



Maine Equal Justice
People Policy Solutions

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MEJ Testimony on the Change Package for LD 2214, An Act to Make Supplemental Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2024 and June 30, 2025

April 1, 2024

Good afternoon, Senator Rotundo, Representative Sachs, and members of the Appropriations and Financial Affairs Committee. My name is Kathy Kilrain del Rio, I use she/her pronouns, and I'm the Advocacy and Programs Director for Maine Equal Justice, a nonprofit legal aid provider working to increase economic security, opportunity, and equity for people in Maine. Thank you for the opportunity to comment on the Change Package for the Supplemental Budget.

General Assistance

As we've testified before, General Assistance (GA) is a lifeline for Mainers experiencing the greatest economic stress – it is the safety net of last resort. It has become an essential program in keeping the Mainers with lowest incomes housed. For that reason, we are glad to see the proposal in language Part II amended so that those housed in apartments, houses, or mobile homes can be adequately served when experiencing an emergency that lasts more than 30 days or happens more than once in a twelve-month period.

However, we are still deeply concerned about the harm of restricting the use of hotels, motels, inns, and other lodging places as defined by 22 MRSA §2491, sub-§7-F to just 30 days in a twelve-month period and oppose this proposal, which is similar to a proposal rejected by this committee in last year's Supplemental Budget. If there is not an alternative option for individuals who otherwise will not have shelter, we will see the number of people living on the streets increase once again.

The failure to provide funding to house people without homes will lead to people becoming unsheltered. Many Maine communities are already struggling with unhoused people camping out in public places. Criminalization of sleeping out when there are not available shelter options has been found by federal courts as a violation of the U.S. Constitution's prohibition against cruel and unusual punishment. *Martin v. City of Boise* 920 F3rd 584 (9th Cir., 2019). As declared by the Justice Department in its 2015 statement of interest in the federal district court case of *Bell v. City of Boise et al.*, the Justice Department Declared, "[i]t should be uncontroversial that punishing conduct that is a universal and unavoidable consequence of being human violates the Eighth Amendment. . ." In its public statement supplementing its court filing, Director Lisa Foster of the Office for Access to Justice said that "No one wants people to sleep on sidewalks or in parks, particularly not our veterans, or young people, or people with mental illness ... But the answer is not to criminalize homelessness. Instead, we need to work with our local government

partners to provide the services people need, including legal services, to obtain permanent and stable housing.”

It is our understanding from testimony provided by Greg Payne in the Governor’s Office on Policy, Innovation, and the Future (GOPIF) on February 23, 2024, that the Administration intends to meet any unmet need for emergency housing created by this change using funds from the Emergency Housing Relief Fund to expand the emergency shelter network. If this is the path forward, we would like to work with your committee to consider language that could be put in statute to better protect individuals experiencing such an emergency not only during the tenure of this Administration, but for future administrations.

Ask: Reject the proposal in Part II or add language to the statute to protect individuals who would be impacted by this change.

Affordable Housing and the Need for Rent Relief

We appreciate the additional investments in housing in language Parts AAAA and BBBB. The risks facing many tenants in several mobile home parks are deeply concerning and Part BBBB can provide much needed support. We’ve testified previously that both the Rural Affordable Rental Housing Program and the Low-income Housing Tax Credit Program provide helpful assistance to some Mainers in their quest for housing. However, these programs – like almost all the housing investments we’ve made this legislative session – do not help the Mainers with the lowest incomes. These are the individuals and families for whom even affordable housing isn’t affordable.

We strongly urge this committee to invest in a rent relief pilot program to provide stability to those most at risk of eviction and homelessness. LD 1540 is currently on the Special Appropriations Table and could be used as a vehicle to include a rental assistance program in the Supplemental Budget – as was recommended by the majority of the Housing and HHS Committees in their report-backs on LD 2214 last month. We would further ask that this bill be amended to better serve the lowest income Mainers, particularly those at or below 30% of the area median income (AMI), which includes Mainers from a variety of backgrounds, including older Mainers, people with disabilities, single-parent families, and workers with low wages, seasonal, or intermittent employment. As we’ve shared before, ensuring people have housing stability is much more fiscally responsible than the costs – both to people and to state and local governments – when people become unhoused. A targeted rental assistance program is a smart financial investment.

Ask: Support investments in housing, including creating a rental assistance pilot program like that in LD 1540 amended to better serve Mainers with the lowest incomes and greatest housing insecurity.

Conclusion

Thank you for the opportunity to share our thoughts with you today. Maine Equal Justice can be available at any of your work sessions and I’m happy to answer any questions you have now.