

## 99-346 MAINE STATE HOUSING AUTHORITY

### Chapter 19: HOMELESS SOLUTIONS RULE

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**Summary:** The Maine State Housing Authority uses funds from certain federal and state resources to give grants to agencies for a variety of activities to assist people who are experiencing homelessness. This Rule governs MaineHousing's allocation of resources for such programs, program design, the publication and distribution of program guides, and potential selection criteria. Some resources are distributed according to a funding formula set forth in the applicable Program Guide and Application. Other resources may be distributed according to programs designed by MaineHousing.

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#### 1. Definitions

- A. "Act" means the Maine Housing Authorities Act, 30-A M.R.S. §4701, *et seq.* as amended.
- B. "Agency Participation Agreement" is a document that sets forth the obligations of service providers participating in HMIS and governs how information regarding clients and the services they receive is treated.
- C. "Applicant" means the municipality or non-profit corporation applying for funds governed by this Rule.
- D. "Bed Capacity" means the maximum number of year round beds in an Emergency Shelter as indicated on the agency's Emergency Shelter and Housing Assistance Program ("ESHAP") Program Guide and Application; provided, however, for purposes of this Rule, the Bed Capacity of a Low Barrier Shelter means its maximum number of beds as indicated on the Program Guide and Application, multiplied by 125%.
- E. "Continuum of Care" or "CoC" is the group organized to carry out the responsibilities required under the CoC Program Interim Rule (24 CFR Part 578, Continuum of Care Program, [77 FR 45442, July 31, 2012, as amended at 80 FR 75940, Dec. 7, 2015]) and comprises representatives of organizations that provide a full range of emergency, transitional, and permanent housing and other service resources to address the various needs of Persons Experiencing Homelessness within the State of Maine.
- F. "Coordinated Entry Process" means a process designed to coordinate program participant intake, assessment, and provision of referrals within a geographic area. A Coordinated Entry Process covers the geographic area, is easily accessed by individuals and families seeking housing or services, is well advertised, and includes a comprehensive and standardized assessment tool.

- G. “Emergency Shelter” means any facility, the primary purpose of which is to provide a temporary shelter for Persons Experiencing Homelessness or for specific populations of Persons Experiencing Homelessness and which meets the criteria set forth in section 3 of this Rule.
- H. “Funding Formula Allocation” means an annual allocation of funds by MaineHousing for Emergency Shelters as further described in section 4 of this Rule.
- I. “General Assistance” means the programs run by cities/towns in Maine that help people in need by providing for basic necessities, such as affordable housing, utilities and food.
- J. “HEARTH Act” means the Homeless Emergency and Rapid Transition to Housing Act of 2009 (P.L. 111-22), and the regulations promulgated thereunder.
- K. “HMIS” means the Homeless Management Information System as further defined in the McKinney-Vento Act as amended by the HEARTH Act.
- L. “HMIS Data Standards” means the baseline data collection requirements developed by each of the federal partners which require participation in HMIS, or a comparable database for Victim Service Providers, as a condition of their funding.
- M. “HMIS Lead Agency” means the entity designated by the CoC to manage the CoC’s HMIS on the CoC’s behalf
- N. “Homeless Prevention” means activities or programs designed to prevent persons from experiencing homelessness including without limitation subsidies for rent, utilities, security deposits, and mortgage payments.
- O. “Homeless Service Hub” also referred to as “Hub” or “Service Hub” means a group of regional providers that creates local foundation for the prioritization and case conferencing of the Coordinated Entry Process, as well as working collectively toward ending homelessness. Each Hub supports regional coordination and resource alignment and provides system level data used to improve performance. Maine has nine Service Hubs.
- P. “Housing Stabilization” means assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability for a program participant who resides in permanent housing or to assist a program participant in overcoming immediate barriers to obtaining housing.
- Q. “HUD” means the United States Department of Housing and Urban Development.
- R. “Low Barrier Shelter” means an Emergency Shelter that does not require the following for a person or persons to enter or stay at the shelter: (i) criminal background checks, (ii) passing a sex offender registry check, (ii) credit checks or income verification, (iii) payment, (iv) program participation, (iv) sobriety, or (v) identification. Low Barrier Shelters must be accessible and have staff on-site 24 hours a day. Low Barrier Shelters must conduct regular staff training on substance

abuse and crisis response and must have overdose prevention and mitigation strategies in place for common spaces and sleeping quarters. All Low Barrier Shelters must maintain and enforce safety requirements for self, staff, place, and others in instances of an imminent threat to safety.

- S. “MaineHousing” means Maine State Housing Authority.
- T. “Mainstream Resources” means a variety of Federal and state benefit government assistance programs Persons Experiencing Homelessness may be eligible to receive. These include but are not limited to: Temporary Assistance For Needy Families (TANF), Food Supplement Program, veterans’ benefits, MaineCare, General Assistance, Supplemental Security Income Program (SSI), Social Security Disability Insurance (SSDI), and Housing Choice Voucher Program.
- U. “Maine’s Job Bank” is an on-line job posting and job search system provided by Maine CareerCenter.
- V. “McKinney-Vento Act” means the Stewart B. McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11301 *et seq.*, and the regulations promulgated thereunder.
- W. “Performance” means the performance of the eligible applicants with regards to performance indicators as described in the applicable Program Guide and Application.
- X. “Persons Experiencing Homelessness” means persons meeting the definition of homeless as defined by 24 CFR 576.2, Definitions, [76 FR 75974, Dec. 5, 2011, as amended at 80 FR 75939, Dec. 7, 2015].
- Y. “Program” means an offering of grants, potentially, subject to recapture, available to prospective eligible Applicants on certain terms and for certain purposes determined by MaineHousing pursuant to this Rule.
- Z. “Program Guide and Application” means the written procedural and administrative guide for a particular Program governed by the terms and conditions of this Rule. It includes the application completed by Applicants.
- AA. “Rapid Re-housing” means housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to help Persons Experiencing Homelessness move as quickly as possible into permanent housing and achieve stability in that housing.
- BB. “Shelter Operations” are the costs of maintenance (including minor or routine repairs), rent, security, fuel, equipment, insurance, utilities, food, furnishings, and supplies necessary for the operation of an Emergency Shelter. The allocation of funding that an Emergency Shelter will receive for Shelter Operations will relate to the Emergency Shelter’s Bed Capacity as described further in the applicable Program Guide and Application.

- CC. “Victim Service Providers” means private nonprofit organizations whose primary mission is to provide direct services to victims of domestic violence.
- DD. “Violence Against Women Act “or “VAWA” is a United States federal law (Title IV, sec. 40001-40703 of the Violent Crime Control and Law Enforcement Act of 1994, H.R. 3355).

## **2. Eligible Applicants**

To be eligible to receive funds, an Applicant must meet the eligibility criteria defined within the applicable Program Guide and Application for funding and comply with MaineHousing requirements for the applicable Program. Applicants for ESHAP will be required to participate in the Coordinated Entry Process. Applicants for other Programs may be required to participate in the Coordinated Entry Process as prescribed in the applicable Program Guide and Application.

## **3. Emergency Shelter Requirements**

To be eligible to receive funding for operation of an Emergency Shelter, the following requirements must be met:

- A. Provide access 365 days per year to assist Persons Experiencing Homelessness meet basic emergency shelter needs;
- B. provide adequate sleeping space or beds, and clean and functioning shower and toilet facilities;
- C. provide safe and nutritious food, including breakfast or arranging access to breakfast and, if open 24 hours, also provide lunch and dinner or arrange access to lunch and dinner; if meal arrangements occur offsite, arrangement must be reasonably located, comply with accommodation requests, and be safe to consume;
- D. provide adequate staffing for program and facility design that ensures participant safety and access to necessary services;
- E. treat all guests with dignity and respect, regardless of religious or political beliefs, cultural background, disability, gender identity or sexual orientation;
- F. provide shelter, housing services, and connection to permanent housing without preconditions and barriers to entry, such as sobriety, treatment, or service participation requirements;
- G. have admittance and stay policies that are appropriate for the population served and do not create unnecessary barriers to guests staying;
- H. provide linkages and access to community resources such as health care, job readiness and employment services, Mainstream Resources, and educational services to assist guests in achieving housing stability;

- I. assess guests for program eligibility and services to enable mobility to permanent housing with adequate supports;
- J. inform guests of their rights and responsibilities, including specific shelter policies and house rules;
- K. accept eligible persons regardless of their ability to pay or their eligibility for reimbursement or actual reimbursements from any third party source, including local, municipal, state, or federal funding sources;
- L. refrain from collecting fees from guests' personal assets unless approved by MaineHousing;
- M. have no lease requirements for guests;
- N. if serving families with children, provide space other than open dormitory style and do not require involuntary family separation for admission;
- O. provide separate accommodations for male and female consumers consistent with their gender identity;
- P. protect the privacy and confidentiality of guests and their personal information;
- Q. provide training, policies, procedures and regular maintenance to encourage, improve, and maintain the health and safety of guests, volunteers and staff;
- R. post fire, disaster, and other emergency procedures in a conspicuous place and review the procedures with each guest;
- S. maintain a daily and confidential census of shelter clients including precise sleeping locations;
- T. operate in compliance with all applicable federal, state and local codes, laws and regulations; and
- U. have written policies and procedures for standards that address the following areas: non-discrimination, client grievance and appeal of termination, approval of financial transactions, record retention, procurement, whistleblowers, access to shelter and services, client rights and responsibilities, program personnel and facility operations, health and safety, food preparation and distribution, electronic data and security, Fair Housing, and Drug Free Workplace. All policies must meet federal guidelines.

#### **4. Funding Allocation**

From time to time MaineHousing will allocate a certain amount of funds to be distributed, subject to availability. The funding formula for allocations of funding will be enumerated in

the applicable Program Guide and Application. Based on availability, funds will be allocated for the following Programs:

- A. **Emergency Shelter and Housing Assistance Program** – Funding for shelter and rehousing services aimed at meeting immediate shelter needs and movement into permanent housing. Funding will be allocated according to the Funding Formula Allocation, as enumerated in the Program Guide and Application, to include a share for Shelter Operations and Housing Stabilization, and Performance.
- B. **Targeted Rapid Rehousing Program (TRRP)** – Funding for rapid rehousing activities aimed at quickly moving Persons Experiencing Homelessness to housing.
- C. **Housing Problem Solving (HPS)** –Funding for homelessness prevention and rapid exit activities aimed at diverting persons from the homeless system or making their time in the homeless services system rare, brief, and non-reoccurring.
- D. **The Student Homelessness Prevention Pilot (and any continuation thereof)** – Funding to provide assistance to students and their families to prevent them from becoming homeless and/or support them in obtaining stable housing. Funding will be provided to school districts who may choose to subcontract with nonprofit organizations to administer the program.
- E. **Other Programs.** MaineHousing may allocate other funds for Programs to assist Persons Experiencing Homelessness in accordance with applicable federal and state laws.

## 5. Program Design

- A. **Programs.** MaineHousing shall design and offer Programs based upon available funds, restrictions attached to such funds, best practices, and needs. The funds may be used for shelter services and outreach activities; for Homeless Prevention and Rapid Re-housing activities such as rental assistance, housing search, mediation, outreach to property owners, legal services, security on utility deposits, and moving costs; and to support entities that offer an integrated array of services to meet the health, housing, employment, and other basic needs of Persons Experiencing Homelessness; to support the construction, renovation or acquisition of a new or existing building to provide emergency housing and shelter services and/or cover the costs to lease a building; and to provide assistance to homeless students in elementary school and secondary school.
- B. **Program Guide and Application.** MaineHousing may distribute a Program Guide and Application to: parties who may be eligible for a Program and who have expressed an interest to MaineHousing in connection with the type of activities eligible under a Program; parties MaineHousing selects for marketing a particular Program; parties that request the Program Guide and Application; and the public by posting it on MaineHousing's website.

## 6. Funding

- A. **Processing of Applications.** MaineHousing may process applications on a first come first served basis or may set an application due date described in the Program Guide and Application for submission for review by a committee. The selection process will be outlined in the Program Guide and Application.
- B. **Selection for Funding.** MaineHousing shall retain final discretion as to whether or not to offer funds to a particular Applicant for a particular purpose.
- C. **Availability of Funds.** Grants are always subject to the availability of funds.
- D. **Selection Criteria.** MaineHousing will set forth requirements and selection and approval criteria germane to a particular Program in the applicable Program Guide and Application. selection criteria may include but are not limited to the following:

- i. **Mainstream Resources**

- 1. how well the Applicant collaborates with their respective Homeless Service Hub;
    - 2. how well the Applicant assists clients in the completion and submission of applications for Mainstream Resources; and
    - 3. how well the Applicant captures the results of the actual benefits received.

- ii. **Housing**

- 1. how well the Applicant assists clients in the completion and submission of applications for client appropriate housing;
    - 2. how well the Applicant assists clients with housing searches;
    - 3. how well the Applicant assists clients with landlord relationships; and
    - 4. how well the Applicant has developed and maintained effective working relationships with local General Assistance offices in assisting clients with access and applications.

- iii. **Health Care**

- 1. Applicant's relationships and links with one or more local health care providers who provide treatment for clients; and
    - 2. Applicant's ability to provide or refer clients for mental health or substance abuse assessments and treatment.

iv. **Employment**

1. how well the Applicant assists clients with employment searches, including registering with Maine's Job Bank;
2. how well the Applicant has developed and maintained effective working relationships with local career centers in assisting clients; and
3. how well the Applicant has developed and maintained effective working relationships with local employers or employment agencies in assisting clients.

v. **Prevention**

1. Applicant's knowledge of and ability to refer clients to Pine Tree Legal Assistance for eviction prevention and other legal assistance; and
2. Applicant's knowledge of and ability to actively refer clients to other local and regional resources, as appropriate.

**7. Data Collection Requirements for Applicants**

In order to receive funding, eligible Applicants must do the following, unless prohibited by VAWA or other statute or not required at MaineHousing's sole discretion:

- A. Enter into an Agency Participation Agreement with the HMIS Lead Agency to share certain Homeless Management Information System (HMIS) data with other Emergency Shelters and other providers of services for Persons Experiencing Homelessness;
- B. Enter client data as prescribed by MaineHousing and HUD in accordance with requirements set forth in the HMIS Data Standards as revised, and the HEARTH Act, and ensure data completeness and quality in regard to Program performance measures on a monthly basis and submit reports as prescribed by MaineHousing or HUD;
- C. Enter client data on outcomes and housing stability as prescribed by MaineHousing or HUD, which will be used for performance measurement, research, or evaluation;
- D. Have the capacity to enter client level data into the system of the CoC designated vendor for HMIS data entry; and
- E. Submit de-duplicated aggregate reports as required by MaineHousing.

Victim Service Providers are required to have the capacity of a comparable database that collects client level data and provides aggregate, de-duplicated data to MaineHousing in electronic form.



## 8. Reporting Requirements for Applicants

- A. **General Reporting Requirements.** An Applicant who receives a grant (“Grantee”) must provide client data prescribed by MaineHousing in a form or forms prescribed by MaineHousing to centralized data collection systems prescribed by MaineHousing in the grant agreement.
- B. **Missing Reports or Data.** A Grantee must provide all reports and all required client data in accordance with the reporting requirements at the time of funds disbursement in order to receive funding.
- C. **Complete Report.** A report will not be considered submitted unless MaineHousing determines that the report is sufficiently complete and all client data is valid.
- D. **Final Reports.** A Grantee may be required to submit a final report showing its use of a grant within 30 days of the end of the term of the grant.

## 9. Monitoring and Assessment for Applicants

- A. MaineHousing will review for Program compliance based on assessment of risk or at least every three years at reasonable times.
- B. MaineHousing may copy and examine all of a Grantee’s records other than medical or other confidential client information protected by VAWA or privacy laws.
- C. Grantees will maintain records sufficient to meet monitoring and auditing requirements of MaineHousing and HUD including without limitation daily rosters and client files.

In the case of a physical shelter program facility, MaineHousing will inspect to a minimum for compliance with HUD’s minimum emergency shelter standards pursuant to 24 CFR §576.403(b), Minimum standards for emergency shelters, [76 FR 75974, Dec. 5, 2011, as amended at 88 FR 30498, May 11, 2023].

## 10. Rule Limitations

- A. **Other Laws.** If this Rule conflicts with any provision of federal or state law, the federal or state law shall control.
  - B. **Waivers.** Upon determination of good cause, the Director of MaineHousing or the Director’s designee may, subject to statutory limitations, waive any provision of this Rule. Each waiver shall be in writing and shall be supported by documentation of the pertinent facts and grounds.
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STATUTORY AUTHORITY: 30-A M.R.S. §§4741 (1) and (18); §4766; §4994-A; 42 U.S.C. §§11301, *et seq.*

EFFECTIVE DATE: