rental assistance are extremely low income than potentially 26,000 remaining renter households are not receiving rental assistance.* The table below estimates the number of vouchers and subsidized rental units currently available in Maine. This table includes subsidies to households with incomes at or below 30% AMI and those with incomes in excess of that level.

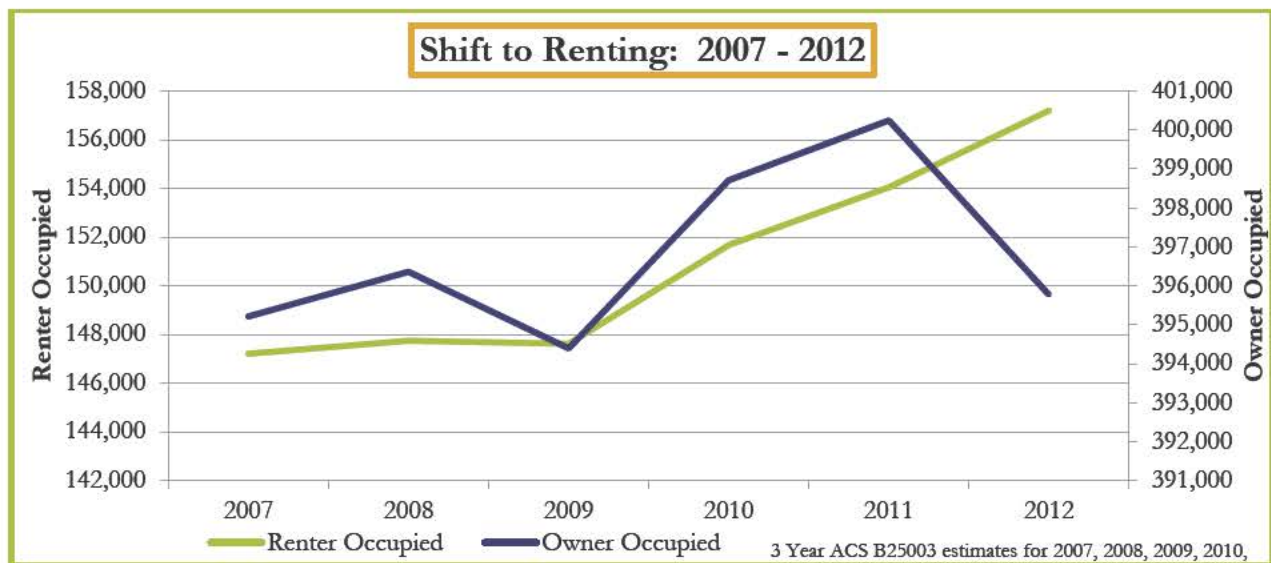
Subsidized Housing Units Served				
Program	TBRA Vouchers in Projects	Tenant Based	Projects with other Subsidy	Total
Shelter Plus Care		950		950
HCV	2,316 (est.)	9,262 (est.)		11,578
LIHTC	2,117 (est.)		6,352	8,469
Others			14,882	14,882
Total Available				35,879
Estimated Unduplicated	(4,433)			31,446

Waiting lists for rental assistance are often offered as indicators of need. When combined, the waiting lists of Maine's local public housing authorities and MaineHousing include 20,013 applicants. It is not possible to determine how many of these applicants have applied for more than one waiting list. Waiting list data, however, do reinforce that there is a significant unmet need for assistance with housing costs for low income households. As a result, households may wait many years before receiving rental assistance.

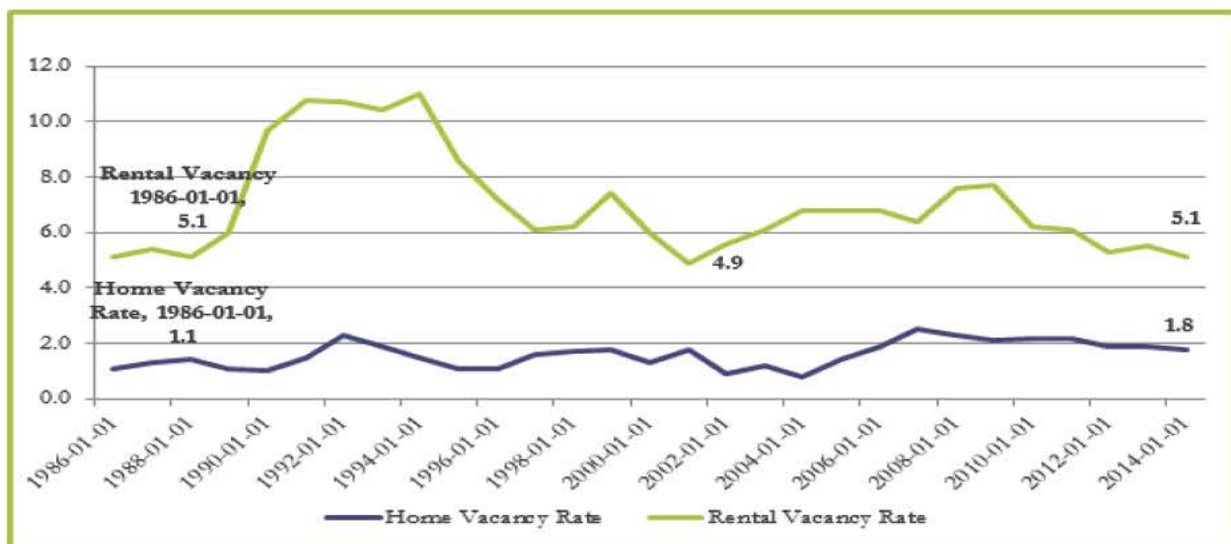
MaineHousing Waiting List		
Time on list	Count	Percent
0 to 30 days	195	2.6%
1 to 3 months	438	5.8%
3 to 6 months	531	7.1%
6 months to 1 year	928	12.4%
1 year to 2 years	2,224	29.6%
2 years to 3 years	1,383	18.4%
3 to 4 years	835	11.1%
4 to 5 years	159	2.1%
5+ years	821	10.9%
Total	7,514	100%

Need for rental assistance varies depending on the region. More than half, 53 percent of all households earning less than 30 percent of area median income, are located in counties with larger urban areas: Androscoggin, Cumberland, Kennebec, Penobscot, and York. These counties have cities with more than 16,000 residents and have seen population growth between the 2000 and 2010 U.S. Censuses, placing more pressure on the existing housing stock to accommodate the added households.

Maine also has experienced a shift from homeownership to renting, creating more demand for rental units. How long this will continue is uncertain.



As demand for rental units has increased so have median gross rents. Data on rental vacancies, now as low as 2 percent in some areas of the state, suggest rental costs will continue to rise as supply declines making affordability an increasing problem. Not since the 1980's have vacancy rates been consistently below 6 percent in Maine. When vacancies decline, extremely low income renters are increasingly limited to more rural locations, not near services and public transportation, and to less quality and energy efficient housing.



C. The Impact of the Lack of Affordable Housing on General Assistance

General Assistance is a program administered through municipalities which purchases basic necessities including food, clothing, shelter, fuel, and electricity, non-elective medical services as recommended by a physician, nonprescription drugs, and other needs for individuals who are without means to pay for such services. In addition, Emergency Assistance provides benefits to families with children in some situations when the family is threatened by destitution or homelessness due to an emergency situation. These situations include fire, natural disasters, termination of utility service, evictions, or lack of adequate shelter.

In SFY 2015, total general assistance payments were \$13,138,305. Of that, 74 percent or \$9.8 million were housing related. Housing assistance refers to rent or mortgage payments made on behalf of the recipient to the landlord or financial institution. Rental assistance is more common than mortgage assistance.

County	General Assistance for Housing
Androscoggin	\$633,098
Aroostook	\$176,263
Cumberland	\$5,551,751
Franklin	\$29,730
Hancock	\$52,915
Kennebec	\$345,572
Knox	\$72,966
Lincoln	\$58,644
Oxford	\$139,558
Penobscot	\$1,823,109
Piscataquis	\$26,811
Sagadahoc	\$65,570
Somerset	\$124,242
Waldo	\$23,837
Washington	\$77,237
York	\$639,363
Total	\$9,840,666

According to the Bureau of Labor Statistics, housing-related expenditures comprise nearly 35 percent of a household's combined budget, or \$20,700 annually in the Northeast. A household earning \$14,924 annually (extremely low income) is only earning 72 percent of what the average household is spending on housing alone. This has the impact of crowding out money needed for other essential expenditures including food, healthcare-related costs, transportation and clothing. These households may require assistance from various other sources such as charities, and federal and state public assistance programs, including general assistance provided through local governments.

Because housing-related costs are, on average, the single largest consumer expenditure, as housing costs have increased, general assistance has now become a considerable provider of housing assistance.

D. An Assessment of Rental Assistance – Benefits, Best Practice, Research

The working group's research included examining state funded rental assistance programs in other states, the effectiveness of differing rental assistance programs, the benefits for households receiving such assistance, and the recent efforts to improve housing stability and self-sufficiency.

1. Other State Funded Housing Assistance Programs

The information provided in this section is from the Technical Assistance Collaborative's April 2014 report titled "*State Funded Housing Assistance Programs*," which surveyed existing state-funded housing assistance programs. In summary:

Nationally, 33 states and the District of Columbia administer State Funded Housing Assistance Programs (SFHAP) for a total of 77 programs (states administer between 1-4 programs). Maine is one of the states and funds one program – the Bridging Rental Assistance Program (BRAP). Most of the programs are designed to meet the needs of a specific target population, and only nine programs target households based solely on their income (ranging from 30% to 80% AMI).

The majority of programs serve households with these specific characteristics:

- homeless (24)
- at risk of homelessness (23)
- serious mental illness (23)
- transitioning out of institutions (16)
- disabled, victims of domestic violence, ex-offenders, foster youth

The other states' models of housing assistance include:

- 68 percent or 52 of the programs are subsidy (ongoing assistance); the remaining programs are limited in time or are one-time assistance.

Most subsidy programs employ a tenant-based model for providing rental assistance; 27 percent allow rental assistance to be tied to a unit, usually to mainstream persons with disabilities.

- 32% or 25 programs provide assistance to prevent households from becoming homeless (most of these programs are modeled after the ESG and SSVF federal programs). These programs are typically temporary or one-time forms of assistance – security deposits, utility and mortgage payments, moving costs, and short periods of rental assistance.

Most subsidy programs do not have a plan to transition to permanent housing assistance.

- Over half of the programs require that assisted households apply for permanent rental assistance such as HCV; however these programs struggle to bridge to federal rental assistance programs. As a result, programs are less likely to function as a short-term bridge to federal funding, limiting program fluidity and the number of households served.

Some programs are closed to new applicants or have exhausted their funding.

The full report can be accessed at:

<http://www.tacinc.org/media/43566/State%20Funded%20Housing%20Assistance%20Report.pdf>

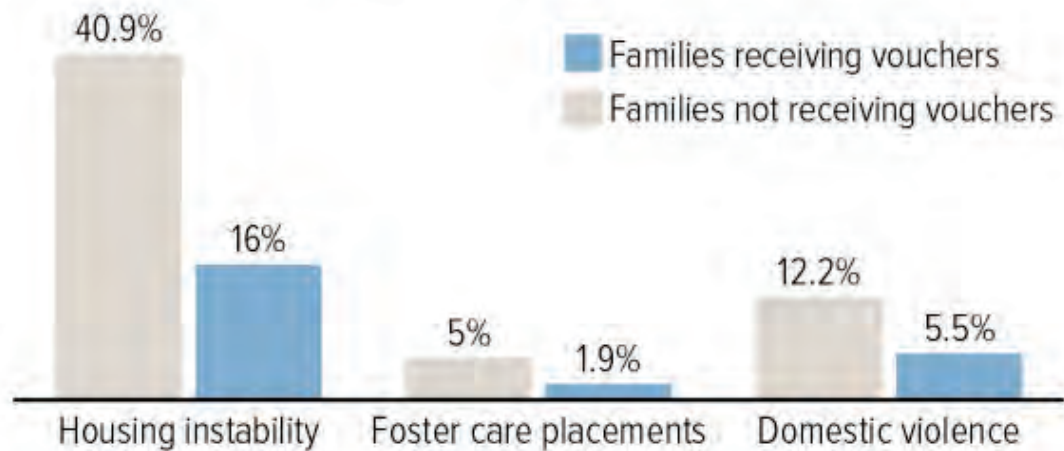
2. The Effectiveness of Rental Assistance

The Center for Budget and Policy Priorities (CBPP) has published a summary of two recent studies on the impact of vouchers on homelessness, children's well-being and long term outcomes. The studies are a new, ground-breaking analysis of the impact of several types of housing assistance over a period of time. The following information is taken directly from the CBPP report.

One of the new studies, the Family Options Study, found that vouchers sharply reduce homelessness and housing instability among families. "The interim analysis found that vouchers sharply reduce homelessness and housing instability (a broader category that also includes living doubled up with friends and family) among families, and do so much more effectively than the other interventions. In addition, the housing stability that vouchers provided appears to have had positive radiating effects on other aspects of family well-being."

For instance, children in families receiving vouchers were less likely to miss school days or change schools — and less than half as likely to be placed into foster care (which can be triggered by parents' inability to afford suitable housing) — than families receiving no additional assistance. Also, adults in families with vouchers had lower rates of psychological distress, drug and alcohol dependence, and domestic violence. Vouchers were also cost-effective relative to the other interventions tested.

Housing Vouchers Benefit Homeless Families with Children in Several Ways



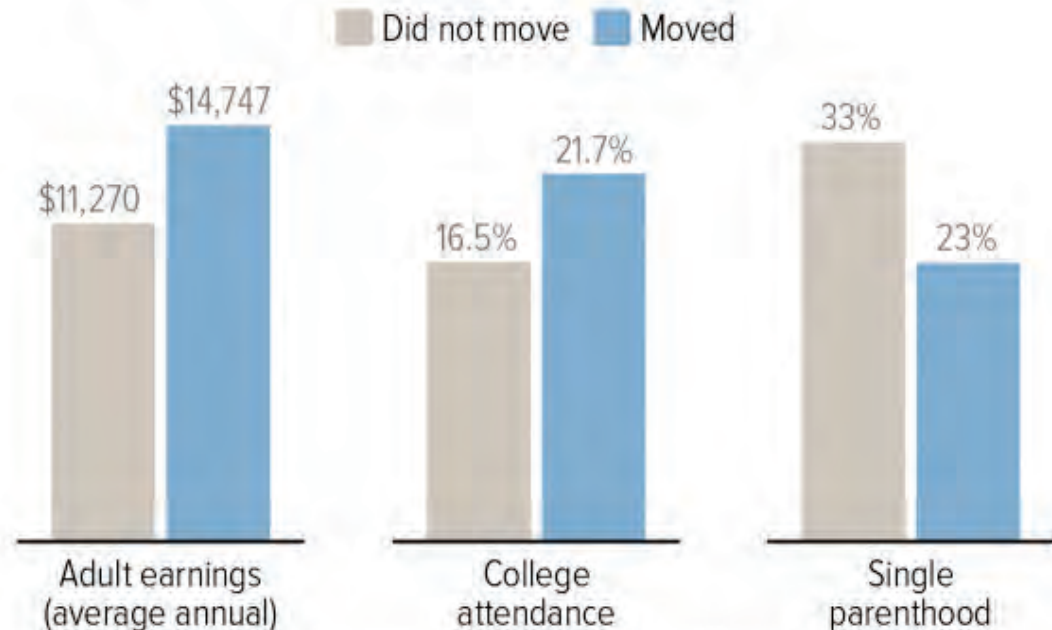
Note: "Housing instability" = family spent at least one night homeless or doubled up in past six months. "Foster care placement" = family had at least one child placed into foster care in past six months.

Source: Gubits *et al.*, "Family Options Study," Department of Housing and Urban Development

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The second study highlights the long-term benefits to low-income children whose families use vouchers to move to better neighborhoods. Another look at data from the five-city Moving to Opportunity (MTO) Demonstration (an experimental study of poor families in public housing in distressed neighborhoods), some of whom received vouchers to move to low-poverty neighborhoods. Children whose families moved to low-poverty neighborhoods when they were young were more likely to attend college and less likely to become single parents as adults than control group families that did not receive an MTO voucher; they also earned significantly more as adults.

Moving with Voucher to Lower-Poverty Neighborhoods While Young Children Improves Key Adult Outcomes



Note: Outcomes are for children up to age 13 at the time of random assignment under the Moving to Opportunity (MTO) demonstration. "Moved" refers to families that used MTO vouchers to relocate to neighborhoods where fewer than 10 percent of residents were poor. "Did not move" refers to control group families that did not receive MTO vouchers.

Source: Chetty *et al.*, "The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment," National Bureau of Economic Research, Working Paper #21156, May 2015.

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E. Recent Initiatives to Improve Housing Stability and Family Self-Sufficiency

1. Housing Stability Services and Navigators

Navigators at participating homeless shelters that are grantees of the Home To Stay program direct individuals who can be rapidly re-housed to programs and services that can help them create a housing stability plan. The Stability Through Engagement Program is administered by MaineHousing and funded through the federal HOME program, and is designed to provide short-term rental assistance for 6-12 months to help individuals and families achieve housing stability.

Since 2013, Housing Choice Voucher (HCV) program participants who have received 12 months of housing stability services through trained shelter navigators have fared well in regard to their housing stability. Of those who entered into a lease agreement between August 2013 and December 2014:

- 77 percent remain in that original unit; 3 percent moved to another unit within the first year;
- 8.6 percent moved after successfully fulfilling their one-year lease requirement;
- 11.4 percent ended their participation in the program – half within the first year and half after the first year.

Of those who entered into a lease agreement in 2015, 99 percent remain in that unit. These results underscore the importance of the shelter navigator in assisting participants in choosing a unit that meets their long-term housing needs and desires as well as assisting them with issues that may arise during their tenancy in order to keep them housed.

2. Family Self-Sufficiency

The Family Self-Sufficiency (FSS) program is a federal employment and savings incentive program for low-income families who have Section 8 vouchers or live in public housing. The FSS program consists both of case management services that help participants pursue employment and/or education and training 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. There are currently 11 public housing agencies in Maine that offer the FSS program.

How could the Family Self-Sufficiency program have a role in helping people move off rental assistance?

National studies show a fairly high drop-out rate for FSS participants. If they do not complete the program successfully their employment outcomes are not much better than when they started and they do not receive any escrow account funds. It is not clear what impact the program could have on moving people off of rental assistance. Part of the challenge is creating the interagency collaborations to assist families and to develop sufficient knowledge and capability among housing staff regarding available resources especially in the areas of education and training. While this initiative holds promise and is worth pursuing, the impact on the need for rental assistance will not be immediate.

IV. FINDINGS AND RECOMMENDATIONS

A. Findings

1. The existing supply of rental housing is not affordable or sufficient.

Rents exceed an extremely low income household's ability to pay, are simply not available, or the available housing is of poor quality.

- The average rent in Maine is twice what an extremely low income household can afford.
- The statewide rental vacancy rate is 5 percent, the lowest in years. Rents have increased as the demand for rental units outpaces supply, making it even more difficult for an extremely low income household to find affordable housing.
- More than 38,800 low income Maine renter households pay more than 50 percent of their income for housing, a level that is considered a severe housing burden. This number has increased by 44 percent or 11,625 households since 2007.

The affordability of housing is further exacerbated by the slow growth in wage and salary income. Recent news articles and editorials have underscored the effects of the continuing loss of the middle class and decline in wages for low-income wage workers.

A coordinated strategy is required to address both problems faced by people with very low incomes – that of quality housing supply and affordability. Housing vouchers alone cannot address the lack of safe affordable housing needed to meet demand. Nor is it realistic to expect that enough truly affordable housing can be built quickly enough to meet the demand of the thousands of very low income Mainers waiting for help to stay safely housed.

2. The need for rental assistance greatly exceeds available resources, no matter how we measure it.

By all measures, there is an acute and demonstrable lack of rental assistance for Maine people with extremely low income that shows no sign of abating. Measures of need include:

- Potentially 26,000 renter households are not receiving rental assistance.

- The available vouchers for the Housing Choice Voucher program, one of several rental assistance programs in use statewide, total 11,353; however, 20,013 households on waiting lists – nearly twice as many as actually hold vouchers now.
- The majority of households on voucher waiting lists must wait from 2-5 years with approximately 8 percent waiting more than five years.
- The average income of those on waiting lists for housing assistance is approximately \$10,000. Households at this income level have few affordable housing options.

3. There is not a coherent approach to addressing the needs of extremely low income households and their emergency housing needs in particular.

In addition to an overall lack of rental assistance, efforts to mitigate it are being made through a patchwork approach that is inadequate, confusing, and in some cases illogical.

The process for applying for rental assistance is confusing with several entities administering the assistance programs, and benefits may vary depending on the administrative entity or the type of voucher. Who is most likely to receive rental assistance is also confusing. For example, the priority for rental assistance at the state level (HCV, BRAP, Shelter +Care, STEP) is on serving families or individuals with mental illness, addiction, special needs and/or who are homeless. The priority for local (PHA) rental assistance is largely income and residency.

The result is that several rental assistance “systems” are inadequately resourced – MaineHousing, the Maine Department of Health and Human Services, local PHAs, and USDA’s Rural Development.

In the absence of comprehensive and rational strategy to address the problem of housing affordability, the General Assistance (GA) program has become a *de facto* housing assistance program. It now pays approximately \$9.8 million or 74 percent of its total general fund budget to meet the ongoing housing needs of people with very low income. While GA is intended to provide people in immediate need with basic necessities like housing, it is a poor substitute for a cogent strategy to meet the long term unmet need for affordable housing among this population.

4. Housing Stability and Self-sufficiency are relatively recent elements of rental assistance programs.

Housing stability, especially for families with children, is greatly improved with rental assistance, but their use of rental assistance is long term.

This summer HUD released the “Family Options Study,” the first rigorous, large scale evaluation of alternative strategies to reduce homelessness among families with children. This interim analysis found that housing vouchers sharply reduce homelessness and housing instability among families. It also found a strong link between housing stability and other positive aspects of family well-being.

The Family Options Study found that this result is consistent with economic theory, given that housing subsidies lessened the need for disposable income and reduced the returns to work at the margin. To become self-sufficient, people must get the support they need to improve their earned income without losing housing assistance.

B. RECOMMENDATIONS

1. Restore the federal funding commitment to housing affordability.

Investment in housing production and assistance has historically been a federal responsibility. Recent reductions in federal funding have reduced the numbers of households receiving housing assistance and severely limited the production of new affordable housing. The result has been a shift to state and local resources. The majority of states (34, including Maine) now operate one or more limited housing assistance programs of their own.

At the same time that the need for rental assistance is increasing, the funding for federal Housing Choice Vouchers has been reduced. Largely due to sequestration cuts implemented in March 2013, 544 fewer Maine households had access to a Housing Choice Voucher at the end of 2014 than in the prior year. While the number of households served has increased slightly in the most recent year that number still remains far below pre-sequestration levels. However, even if federal funding of all vouchers were restored, they would still fall far short of those needed to adequately address the affordability crisis faced by thousands of Maine households with extremely low incomes.

Continued funding for the federal HOME program is also critical and the 42 percent reduction in HOME funding since FY 2010 has made meeting the needs of at risk Maine families more difficult. Federal HOME funds are used in Maine to support programs for homeless individuals and families including short term rental assistance and housing stability services, to support programs of home repair and to subsidize Low Income Housing Tax Credit units for low income families.

Finally, the funding of the National Housing Trust Fund provides new opportunities to expand affordable housing.

2. Restore the State HOME Fund to full funding.

The Housing Opportunities for Maine (HOME) Fund was created by the Governor and Legislature in 1983 to provide MaineHousing with a flexible resource to address the state's affordable housing needs. In 1986, to provide a steady revenue source, the Legislature doubled the Real Estate Transfer Tax and dedicated the increased revenues to MaineHousing for use in affordable housing programs.

During the budget shortfalls in early 1990s, the funding was briefly reduced but then restored. In 2009, a portion of the fund was diverted to the General Fund to cover the

cost of the Historic Preservation Tax Credit. In return, there was an incentive for developers to use the credit for affordable housing. For the last three budgets, the amount of money going to the Fund has been capped and any increase has been diverted to the General Fund.

These diversions undermine the intent of the dedicated funding. When the tax was increased, it was done with the support of the housing industry (realtors, lenders, and the like) because the funds would be invested back into the housing sector. Diverting the revenue is inconsistent with the initial commitment. Dedicated revenues are set aside from a specific source for a specific purpose and altering that commitment should not be done lightly or frequently. In the most recent budget this diversion has cost the HOME Fund more than \$6 million per year.

During the most recent budget cycle the Legislature's Labor, Commerce, Research, and Economic Development Committee voted unanimously to restore the Fund. The Administration and the Legislature should renew their commitment to maintaining the HOME Fund as it was originally intended. Should additional funds become available for FY17, the diverted funds should be returned.

3. Examine options to expand the supply of quality, affordable housing that is available to households with extremely low income.

Abundant evidence suggests that in some parts of the state there is both a housing affordability and a housing supply problem. In these areas there is an insufficient number of housing units available even to voucher holders. This supply problem requires the production of new, affordable housing units.

The Low Income Housing Tax Credit (LIHTC) program is designed to serve people with incomes between 50%-60% of an area's median income (AMI). These units are only available for very low-income families or individuals if they are fortunate enough to also obtain a voucher. Therefore it is imperative that some of the new housing units benefit from sufficient capital and/or operating subsidies that they are affordable to households with lower incomes than what the LIHTC program typically provides. Census data tell us that for every 100 extremely low income renter households in Maine, there are only 44 rental units affordable and available to them. Under these market conditions, an increase in homelessness and housing insecurity becomes not just more likely, but a mathematical certainty.

MaineHousing should examine options to provide deeper targeting of rents in tax credit developments. Additional subsidy could be provided to find a way to make the rents affordable to very low income households (30%AMI).

4. Design a Rental Assistance Pilot Program

Recent research on the impact of housing assistance identifies a strong link between housing stability and other positive aspects of family well-being. A pilot program based on best practices and evidence-based research to test a comprehensive approach to preventing homelessness and promoting housing stability, family well-being and self-sufficiency should be designed and implemented by MaineHousing. The pilot will be administered as the next step in serving people with a high degree of housing instability, build on the Family Self-Sufficiency program and as an adjunct to MaineHousing's Home to Stay Program.

The pilot design should include:

- Dedicating a portion of Housing Choice Vouchers for use in the pilot program.
- Prioritizing participation in this pilot may be for families or individuals who are at risk of homelessness.
- Providing navigators to work with participants on their individual needs to help them maintain housing stability and improve family well-being and self-sufficiency.
- Including an option to use their voucher to purchase their first home for those families or individuals who are ready.
- Designing an evaluation methodology in order to collect and maintain data sufficient to evaluate the extent to which the pilot projects achieve success in meeting its intended purpose as described above.

5. Evaluate Opportunities Available Under the MaineCare Program to Provide Coverage of Housing-Related Activities and Services.

Research has demonstrated that housing-related services can play a strong role in successful community integration for individuals who need long term services and supports (LTSS). States are increasingly using community-based housing-related services as part of a strategy when implementing *Olmstead* plans or settlement agreements to provide integrated community living opportunities for people exiting institutional or other segregated settings, as well as those at risk of unnecessary institutionalization due to being inappropriately housed.

Initiatives in Maine to address the needs of individuals institutionalized but able to live independently with community supports include the Bridging Rental Assistance Program and the Homeward Bound program (Money Follows the Person).

Similarly, supportive housing is now recognized as a key solution for people experiencing chronic homelessness. Individuals who are homeless are generally in far worse health than the rest of the population due to limited access to healthy food, frequent exposure to severe weather, and vulnerability to violence. They have much higher rates of mental illness, addiction, diabetes, high blood pressure, asthma, HIV, and many other conditions.

In Maine, two research studies were conducted detailing the cost of homelessness: one in Portland and a statewide rural cost of homelessness study, the first of its kind in the nation at the time. Both studies found a substantial cost reduction to the overall service system when people who were homeless were placed and remained in permanent supportive housing. Stable housing provided significant cost savings due to more efficient and appropriate service delivery. In Portland, the study found, “housing people who are homeless cuts the average costs of services they consume in half.” The statewide rural study found a “32% reduction in service cost by providing permanent supportive housing...” Homelessness often exacerbates health conditions; people typically become well when they have a safe, stable home.

In all venues, housing support strategies now have demonstrated cost-effectiveness, particularly in reducing people’s use of crisis health care services when they are able to remain successfully housed in their communities.

The important link between health and housing received an important endorsement on June 26, 2015 when the federal Center for Medicaid Services issued guidance strengthening Medicaid’s role in providing funds to serve chronically homeless people and others with long-term disabilities to find and maintain permanent housing. See Appendix for the CMS letter.

The working group recommends that Maine take maximum advantage of federal support for these housing-related services that show great promise in improving the health of persons with long term disabilities and those experiencing chronic homelessness and ultimately reducing the cost for the health care and other services that they require. To promote this recommendation, the working group recommends that the Department of Health and Human Services and MaineHousing continue their collaborative efforts to integrate housing stability and community support services.

The representative from the Office for Family Independence does not support this recommendation without a comprehensive analysis by the appropriate staff in the Office for MaineCare Services on the impact of waivers described in the CMS guidance dated June 26, 2015 (Appendix C).

6. Remove impediments to full utilization of existing rental assistance programs and adopt a consumer centered approach to program delivery

Starting with the Housing Choice Voucher tenant-based rental assistance program, MaineHousing and local public housing authorities should convene to address collaborative approaches to streamline the application process, reduce duplication among the various waiting lists, adopt online and other electronic means of applying and updating applications, streamline the waiting list, and agree on ways to share costs associated with developing and implementing both a universal waiting list and a single application.

Any agreements should be based on a consumer-centered approach, namely *“is this the easiest way for the applicant or voucher holder?”* Specific suggestions include:

- A single-point, simple to use and simple to understand application
- A centralized waiting list

Tying Housing Choice Vouchers to a specific region can limit the opportunities a voucher recipient can pursue. They may not seek employment in other parts of the state because it will mean the loss of housing. MaineHousing and local Public Housing Authorities should discuss ways to provide more flexibility for voucher recipients.

Additionally, the working group heard as public comment, concerns about the utilization of VASH (Veterans Assisted Supportive Housing) vouchers. MaineHousing and local public housing authorities that administer VASH vouchers should convene with the Veterans Administration staff to develop a process to assure that VASH vouchers are fully utilized.

7. Improve housing stability and create opportunities for self-sufficiency

According to the recent HUD Family Options Study, in addition to housing stability, vouchers appear to have had positive radiating effects on other aspects of family well-being. For instance, children in families receiving vouchers were less likely to miss school days or change schools — and less than half as likely to be placed into foster care (which can be triggered by parents’ inability to afford suitable housing) — than families receiving no additional assistance. Also, adults in families with vouchers had lower rates

of psychological distress, drug and alcohol dependence, and domestic violence. Vouchers were also cost-effective relative to the other interventions tested.

Initiatives to improve housing stability and self-sufficiency are just becoming prevalent in Maine. Supporting and nurturing these efforts might include the following:

- Improving data sharing among housing and service providers. After several months of working with DHHS on a joint Housing Management Information System Release of Information (ROI), MaineHousing has succeeded in creating and finalizing this document. This release will be used to allow providers such as shelters, and programs such as Shelter Plus Care, BRAP and PATH to share client data for the purposes of obtaining and maintaining housing.
- Sufficient Navigators or case managers to assist voucher recipients with achieving housing stability and self-sufficiency.
- Promoting more knowledge of available resources, including providing training to Family Self-Sufficiency coordinators on programs as well as creating an avenue of communication from resource agencies to FSS programs on the availability of resources and on any new initiatives. This could be done as part of an FSS plan.
- Ensuring that tenants have a clear understanding of the impact of earned income on eligibility and rent is a strategy that could help remove this barrier. Lack of understanding about how earned income may affect rental obligation and voucher eligibility can create barriers for tenants considering employment or even those offered a raise.

Moreover, while the Home to Stay Program has made strides in helping people who are homeless leave shelters for permanent housing, the program could be strengthened if it could provide vouchers to those at risk of homelessness before they lose their homes. This approach would prevent the many negative consequences to families and individuals as well as the far greater costs associated with homelessness. Additionally, the Home to Stay Program limits the geographic areas where homeless persons can relocate from shelters. This can obstruct employment and medical relationships. Addressing these concerns would greatly improve the program, yet would also require additional resources.

8. Increase the collaboration among Homeless providers and General Assistance administrators.

General Assistance is not a long term solution to housing stability and affordability. As MaineHousing and local area homeless shelters continue their cooperative work with local general assistance administrators through the homeless program, it is anticipated that some of the burden of longer term housing costs on the GA Program will be relieved. General Assistance savings that accrue from this initiative should be identified and applied toward increasing the GA maximum level of assistance and ensuring that security deposits are made available.

The working group recommends that the Department of Health and Human Services and MaineHousing continue their efforts to work with shelters and GA administrators to define an emergency response strategy for households experiencing housing crises, and to evaluate the costs and benefits of improved coordination and collaboration among homeless shelters and GA administrators. The goal is to reduce costs within the General Assistance program for long term housing assistance and to re-invest these saving in addressing emergency housing needs.

The representative from the Office for Family Independence does not support this recommendation. It requires maintaining funding levels in the program and directing it to specific areas such as security deposits and increasing maximum levels of assistance. If there are savings to General Assistance all needs of our most vulnerable residents should be evaluated at that time.

V. SUGGESTED LEGISLATION

1. Restore the federal funding commitment to housing affordability.

- No legislative recommendation

2. Restore the State HOME Fund to full funding.

- No legislative recommendation

3. Examine options to expand the supply of quality, affordable housing that is available to households with extremely low income.

- Legislative recommendation (Unallocated language):

§____. **The Maine State Housing Authority shall examine options to increase access to affordable housing for families with incomes at or below 30% of the area median income.** To the extent that funds become available, the Maine State Housing Authority shall examine strategies to increase affordable housing for persons with incomes at or below 30% of the area median income including:

- (1) Increasing the accessibility of new housing units built with support from the Low Income Housing Tax Credit Program for households with incomes at or below 30% of the area median income;
- (2) Establishing a rental assistance pilot project to stabilize housing and increase self-sufficiency for persons at risk of homelessness, and
- (3) Any other opportunities the Authority considers viable.

The Maine State Housing Authority shall provide a report on its progress in increasing access to affordable housing pursuant to this section to the Joint Standing Committee on Labor, Commerce, Research and Economic Development and the Joint Standing Committee on Appropriations and Financial Affairs by January 15, 2019.

4. Design a Rental Assistance Pilot Program.

- Legislative recommendation (Unallocated language):

§____, **The Maine State Housing Authority shall design and implement a Rental Assistance Pilot Program to stabilize housing for persons at risk of homelessness and increase their potential to become self-sufficient.** The Maine State Housing Authority shall work with local housing authorities to identify any currently unutilized federal Housing Choice Vouchers that may be available and to use these vouchers to

establish a pilot program based on best practice and evidence-based research to test a comprehensive approach to prevent homelessness and promote housing stability, family well-being and self-sufficiency for families at risk of homelessness.

The Maine State Housing Authority shall collect and maintain data sufficient to evaluate the extent to which the pilot program achieves success in meeting its goals and provide such evaluation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development and the Joint Standing Committee on Appropriations and Financial Affairs.

5. Evaluate Opportunities Available Under the MaineCare Program to Provide Coverage of Housing-Related Activities and Services

- No Legislative recommendation:

6. Remove impediments to full utilization of existing rental assistance programs and adopt a consumer centered approach to program delivery.

- Legislative recommendation:

30-A MRSA §4753 as last amended by 1989, c. 914, §4 is further amended as follows:

§4753 Coordination of resources and programs.

(3) Universal application and waiting list. The Maine State Housing Authority and local housing authorities shall establish a single streamlined application for tenant based rental assistance administered by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 412, Section 8 by which families may apply for housing assistance in any or all geographic areas of the State and must also establish a statewide centralized waiting list for this program. There shall be established a means by which families may apply for and update their application for rental assistance by electronic means.

The Maine State Housing Authority shall work with the Maine Department of Health and Human Services to develop an addendum to this application so that it may be used by individuals to apply for the federal Shelter Plus Care Program and the Bridging Rental Assistance Program established at 34-B MRSA §3011.

7. Improve housing stability and create opportunities for self-sufficiency.

- No legislative recommendation

8. Increase the collaboration among Homeless providers and General Assistance administrators.

- No legislative recommendation

Appendix A

Summary of Rental Assistance Programs in Maine

Housing Choice Voucher Program (HCV) (Section 8)

Housing Choice Vouchers are a form of federal rental assistance, administered by local public housing authorities and by MaineHousing. Vouchers help low-income families pay for modest housing they find in the private market. A family with a voucher pays about 30 percent of its income for rent and utilities; the voucher covers the difference between the family contribution and the unit's market rent (up to reasonable rental limits set by the federal government and public housing authority). In addition to helping struggling families make ends meet, vouchers provide local property owners with a fair market rent for their units.

Vouchers serve some of the poorest families: 75 percent of new families admitted to the program annually must qualify as extremely low income; remaining 25 percent must qualify as very low income. Currently, 11,353 families receive HCV rental assistance.

The Housing Choice Voucher program offers several types of vouchers:

- Home to Stay program set-aside for homeless households
- Homeward Bound (Money Follows the Person)
- VASH (Veterans Assisted Supportive Housing)
- Family Unification Program
- Project Based Vouchers
- Homeownership

All of these vouchers are awarded by the U.S. Department of Housing and Urban Development (HUD) to either MaineHousing or local public housing authorities in Maine.

Shelter Plus Care

Shelter Plus Care (SPC), another federal rental assistance program, is administered by the Maine Department of Health & Human Services (DHHS). The program is designed to provide rental subsidies and supportive services to homeless individuals with disabilities, primarily those with chronic mental illness, substance abuse, and HIV/AIDS. DHHS and its network of local administrative agencies throughout the state have committed to providing the direct support services and rental assistance components of the program. Recipients may also elect to receive services from

a host of local providers. Initial SPC recipients are encouraged, but not required to accept the provision of services to go hand in hand with the voucher.

Approximately 950 very low income individuals are receiving this assistance.

Bridging Rental Assistance Program (BRAP)

BRAP is administered by the Department of Health and Human Services (DHHS) and funded by the state. BRAP serves adults having documented severe and disabling mental illness. Applicants must have previously applied for Section 8 Rental Assistance. DHHS provides funds, as available, on a ranked basis:

1. Eligible adults leaving psychiatric facilities
2. Homeless
3. Living in substandard housing
4. Moving from community residential facilities to more independent living arrangements

BRAP is designed to assist individuals with housing assistance for up to 24 months or until they are awarded a Housing Choice Voucher, another federal subsidy, or alternative housing placement. All units subsidized by BRAP funding must meet HUD's Housing Quality Standards and Fair Market Rents. Following a Housing First model, initial BRAP recipients are encouraged, but not required to accept the provision of services to go hand in hand with the voucher.

Program participants pay 51 percent of their income for rent. BRAP subsidizes the remaining portion of the rent up to the Fair Market Rent.

Stability Through Engagement Program and Home to Stay

The focus of this program is to rapidly re-house people who are currently staying in a homeless shelter that is a grantee of the Home to Stay Program. STEP is administered by MaineHousing and funded through the federal HOME program. The program is designed to provide short-term rental assistance for 6-12 months to help individuals and families achieve housing stability. Emergency Solutions Grant funds are used for housing relocation and stabilization services for staffing of the Navigators. Referrals to the STEP Program can only be made by the staff Navigators at the participating homeless shelters. The STEP Program is currently offered in 10 counties.

Eligible applicants are between 30%-50% AMI and 10% of the coupons can go to clients that are up to 80% AMI.

Since the beginning of 2015, we have served 184 households and currently have 100 households in permanent housing. Approximately 80 percent of clients remain in permanent housing upon exiting the program.

Appendix B

Summary of Public Comment

The Affordable Housing Working Group held an opportunity for public comment on their draft recommendations on December 7, 2015 in Room 208 of the Cross Building in Augusta. In addition, written comments were accepted until December 10, 2015.

Nine individuals testified at the public meeting. Written comments were received from six individuals. Several professional associations commented, including the Maine Community Action Association. Maine's public housing authority directors, and Maine Equal Justice Partners. Generally, comments supported the draft findings and recommendations of the working group. Housing affordability and the quality of available housing were cited concerns.

Several commenters supported the recommendation to restore both federal funding of housing programs and the State HOME Fund. State HOME should be restored but not at the expense of other housing programs.

Several of the commenters spoke of their difficulty in meeting household expenses including rent and in finding an affordable rent in a housing unit of acceptable quality. Commenters spoke to the beneficial effect of stable housing, especially of sufficient duration, and the need to assist households before becoming homeless. Several commenters with extremely low incomes also described their efforts to continue their education, maintain employment, nurture a family and manage household expenses including rent. A University of Maine research study shared with the working group of the TANF program (Temporary Assistance for Needy Families) identified the ability to maintain adequate and affordable housing as a top concern for families who participated in the study.

Referring to the rental assistance pilot, one commenter spoke to the need to address chronic homelessness; when faced with scarce resources, this should be the priority. Another commenter supported more funding for group homes for people living with mental illness, developmental disorders, or recovering from alcohol/drug addiction.

One commenter requested that the working group recommend that DHHS find a mechanism, through Medicaid or otherwise, to target resources to case management and service provision to the longest stayers in homelessness so they will stay housed successfully and never return to homelessness. Finding a source of funding for the support services associated with supportive housing is a significant challenge. One possibility for service provision is linking supportive housing with Medicaid-funded services, through the creation of a Medicaid waiver.

Commenters described their frustration with the process of applying for rental assistance, the long wait for assistance and the need for more vouchers. The under-utilization of VASH vouchers in particular was identified as a concern.

Finally, several commenters spoke to the best homelessness prevention strategy is to help move people out of poverty. Out of 180,000 who are below the poverty level, 1 in 23 will become homeless. To end poverty, we need more supportive housing, more detox, less domestic violence, more General Assistance, and more family sustaining jobs.

In anticipation of the opportunity for public comment, Maine Equal Justice Partners conducted an online survey of clients and other people with housing insecurity as well as other advocates and service providers who work with people struggling with housing insecurity. The survey responses are included in this Appendix (see next page).



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

Joby Thoyalil
Policy Analyst
(207) 626-7058, Ext. 207
jthoyalil@mejp.org

Comments by Joby Thoyalil, Maine Equal Justice Partners

December 7, 2015

Good morning Director Gallagher and members of the Affordable Housing Working Group. My name is Joby Thoyalil and I work for Maine Equal Justice Partners. We are a civil legal services organization and we work with and for people with low incomes seeking solutions to poverty through policy, education and legal representation. I will provide comments on behalf of our organization.

As you know, Christine Hastedt, Maine Equal Justice's Director of Public Policy, is a member of the Working Group and as an organization we have been following the progress of this group closely. After it became clear that you would be considering comments from the public, we decided to solicit comments from clients and other people living with low-income as well as other advocates and service providers who work with people struggling with housing insecurity. We chose to do this in the form of an online survey, which we sent to a thousand people last month. With close to 150 responses, we received a response rate of just under a 15%. We acknowledge up front that this is not a scientifically rigorous survey, but our aim was to maximize the number of people providing input within a short timeframe, and particularly people who are likely to have first- or second-hand knowledge of what it is like to struggle with housing insecurity in Maine. That said, what gives credence to these results is the extent to which the findings track those of much more rigorous studies in this area. I will spend the bulk of my testimony sharing some of the findings from the survey with the hope that it will inform the work with which you have been charged.

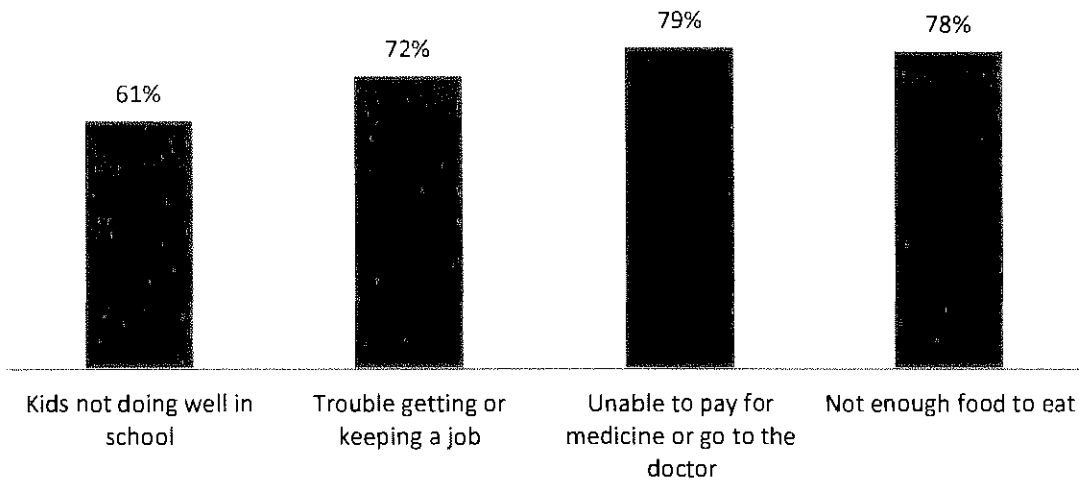
The security of a home is far more than just a roof over a person's head; it is the "platform" on which nearly everything else depends—employment, health, hunger and the well-being and educational success of children. Research has shown that when a family lacks stable housing, there are potentially negative consequences in almost every aspect of their lives. We asked survey respondents to think of people they know, including themselves, who are having a hard time paying for housing and to indicate from a list of negative consequences which ones they have seen firsthand.

A majority of respondents agreed that the following issues were caused by housing insecurity:

- 61% - Kids not doing well in school;
- 72% - Trouble getting or keeping a job;
- 78% - Not enough food to eat;
- 79% - Unable to pay for medicine or go to the doctor

Problems Caused by Housing Insecurity

■ % of respondents who agreed that housing instability creates these other problems

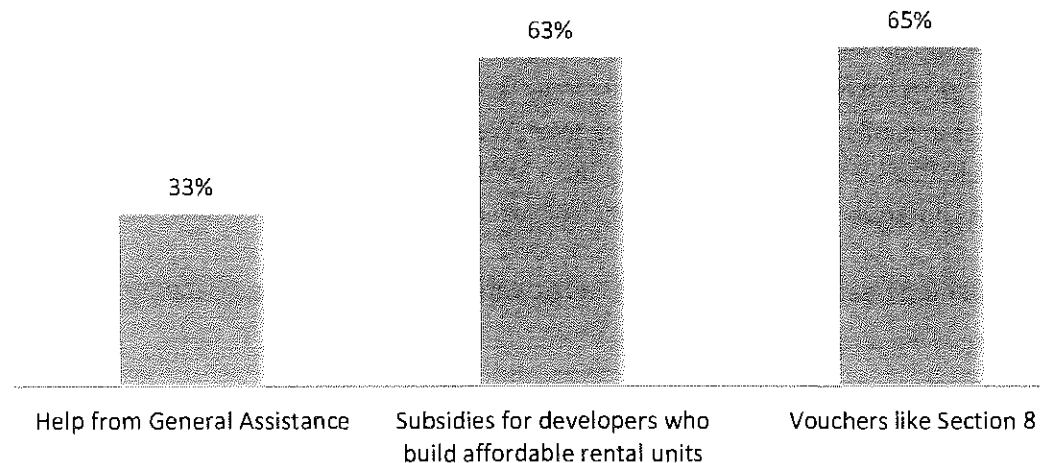


We also asked respondents to let us know about any other issues that we had not listed with an open-ended question, and while many different issues were raised, two of them in particular were mentioned the most: 1) housing instability results in an inability to afford or maintain transportation; and 2) housing instability causes mental illness or has a negative impact on mental health.

We asked people if they thought the government should be doing more or less with regard to housing or if government's level of activity should stay the same. Given the clear need for housing support in Maine, it wasn't surprising that an overwhelming number of respondents – 91% – agreed that the government should be doing more.

Government Solutions to Housing Insecurity

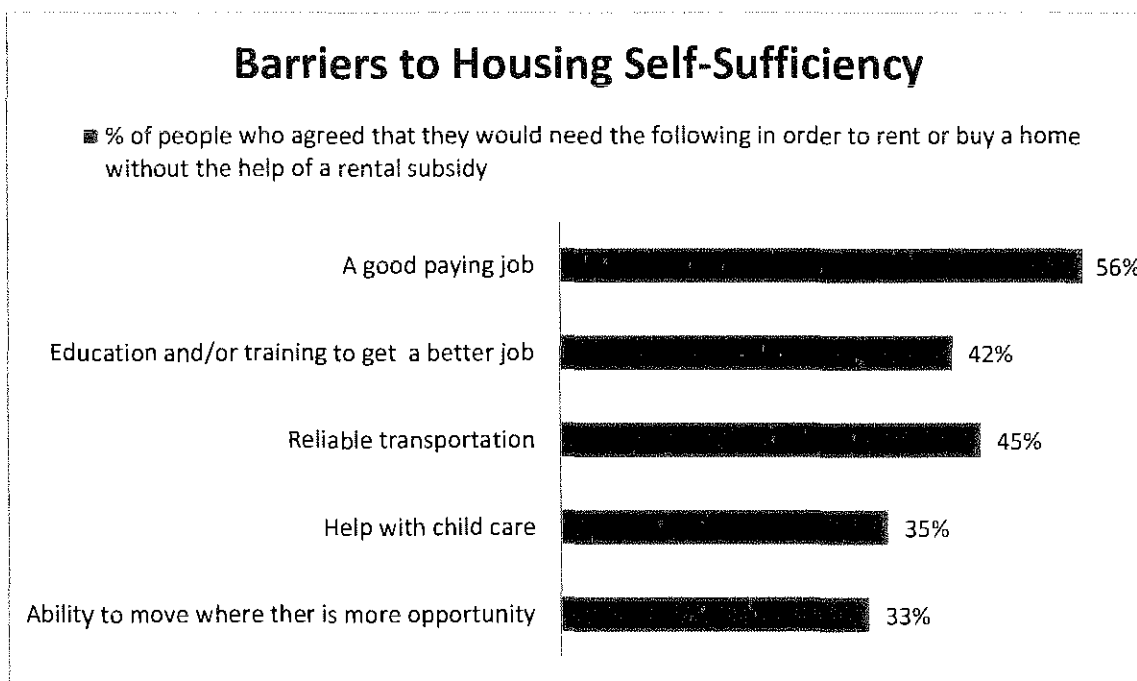
■ % of respondents who agreed that government should provide more ____ to alleviate housing insecurity.



When asked what they thought the government could do, 33% agreed that more help from the General Assistance program would be very helpful, 63% agreed that increasing subsidies for developers of affordable rental units would be very helpful and 65% agreed that more vouchers like Section 8 would be very helpful.

We also asked people if they support other ideas for government interventions to support housing affordability that were not listed as options in the survey. There were many comments that ranged from supporting homeownership to mandating affordable housing quotas for new developments to increasing the minimum wage. The vast majority of these comments had just one or two people identifying each solution and many, if not most of the suggestions were outside the scope of this working group. Two ideas in particular were mentioned four times each and they were: 1) preserving mobile home occupancy by providing preferential sale terms to residents; and 2) lowering the barriers to social services and available affordable housing resources.

The survey included a question about barriers to self-sufficiency related to housing. Specifically, we asked people to identify things they would need in order to no longer require help with meeting their housing expenses.

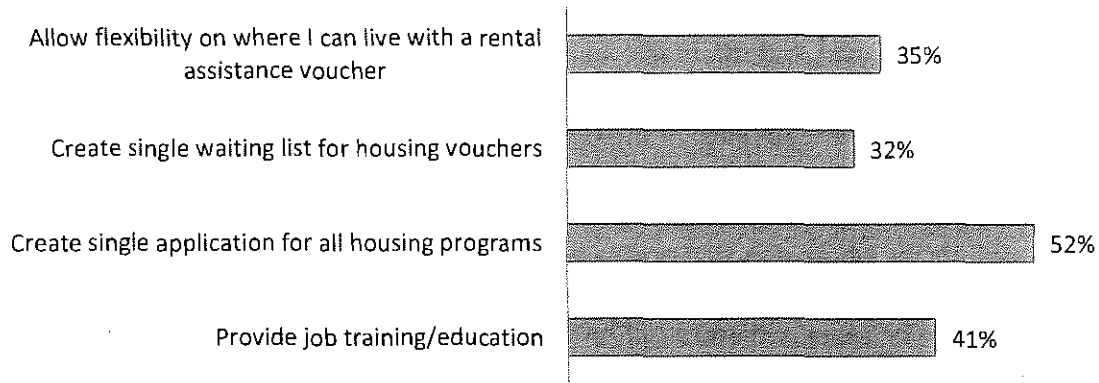


In addition to the responses listed in the graph above, 25% of respondents said that they have a disability and cannot work and therefore would continue to need help while 34% said that their barriers were so severe that they cannot imagine how they would ever be able to have their own home without help.

When asked about a specific set of additional recommendations for the Working Group, one recommendation received the endorsement of a majority of respondents, and that was to create a single application for all housing programs.

Additional Recommendations for the Working Group

■ % of respondents who considered this solution a very important recommendation for the Working Group.



Lastly, we asked an open-ended question to respondents to see if there was anything else they would like to share with the Affordable Housing Working Group. Once again, the comments varied widely but there were clear themes that reinforced the very existence of this group and emphasized the importance of the work that you are doing and strongly reinforce the recommendations that you make. People are struggling to be able to earn enough income to maintain housing and they need easier access to affordable housing, rental assistance, and services to help them achieve self-sufficiency.

What we learned from this survey is no great surprise. It reinforces the literature that shows the harm that comes from unstable housing. What we found through our survey respondents is that their thoughts about housing and the solutions are consistent with your recommendations and that there is an urgent need to make affordable housing more available to people with very low income—and that there are severe consequences that result when it is not.

Appendix C

Center for Medicaid Services Letter

CMCS Informational Bulletin

DATE: June 26, 2015

FROM: Vikki Wachino, Director
Center for Medicaid and CHIP Services

SUBJECT: Coverage of Housing-Related Activities and Services for Individuals with Disabilities

This Informational Bulletin is intended to assist states in designing Medicaid benefits, and to clarify the circumstances under which Medicaid reimburses for certain housing-related activities, with the goal of promoting community integration for individuals with disabilities, older adults needing long term services and supports (LTSS), and those experiencing chronic homelessness¹. Consistent with statute, CMS does not provide Federal Financial Participation (FFP) for room and board² in home and community based services,³ but can assist states with coverage of certain housing-related activities and services.

This Bulletin underscores CMS' commitment to help states expand home and community-based living opportunities consistent with the Affordable Care Act, the implementation of the Home and Community Based Services (HCBS) settings final rule governing Medicaid's 1915(c) HCBS Waiver program, 1915(i) HCBS State Plan Option, and 1915(k) Community First Choice State Plan Option⁴, as well as the Americans with Disabilities Act and the Supreme Court's decision in *Olmstead v. L.C.*⁵. The information in this Bulletin is based on evidence from studies demonstrating that providing housing-related activities and services facilitates community integration and is cost effective. This Bulletin is also intended to help states design benefit programs that acknowledge the social determinants of health, and contribute to a holistic focus on improvement of individual health and wellness.

Describing Housing-Related Activities and Services

Most broadly, housing-related activities include a range of flexible services and supports available to individuals with disabilities and older adults needing LTSS, as well as collaborative efforts among key Medicaid and housing agency staffs and stakeholders. In recent years, the

¹ CMS and SAMHSA are working on providing additional guidance to clarify the circumstances under which Medicaid reimburses for certain housing-related activities and services for persons experiencing chronic homelessness.

² Room and board also includes capital funds used for new construction or rehabilitation of housing.

³ There are two exceptions that are described in the paragraph on 1915(c) waivers on page 5.

⁴ Final Rule - CMS 2249-F – 1915(i) State Plan Home and Community-Based Services, 5-Year Period for Waivers, Provider Payment Reassignment, Setting Requirements for Community First Choice, and CMS 2296-F 1915(c) Home and Community-Based Services Waivers, published January 10, 2014, available at <http://www.medicaid.gov/HCBS>

⁵ Americans with Disabilities Act and as interpreted in the U.S. Supreme Court's 1999 decision in *Olmstead vs. L.C. (Olmstead)*. For details: Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.* http://www.ada.gov/Olmstead/q&a_Olmstead.htm

Money Follows the Person (MFP) rebalancing demonstration program⁶ and the Real Choice Systems Change grants⁷ have provided successful models for Medicaid-supported housing-related activities and services, particularly for individuals transitioning out of institutions.

Housing-related activities and services are: (1) Individual Housing Transition Services - services that support an individual's ability to prepare for and transition to housing; (2) Individual Housing & Tenancy Sustaining Services - services that support the individual in being a successful tenant in his/her housing arrangement and thus able to sustain tenancy; and (3) State-level Housing Related Collaborative Activities - services that support collaborative efforts across public agencies and the private sector that assist a state in identifying and securing housing options for individuals with disabilities, older adults needing LTSS, and those experiencing chronic homelessness. The studies cited below show strong evidence of the benefit of these services.

This Bulletin identifies how these housing-related activities and services can be incorporated into a Medicaid benefit design for individuals needing LTSS and in states' strategies for transforming systems to achieve optimal community integration. Although the focus of this Bulletin is on Medicaid reimbursement, other federal resources are also available to states for housing-related activities, in collaboration with programs funded by the Department of Housing and Urban Development (HUD), the Department of Agriculture (USDA) and other sources. State Medicaid agencies can play an important role in convening state program offices and other partners to identify other non-Medicaid funded sources to support these activities and to collaborate in HCBS systems transformation.

The Case for Housing-Related Activities and Services

Research has demonstrated successful community integration for individuals in need of long term services and supports (LTSS) that receive housing-related services. Some of these studies and their results include:

- Under the MFP rebalancing demonstration program, those states providing specific housing-related services and activities such as employing housing specialists, paying for one-time moving expenses, and incorporating assistance with searching for housing as a core function of transition planning had more success and a higher rate of transitioning individuals out of more costly nursing homes and other institutions and into community living than those programs without these services.⁸
- The Real Choice Systems Change grant program showed that building relationships between state Medicaid agencies and state and local housing organizations and stakeholders resulted in the capacity to take advantage of other federal and state funding opportunities to expand community-based housing resources for Medicaid eligible

⁶ For information on the MFP program: <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Balancing/Money-Follows-the-Person.html>

⁷ For information on Real Choice Systems Change grants: <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Balancing/Downloads/Final-RCSC-Report.pdf>

⁸ Lipson, Debra J., Christal Stone Valenzano, and Susan R. Williams. "What Determines Progress in State MFP Transition Programs?" National Evaluation of the Money Follows the Person (MFP) Demonstration Grant Program, Report from the Field, No. 8, Washington DC: Mathematica Policy Research, October 2011.

populations, including new rental assistance funds under the Department of Housing & Urban Development's Section 811 Project Rental Assistance program for integrated supportive housing units.⁹

States are increasingly using community-based housing-related services as part of a strategy when implementing *Olmstead* plans or settlement agreements to provide integrated community living opportunities for people exiting institutional or other segregated settings, as well as those at risk of unnecessary institutionalization due to being inappropriately housed.

Housing Related Activities and Services for the Individual:

Three housing-related activities and services are described in this section. Following this section is a description of the Medicaid authorities and demonstrations through which states can be reimbursed for these services.

1. Individual Housing Transition Services:

Housing transition services provide direct support to individuals with disabilities, older adults needing long term services and supports, and those experiencing chronic homelessness. These services are:

- Conducting a tenant screening and housing assessment that identifies the participant's preferences and barriers related to successful tenancy. The assessment may include collecting information on potential housing transition barriers, and identification of housing retention barriers.
- Developing an individualized housing support plan based upon the housing assessment that addresses identified barriers, includes short and long-term measurable goals for each issue, establishes the participant's approach to meeting the goal, and identifies when other providers or services, both reimbursed and not reimbursed by Medicaid, may be required to meet the goal.
- Assisting with the housing application process. Assisting with the housing search process.
- Identifying resources to cover expenses such as security deposit, moving costs, furnishings, adaptive aids, environmental modifications, moving costs and other one-time expenses.
- Ensuring that the living environment is safe and ready for move-in.
- Assisting in arranging for and supporting the details of the move.
- Developing a housing support crisis plan that includes prevention and early intervention services when housing is jeopardized.

2. Individual Housing & Tenancy Sustaining Services

⁹ Kehn, Matthew, and Lipson, Debra, "The Real Choice Systems Change Grant: Building Sustainable Partnerships for Housing," Final Report, Mathematica Policy Research, March 24, 2104, accessed at: <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Balancing/Downloads/Final-RCSC-Report.pdf>

This service is made available to support individuals to maintain tenancy once housing is secured. The availability of ongoing housing-related services in addition to other long term services and supports promotes housing success, fosters community integration and inclusion, and develops natural support networks. These tenancy support services are:

- Providing early identification and intervention for behaviors that may jeopardize housing, such as late rental payment and other lease violations.
- Education and training on the role, rights and responsibilities of the tenant and landlord.
- Coaching on developing and maintaining key relationships with landlords/property managers with a goal of fostering successful tenancy.
- Assistance in resolving disputes with landlords and/or neighbors to reduce risk of eviction or other adverse action.
- Advocacy and linkage with community resources to prevent eviction when housing is, or may potentially become jeopardized.
- Assistance with the housing recertification process.
- Coordinating with the tenant to review, update and modify their housing support and crisis plan on a regular basis to reflect current needs and address existing or recurring housing retention barriers.
- Continuing training in being a good tenant and lease compliance, including ongoing support with activities related to household management.

3. State-level Housing Related Collaborative Activities

Several strategic, collaborative activities to assist in identifying and securing housing resources are:

- Developing formal and informal agreements and working relationships with state and local housing and community development agencies to facilitate access to existing and new housing resources.
- Participating and contributing to the planning processes of state and local housing and community development agencies, for example, by providing demographic, housing need, and other relevant data for the populations served by the LTSS agencies, among other planning activities.
- Working with housing partners to create and identify opportunities for additional housing options for people wishing to transition to community-based housing. This may include coordinating available housing locator systems and developing and/or coordinating data tracking systems to include housing.

Medicaid Authorities and Demonstration Programs

States have a number of options under Medicaid and demonstration programs to cover housing-related services and activities that promote community integration for individuals needing long term services and supports, particularly individuals transitioning from institutions. Housing-related services will help states to assist individuals with disabilities in accessing settings that comply with the new Home and Community Based Services Settings regulations in 42 CFR §441.530 for 1915(k), §441.301(c)(4) for 1915(c) and §441.710 for 1915(i). Medicaid funds

cannot be used to pay for a Medicaid beneficiary's room and board in the community.¹⁰ However, the following Medicaid authorities and demonstration programs offer opportunities for coverage of some of the housing-related activities and services described above. Some authorities offer greater opportunities for coverage, while others are more limited:

1915(c) HCBS Waivers

States can use the 1915(c) HCBS waiver program to cover some housing-related services. As part of the waiver case management activity under 1915(c), states can reimburse for housing transition and tenancy sustaining services, such as: assessing the participant's housing needs and presenting options, assisting in securing housing, including the completion of housing applications and securing required documentation (e.g., Social Security card, birth certificate, prior rental history), searching for housing, communicating with landlords, coordinating the move, providing training on how to be a good tenant, and establishing procedures and contacts to retain housing. Environmental modifications to install necessary accommodations for accessibility can also be covered. For persons transitioning out of Medicaid funded institutions or other provider-operated living arrangements to a living arrangement in a private residence where the person is directly responsible for his or her own living expenses, through CMS approved 1915(c) waivers, Medicaid can provide FFP to states for the following Community Transition Services necessary to enable a person to establish a basic household that do not constitute room and board: security deposits required to obtain a lease on an apartment or home, set-up fees for utilities or service access, including telephone, electricity, heating and water, essential household furnishings and moving expenses required to occupy and use a community domicile, including furniture, window coverings, food preparation items and bed/bath linens, and services necessary for the individual's health and safety such as pest eradication and one-time cleaning prior to occupancy. States cannot receive FFP for room and board except for temporary short-term out of home respite services and for unrelated live-in caregivers.¹¹ Community Transition Services are furnished only to the extent that they are reasonable and necessary as determined through the service plan development process clearly identified in the service plan and only when the person is unable to meet such expense or when the services cannot be obtained from other sources. Community Transition Services do not include monthly rental or mortgage expense, food, regular utility charges, and/or household appliances or items that are intended for purely diversional/recreational purposes.

1915(i) HCBS State Plan Optional Benefit

States can use the 1915(i) state plan service to offer housing-related services similar to those available in the 1915(c) waiver program such as: assessing the participant's housing needs and presenting options, assisting in securing housing, including the completion of housing applications and securing required documentation (e.g., Social Security card, birth certificate, prior rental history), searching for housing, communicating with landlords, coordinating the move, providing training in how to be a good tenant, and establishing procedures and contacts to

¹⁰ There are two targeted exceptions to this prohibition that are described in the paragraph on 1915(c) waivers on page 5.

¹¹ Payment for the room and board for the unrelated live-in caregiver is not available if the participant lives in the caregiver's home or in the residence owned or leased by the provider of waiver services.

retain housing. Environmental modifications to install necessary accommodations for accessibility can also be covered. For persons transitioning out of Medicaid funded institutions or other provider-operated living arrangements to a living arrangement in a private residence where the person is directly responsible for his or her own living expenses, through CMS approved 1915(i) State plan HCBS benefits, Medicaid can provide FFP to states for the following Community Transition Services necessary to enable a person to establish a basic household that do not constitute room and board: security deposits required to obtain a lease on an apartment or home, set-up fees for utilities or service access, including telephone, electricity, heating and water, essential household furnishings and moving expenses required to occupy and use a community domicile, including furniture, window coverings, food preparation items and bed/bath linens, and services necessary for the individual's health and safety such as pest eradication and one-time cleaning prior to occupancy. States cannot receive FFP for room and board except for temporary short-term out of home respite services and for unrelated live-in caregivers.¹² Community Transition Services are furnished only to the extent that they are reasonable and necessary as determined through the service plan development process, clearly identified in the service plan and only when the person is unable to meet such expense or when the services cannot be obtained from other sources. Community Transition Services do not include monthly rental or mortgage expense, food, regular utility charges, and/or household appliances or items that are intended for purely diversional/recreational purposes. Individuals do not have to meet an institutional level of care to be served through 1915(i), so States can choose to serve adults with behavioral health issues or others who could not be served under a 1915(c) waiver. States cannot waive state wideeness or limit the number of individuals served.

1915(k) Community First Choice State Plan Optional Benefit

1915(k), also known as Community First Choice (CFC), is a state plan option that reimburses for person-centered home and community based attendant services and supports in a home and community based setting. CFC services assist in 1) accomplishing activities of daily living (ADLs), instrumental activities of daily living (IADLs), and health-related tasks; 2) acquisition, maintenance, and enhancement of skills for the individual to accomplish ADLs, IADLs, and health-related tasks; 3) backup systems or mechanisms to ensure continuity of services and supports; and 4) voluntary training on how to select, manage and dismiss attendants. States can also provide reimbursement for permissible services and supports linked to an individual's assessed need in their person-centered plan. Permissible services and supports are: transition costs for individuals transitioning from an institution to the community, and/or expenditures that increase an individual's independence or substitute for human assistance to the extent that expenditures would have been made for human assistance. Transition costs could also include security deposits for an apartment or utilities, purchasing bedding and basic kitchen supplies, first month's rent, and other one-time expenses required for the transition from an institution to community housing.

1915(b) Waivers

¹² Payment for the room and board for the unrelated live-in caregiver is not available if the participant lives in the caregiver's home or in the residence owned or leased by the provider of waiver services.

Managed care programs can offer individuals with disabilities, older adults needing long term services and supports (LTSS), and those experiencing chronic homelessness housing-related activities and services. States may use 1915(b) waivers to authorize a managed care delivery system through which services that are otherwise coverable under state plan and waiver programs or are medical, health-related or remedial in nature can be reimbursed, such as housing-related services. 1915(b)(3) authority permits states to use the savings from services covered through its 1915(b) waiver to provide additional services to waiver enrollees. These additional savings may be used to authorize 1915(b)(3) housing-related services specified in this bulletin for individuals to identify, transition to, and sustain their housing.

1905(a) State Plan Services

Targeted case management (TCM) services provided under the Medicaid State Plan and described at 42 CFR §440.169, may be beneficial for individuals transitioning from institutions and/or trying to obtain or maintain their community housing arrangement. TCM services are defined as services furnished to assist individuals in gaining access to needed medical, social, educational, and other services. TCM is a specific service under the state plan that is targeted to specific populations, as determined by the state. As part of identifying the total needs of an eligible individual, targeted case management can include linking the individual to needed housing resources, activities to help an individual find housing, and assisting with identifying resources to support the participant to maintain housing during a crisis.

Section 1115 Research and Demonstration Programs

Section 1115 of the Social Security Act gives the Secretary of HHS authority to approve experimental, pilot, or demonstration projects that further the objectives of Medicaid and the Children's Health Insurance Program (CHIP). These demonstrations give states additional flexibility to design and improve their programs, to demonstrate and evaluate policy approaches, such as using innovative service delivery systems that improve care, increase efficiency, and reduce costs. Some section 1115 demonstrations include housing-related services consistent with the statutory authorities described in this bulletin. For example, states can provide services to individuals already in the community, by helping the individual problem solve, advocate with landlords, access community resources to assist with back rent, and assist individuals to complete forms for subsidized housing. For people leaving institutions, states assist with locating housing, completing forms for subsidies, moving, and household set ups. In general, section 1115 demonstrations are approved for a five-year period and can be renewed, typically for an additional three years. Demonstrations must be "budget neutral" to the federal government, which means that during the course of the project federal Medicaid expenditures will not be more than federal spending without the demonstration.

Money Follows the Person Rebalancing Demonstration

For states participating in the MFP Rebalancing Demonstration Grant, the grant provides an opportunity for states to offer housing-related services to individuals transitioning from qualifying institutions to qualifying home and community based settings. Most MFP programs have hired and/or contracted with housing specialists, housing coordinators, transition

coordinators, and case/care managers to provide an array of housing-related services and activities. These include state-level housing related collaborative activities to create, identify and secure affordable, accessible, rental housing resources that meet MFP qualified residence requirements. In collaboration with housing agencies, landlords, and developers, MFP programs have also funded housing-related transition services to assist individuals in locating, applying for and moving into housing, as well as housing stabilization, tenancy supports and services related to assisting individuals remain in their housing.

State Examples

States that have used the various opportunities noted above to fund housing-related services and activities include:

- MFP program:
 - Washington State's Roads to Community Living program uses MFP administrative and demonstration services funds to support housing-related transition and sustaining services, as well as collaborative efforts across human service agencies and with state and local housing agencies to develop housing resources.
 - Texas has used MFP administrative funding in collaboration activities with state housing and local agencies.
- Some states have used 1915(b) waivers to cover housing-related services for housing transition and to sustain housing for individuals:
 - Iowa's Behavioral Health Waiver
 - Michigan's Specialty Inpatient Health Plans, Children with Serious Emotional Disturbances, and Children's Waiver Program Waivers
 - North Carolina's Cardinal Innovations Waiver
 - Wisconsin's Family Care Waiver
 - Nebraska's Health Connection Waiver
 - Ohio's Integrated Care Delivery System Waiver
- Transition to Housing, Crisis Intervention and Housing Stabilization provided under 1915(c) waiver authority in Louisiana enables individuals who are transitioning into a unit, including those transitioning from institutions, to secure their own housing. It also provides assistance at any time the individual's housing is placed at risk (e.g., eviction, loss of roommate or income). The service includes the following components:
 - Conduct a housing assessment identifying individual's preferences related to housing and needs for support to maintain housing, budgeting for housing/living expenses, accessing sources of income necessary for rent, home management, establishing credit and understanding and meeting obligations of tenancy.
 - Assist individual to view and acquire housing, secure supporting documents, completing/submitting applications, securing deposits, locate furnishings.
 - Develop an individualized housing support plan based upon the housing assessment.

- Participate in the development of the plan of care, incorporating elements of the housing support plan.
- Communicate with the landlord or property manager regarding the individual's disability, accommodations needed, and components of emergency procedures involving the property manager.

For More Information

CMS is committed to assisting states in providing housing-related services and activities and to expand home and community-based living opportunities. Please contact Martha Egan at martha.egan@cms.hhs.gov for questions about this Bulletin.

Appendix D

Media Reports

State facing housing crisis for low-income Mainers

By Mal Leary, MPBN

AUGUSTA, Maine — The state is facing a serious shortage of affordable housing, with more than 38,000 Mainers paying more than half their income for a roof over their head.

That's the finding of a draft report by a working group put together by the Maine State Housing Authority, which paints a stark picture for low-income Mainers.

The number of Mainers paying more than half their income for rent has gone up 44 percent in the last 8 years. Only about a quarter of those eligible for housing assistance are getting it. And the waiting list for rental assistance, which now holds more than 20,000 names, continues to grow.

The panel heard public comment on Monday on its findings, which suggest the problem faces the young and the old, city dwellers and those in rural Maine.

"I know many people in my community who pay more than half their monthly income on housing," says Kandie Cleaves, from Garland in rural Piscataquis County. "That often leaves many with a bit over

\$100 to pay everything else — food, utilities, transportation, health care costs. Many are at risk of homelessness because their housing costs are just unsustainable.”

Ashley Medina of Lewiston says she’s grateful for the community support she and her two children received after the apartment house they were living in burned down. But she says the lack of acceptable housing has forced her family into a bad situation.

“My family was placed in an apartment after the fire when I first moved in,” she says. “I liked it because it was quiet. Now the police are around all the time and I don’t want my kids subjected to this. I have cockroaches in my home.”

And 71-year-old Cathy Rondoni says she and her ailing husband, who rely on Social Security, faced a tedious and frustrating task in finding a place to live.

“It was a horrible experience, and one I never saw coming,” she says. “A person should be able to go out, look at apartments and find a decent one they can afford and rent it.”

John Gallagher, director of the Maine State Housing Authority, chairs the working group. He says Mainers are struggling with high housing costs in many areas of the state. And he says the ability of the Authority to address the problem has been cut by both Congress and the Legislature.

“When you look at the needs, the needs are so great that our ability to address it is limited by the funding we get both from the feds and

the state HOME fund,” he says.

The Housing Opportunities for Maine Fund, or HOME, receives its cash from the real estate transfer tax, and the Legislature has shifted some of that money to other budget priorities, so the Authority is getting about \$6 million a year less than it would have received.

Gallagher says the agency is doing what it can with existing resources — for example, retraining some of its housing subsidy workers to act as case managers.

“We are stepping out of our normal role of just developing housing or helping develop housing,” he says. “We are trying to provide more and more services for folks to keep them stably housed.”

Gallagher says he’s also waiting to see what happens with housing funding as part of the current budget fight in Congress.

Meanwhile, he says the panel has not finalized its recommendations, but he hopes the Legislature will consider the need to develop more low-income housing across the state.

He says there are a number of options available for leveraging the low-interest financing capacity of the Authority, such as tax credits for developers.

This article appears through a media partnership with Maine Public Broadcasting Network.

Our View: Portland should take action on housing shortage - The Portland Press Herald / Maine Sunday Telegram

By The Editorial Board

Other cities have similar problems, and what they have tried could also work here.

Portland has a housing problem. If there had been any doubt, this month's series in the Portland Press Herald/Maine Sunday Telegram, "Welcome to Portland – No Vacancy," should have put them to rest.

There are too few apartments, and the units that are available rent for more than local incomes can support. Rents have climbed 40 percent in the past five years, and there is no sign of slowing down.

People who earn the city median income are paying more than half of their income to rent the average apartment, driving young people and working-class families to look in other communities for a place to live, changing the character of the city.

So Portland has a problem, and the question for the new mayor and City Council members, who will be sworn in next week, is: What are

you going to do about it?

The good news for them is that some of the steps have already been taken. Last year, the council approved zoning changes that will permit infill housing on Munjoy Hill and the West End, freeing up what had been stranded lots.

And the council passed an inclusionary zoning ordinance, which will require a developer to include one affordable-housing unit for every 10 market-rate units planned, or pay into a housing creation fund.

The bad news: These are not quick fixes, and the problem is here now. Affordable-housing advocates estimate that the city could absorb as many as 3,000 apartments right away, and that number will only grow with time.

Portland is not alone. Many older cities are feeling the same pressure that Portland has encountered and some of them have tried strategies that might work here.

- Seattle's commercial linkage fee applies the same principle as inclusionary zoning, but to commercial developments. Offices and stores that need workers have an interest in workforce housing and could be asked to contribute to its development.
- Trading increased heights and density for affordable-housing guarantees. This is done in suburban areas near Washington, D.C., which are seeing the same forces at work as Portland.
- Working with transit: Some cities require all new residential

developments near public transportation to be mixed-income. Portland already has a transit-oriented tax increment financing tool, which captures some of the tax revenue for new developments to help pay for more-frequent bus trips and other improvements. Affordable housing and public transit are closely linked, and Portland would do well to target areas near the bus lines for growth.

And the city should continue the good work it is already doing: re-evaluating parking requirements that drive up the cost of new construction and identifying publicly owned land that could be used to develop workforce housing.

A lack of affordable housing is a financial drag on a city. Residents are spending money on rent that is not circulating through the rest of the economy. People who could move here and contribute won't bother if they can't find a place to live.

Portland's housing shortage is a negative consequence of a positive trend: People want to live in Portland.

The sooner the city can find a way to make sure there is a place for them all, the better off Portland will be.



The mission of MaineHousing is to assist Maine people to obtain and maintain decent, safe, affordable housing and services suitable to their unique housing needs. Please visit our Web site at www.mainehousing.org.

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