

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: Maine Department of Defense, Veterans and Emergency Management

NAME, ADDRESS, PHONE NUMBER, E-MAIL OF AGENCY CONTACT PERSON:

ADDRESS:	Kevin Rousseau Maine Bureau of Veterans Services Dept. of Defense, Veterans & Emergency Management 117 State House Station Augusta, Maine 04333
WEB SITE:	https://www.maine.gov/veterans
E-MAIL:	Kevin.Rousseau@maine.gov
TELEPHONE:	(207) 430-6037
FAX:	(207) 626-4471
TTY:	(711) Maine Relay

CHAPTER NUMBER AND RULE TITLE: Bureau of Maine Veterans Services Chapter 3: Administration of the Veteran's Homelessness Prevention Coordination Program

STATUTORY AUTHORITY: 37-B M.R.S. §513-A.

DATE, TIME AND PLACE OF PUBLIC HEARING: None scheduled due to State of Emergency in effect.

COMMENT DEADLINE: June 1, 2020

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: The program and the proposed rules will provide funding for transitional housing to homeless veterans and coordinate efforts to remedy and prevent homelessness among veterans in the state. The purpose of this rule is to ensure that funds are given to organizations that are equipped to provide adequate housing services to homeless veterans in a safe, unbiased manner. To do this, the rule establishes eligibility criteria which recipient organizations must meet prior to receiving funds.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? YES NO

ANALYSIS AND EXPECTED OPERATION OF THE RULE: The proposed rule establishes the process to govern the administration of the recently-enacted Veterans Homeless Prevention Coordination Program pursuant to Title 37-B M.R.S. §513-A. The program will provide funding for transitional housing to homeless veterans and coordinate efforts to remedy and prevent homelessness among veterans in the state. The proposed rule also outlines the procedure for establishing collaborative agreements with human services-based volunteer organizations and sets forth the requirements and eligibility criteria for those providers, a reimbursement rate and billing schedule, and procedures to remedy any misuse of the funds. The rule also establishes administration guidelines, annual inspection requirements and the process for re-consideration of Bureau decisions denying reimbursement. Provider(s) will be required to submit monthly updates on assistance rendered under this program.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE: In developing the proposed rule, the Bureau considered its experience with other financial assistance programs at the state and federal level and what procedures would be necessary to administer the

program in a manner that would avoid miscommunication and assist veterans who are experiencing homelessness in an appropriate and expeditious manner.

ESTIMATED FISCAL IMPACT OF THE RULE None.

DETAILED SUMMARY: This proposed rule establishes the process to govern the administration of the Veterans Homeless Prevention Coordination Program pursuant to Title 37-B M.R.S. §513-A, enacted by Chapter 504 of the Public Laws of 2019, by the Maine Bureau of Veterans Services. The program will provide funding for transitional housing to homeless veterans and coordinate efforts to remedy and prevent homelessness among veterans in the state. The fixed program General Fund allocation set by the Legislature is currently \$100,000 per fiscal year.

The proposed rule provides a reimbursement rate (\$50 a night) that closely follows the per diem rate that the U.S. Veterans Administration establishes for its homeless veterans' program, pursuant to 38 U.S.C. §2012. Reimbursement would be made for up to 30 continuous nights to a veteran who is a resident of Maine and who meets the definition of a veteran as outlined in these rules.

The rule establishes eligibility for reimbursement to a human service-based volunteer organization on a case-by-case basis as authorized in Title 37-B M.R.S. § 513-A. The proposed rule also outlines the procedure for establishing collaborative agreements and programs of partnerships with human services-based volunteer organizations and sets forth the requirements and eligibility criteria for providers, the reimbursement billing schedule, and procedures to remedy any misuse of the funds.

DEPARTMENT OF DEFENSE AND VETERANS AFFAIRS

15 DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT

215 BUREAU OF MAINE VETERANS SERVICES

Chapter 3: Administration of the Veteran's Homelessness Prevention Coordination Program

Summary: This rule governs the administration of the Veteran's Homelessness Prevention Coordination Program, established pursuant to 37-B M.R.S. §513-A, enacted by P.L. 2019, chapter 504.

SECTION 1. Definitions

1. **Agent.** "Agent" means an employee of the Bureau, which may include but is not limited to the Homeless Veteran Coordinator, Veteran Service Officer, or Veteran Claims Supervisor.
2. **Armed Forces.** "Armed Forces" means the United States Army, Navy, Air Force, Marines, Coast Guard and World War II-era Merchant Mariners.
3. **Bureau.** "Bureau" means the Bureau of Maine Veterans Services of the Maine Department of Defense, Veterans and Emergency Management.
4. **Collaborative agreement.** "Collaborative agreement" means a contract entered into between the Bureau and a Provider whose application has been approved pursuant to sections 2 and 3 of this rule.
5. **Commissioner.** "Commissioner" means the Commissioner of the Maine Department of Defense, Veterans and Emergency Management.
6. **Department.** "Department" means the Maine Department of Defense, Veterans and Emergency Management.
7. **Director.** "Director" means the Director of the Bureau of Maine Veterans Services of the Maine Department of Defense, Veterans and Emergency Management.
8. **Fund.** "Fund" means the "Veterans' Homelessness Prevention Partnership Fund" established pursuant to 37-B M.R.S. section 513-A, subsection 3.
9. **Persons Experiencing Homelessness.** "Persons Experiencing Homelessness" means persons sleeping in a place not meant for human habitation, in an Emergency Shelter, temporarily housed with a friend or family member, or in other emergency housing; persons exiting an institution other than emergency housing, or place not meant for human habitation before entering that institution; and persons fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.

10. **Provider.** “Provider” means a successful human services-based volunteer organization approved by the Bureau to receive disbursements of monies available from the Fund.
11. **Rapid Re-housing.** “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.
12. **Reimbursement.** “Reimbursement” means a monetary award provided to a human services-based volunteer organization from the Fund pursuant to 37-B M.R.S. §513-A and these rules.
13. **Veteran.** “Veteran” means a person who resides in Maine and who:
 - a. Served in the active United States Armed Forces and who:
 - (i) If discharged, received an honorable discharge or a general discharge under honorable conditions, as long as the discharge was not upgraded through a program of general amnesty; or
 - (ii) Served as an enlisted person after September 7, 1980 or as an officer after October 16, 1981 who served for a minimum of continuous 24 months or for the full period for which the veteran was called to active duty; or
 - b. Served in the Reserve Components of the United States Armed Forces and was entitled to retired pay under 10 United States Code, chapter 1223 or would have been entitled to retired pay under chapter 1223 except that the person was under 60 years of age; or
 - c. Served in the Maine National Guard or United States Armed Forces and is determined by the Director to be eligible for assistance under this program.
14. **Volunteer Organization.** “Volunteer Organization” means a voluntary group or common interest association primarily comprised of individuals who are unpaid.

SECTION 2. **Provider Eligibility**

To be eligible to receive reimbursement from the Fund, a Provider must comply with the following:

1. Be a non-profit corporation in good standing in the State of Maine and qualified for tax exemption under Section 501(c)(3) of the Internal Revenue Code, or be a municipal corporation;
2. Be a provider of homeless services who has been active in the State for at least two (2) years providing emergency housing, street outreach, homeless prevention, or rapid re-housing services;
3. Be a human service-based Volunteer Organization that has as one of their core programs addressing homelessness and veterans’ services. In compliance with 37-B M.R.S §513-A, the Bureau must give priority to an organization founded, chartered or organized in the state;
4. Have the administrative and financial management capacity necessary to administer and to account for the use of the applicable Funds in accordance with the Bureau’s invoicing requirements;

5. If religious activities are offered, they must be offered at a separate time or location from the activities and services covered by this rule and participation in those religious activities must be voluntary for persons receiving assistance.

SECTION 3. **Provider Requirements**

Providers seeking reimbursement must submit an application on a form developed and approved by the Bureau demonstrating to the Bureau that the Provider currently:

1. Maintains compliance with the eligibility criteria for providers outlined in section 3 of this rule.
2. Provides access 365 days per year to assist Persons Experiencing Homelessness in meeting basic emergency shelter needs;
3. Provides adequate sleeping space or beds, and clean and properly functioning shower and toilet facilities;
4. Provides safe and nutritious food, including breakfast or access to breakfast and, if open 24 hours, also provides lunch and dinner or access to lunch and dinner;
5. Treats all guests with dignity and respect, regardless of religious or political beliefs and operates its programs free from discrimination with respect to race, color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status in accordance with the Maine Human Rights Act, 5 M.R.S. §§ 4551-4634.
6. Has admittance and stay policies that are appropriate for the population served and do not create unnecessary barriers, as determined by the Bureau, to guests staying;
7. Provides 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;
8. Assesses guests for housing prioritization and services to enable their transition to permanent housing with adequate supports;
9. Informs guests of their rights and responsibilities, including specific shelter policies and house rules;
10. Has no lease requirements for guests;
11. If serving families with children, provides space other than open dormitory style and does not require involuntary family separation for admission;
12. Provides separate accommodations for male and female guests consistent with their gender identity;
13. Protects the privacy and confidentiality of guests and their personal information;

14. Posts fire, disaster, and other emergency procedures in a conspicuous place and reviews the procedures with each guest;
15. Maintains a daily and confidential census of shelter guests including precise sleeping locations;
16. Operates in compliance with all applicable federal, state and local codes, laws and regulations.
17. Notifies the Bureau of all veterans as defined in Section 1 admitted to the Provider's facility.

SECTION 4. Administration of the Fund

1. The Fund will be administered by the Bureau. The Fund will be used to reimburse eligible Providers for identifying and securing temporary or permanent living space for veterans within the veterans' communities, and for providing transitional housing to homeless veterans pursuant to collaborative agreements entered into pursuant to this subsection.
2. Providers must be approved by the Bureau through the Bureau's application process as outlined in Sections 2 and 3 of this rule in order to be eligible to receive reimbursement. Once a Provider's application is approved, the Bureau will enter into a contract with the Provider as approved by the State of Maine Department of Administration and Financial Services, Division of Procurement Services.
3. Funds will be disbursed as reimbursements to approved Providers under contract as follows:
 - a) The Bureau will not reimburse expenses accrued by a Provider prior to the approval of the Provider's application.
 - b) Providers must invoice the Bureau on a monthly basis unless other arrangements are agreed upon by the Bureau.
 - c) Invoices must include the Provider's vendor number, an invoice number, an invoice date, and show the itemized expenses of each veteran for which reimbursement is being sought.
 - d) The Bureau will distribute payment within 30 days of receiving a properly completed invoice.
 - e) The Bureau will notify Providers 30 days in advance if the Bureau anticipates that the Fund will have insufficient monies to provide further reimbursements at that time.
 - f) The reimbursement rate for Providers for each individual veteran that they serve will be \$50 per night for no more than a 30-calendar day period. This period may be extended by up to 15 calendar days for extenuating circumstances with the approval of the Director or the Director's designee. The total reimbursement per veteran may not exceed 45 calendar days in any one twelve-month period.

SECTION 5. Annual Inspection

Providers must submit to inspections by the Director or Agent on an annual basis. Shelters will be given a minimum 30-day notice of the date for inspection. On-site inspections should not last

longer than one day, depending on the size of the shelter, but may last longer depending on findings or concerns of the inspection staff. The Director or Agent may require additional inspections to be performed on an as needed basis. Inspections shall include a review of some or all of the criteria outlined in Sections 3 and 4.

SECTION 6. Reconsideration

A Provider who requests reimbursement by this Fund and is denied such reimbursement by the Bureau may request a reconsideration and review of this decision. Requests for reconsideration must be submitted to the Director. If the Director declines to reconsider the denial of reimbursement, the Provider may appeal the denial to the Commissioner or Commissioner's designee, who shall review the matter on the written record and render a decision which shall be final and may not be appealed to a court.

SECTION 7. Misuse of Funds

If a Provider uses monies disbursed by the Fund for a purpose other than as authorized by the statute or rules governing this program, the Bureau reserves the right to recover those funds from the Provider. The Bureau may also refer the matter to a law enforcement agency for further investigation and potential prosecution.

STATUTORY AUTHORITY: 37-B M.R.S. §513-A.

EFFECTIVE DATE: