

99-346 MAINE STATE HOUSING AUTHORITY

Chapter 19: HOMELESS SOLUTIONS RULE

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.

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.

STATUTORY AUTHORITY: 30-A M.R.S. §§4741 (1) and (18); §4766; §4994-A; 42 U.S.C. §§11301, *et seq.*

EFFECTIVE DATE: November 11, 2025

BASIS STATEMENT:

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.

PUBLIC COMMENT:

Process:

Notice of Agency Rule-making Proposal (MAPA-3) was submitted to the Secretary of State for publication in the August 27, 2025, edition of the appropriate newspapers. Additionally, MaineHousing sent the proposed Rule to Interested Parties on August 27, 2025, and published the proposed Rule on its website on August 27, 2025. MaineHousing held a public hearing on September 16, 2025. The comment period was held open until Friday, September 26, 2025 at 5:00 PM.

Summary of Comments and Responses to Comments:

Comment: Susan Giambalvo, Executive Director of Caring Unlimited, provided written comments expressing strong opposition to the proposed changes to the Rule, specifically the redefinition of "low-barrier shelter." Giambalvo commented that if the changes to the Rule are adopted it will directly reduce the funding their organization receives to provide shelter and essential services to individuals and families who are homeless because of domestic violence.

MaineHousing's Response:

The proposed change to the low barrier definition aims to address the expense disparity between shelters serving a population of guests requiring increased staffing, training, and overdose prevention and mitigation strategies. These operational practices are necessary for the safety of guests and staff at these shelters and come with increased costs.

Comment: Giambalvo further commented that the new definition goes far beyond describing what constitutes low-barrier access, introducing operational and staffing requirements that disproportionately emphasize substance use disorder. Giambalvo stated that agencies need flexibility to make staffing and operational decisions that best serve their specific populations and that while substance use and overdose prevention are important, these issues affect all populations and potentially exclude shelters that serve other high-need groups, such as survivors of domestic violence and unaccompanied youth.

MaineHousing's Response:

MaineHousing believes that low barrier sheltering includes both low barrier access and specific operational aspects that ensure the safety of guests. These operational practices lead to increase costs and support the additional funding allocated to shelters meeting the definition.

Comment: Giambalvo commented that in redefining low-barrier shelters we could emphasize a model that provides accommodations for all household configurations and family sizes, safe indoor and outdoor spaces for children to play, 24-hour unrestricted access to all shelter areas including food preparation and laundry, and training on domestic violence advocacy for all staff to ensure trauma-informed services and guest safety.

MaineHousing's Response:

MaineHousing trusts our partners to operate a shelter model that works best for their partners and recognizes that certain models of access and operations cost more than others. MaineHousing has incorporated the key areas that increase costs for low barrier shelters into the definition.

Comment: Giambalvo commented that prioritizing one service model or population over another through funding differentials fosters competition for scarce resources rather than collaboration and that these decisions should be made through the CoC or other statewide bodies following robust discussion and needs assessment.

MaineHousing's Response:

The low barrier shelter model is not prioritized over any other model, however, it does cost more than other sheltering models, which informs the policy to allocate additional funding to those shelters operating a model that has higher operating costs.

Comment: Jenny Stasio, Co-Executive Director of Through These Doors provided oral and written testimony expressing strong opposition to the proposed changes to the current Rule. Stasio commented that if the proposed Rule is implemented, the changes would effectively exclude domestic violence shelters like Through These Doors from low-barrier designation. Stasio suggested removing the prohibition of a sex offender registry check from the proposed low-barrier shelter definition and changing the 24 hour a day staffing requirements to the requirement to make staff accessible 24 hours a day.

MaineHousing's Response:

It has been MaineHousing's practice to consider a sex offender registry check a type of background check when reviewing low barrier shelter status. The proposed definition clarifies this but does not change the standing requirement that guests accessing low barrier shelters cannot be denied access due to status on the sex offender registry. Staffing expenses for shelters that have staff on site 24 hours a day are higher than those shelters without 24 hour staffing. These expenses contribute to the increased costs for low barrier shelters and support the policy to allocate additional funding to those shelters.

Comment: Stasio commented that not having 24-hour staffing does not indicate a lower level of services, nor does it suggest the individuals being served have fewer barriers. Through These Doors staffing model ensures support is available when needed, first by phone and on-site in each situation when called for.

MaineHousing's Response:

It is not MaineHousing's position that shelters that can operate without 24 hour staffing provide a lower level of service, as different models address varying needs. Shelters that do have 24 hour staffing have higher staffing costs than those that do not.

Comment: Stasio further commented that decreasing funding for Through These Doors would undermine essential services they provide to families in crisis and disproportionately impact shelters that serve families and children. Stasio stated the proposed Rule prioritizes cost structures designed for single adult populations at the expense of vulnerable families fleeing abuse.

MaineHousing's Response:

The proposed change to the low barrier definition aims to address the expense disparity between shelters serving a population of guests requiring increased staffing, training, and overdose prevention and mitigation strategies. These operational practices are necessary for the safety of guests and staff at these shelters and come with increased costs.

Comment: Kelly Brown, Executive Director of Next Step Domestic Violence Project provided oral and written testimony on the proposed Rule. Brown stated that there are costs associated with shelters serving victims of domestic violence that were not taken into account. Brown commented that the update to the low-barrier shelter definition, which requires 24 hours a day staffing, is not necessary for certain populations and that shelters should not lose funding for this reason.

MaineHousing's Response:

MaineHousing recognizes that there are varying expenses incurred by shelter providers impacted by location, sheltering model, and other factors, however expenses specific to 24 hour staffing, substance abuse training, and overdose prevention and mitigation strategy expenses create more disparity than others. MaineHousing supports shelters operating within a model that works best for their guests needs and ensures safety of both guests and staff. Having 24 hour on site staffing is a source of increased costs, which is what the proposed Low Barrier Shelter definition aims to account for.

Comment: Brown further commented that the domestic violence shelters face additional costs, as the shelters are not overnight-only but residential. Families live in the shelters 24/7, which means in addition to staffing, there are extra costs of living such as washers and dryers, several bathrooms and bedrooms for privacy, common spaces that are safe for children, and highly trained staff that assist in connecting families to housing and services. Additionally, Brown commented that in rural areas without public transportation, there are further costs to provide transportation to connect families with resources.

MaineHousing's Response:

MaineHousing recognizes that there are varying expenses incurred by shelter providers impacted by location, sheltering model, and other factors, however expenses specific to 24 hour staffing, substance abuse training, and overdose prevention and mitigation strategy expenses create more disparity than others.

Comment: Brown commented that the sex offender registry check is not a barrier to service, rather a safety measure, due to the fact that domestic violence shelters serve children. Brown stated in

those cases where there are restrictions, they work with the individuals to find alternative ways to meet their needs.

MaineHousing's Response:

It has been MaineHousing's practice to consider a sex offender registry check a type of background check when reviewing low barrier shelter status. The proposed definition clarifies this but does not change the standing requirement that guests accessing low barrier shelters cannot be denied access due to status on the sex offender registry.

Comment: Brown further commented that the proposed change to the lower barrier definition negatively impacts children and survivors with children. Brown stated that the domestic violence shelter serve the same populations and that survivors of domestic violence also struggle with substance use and mental health challenges. Brown urged MaineHousing to reconsider the low-barrier shelter definition within the newly proposed Rule.

MaineHousing's Response:

The proposed Low Barrier Shelter definition is not intended to limit access to unhoused families and children, rather it is intended to provide some additional funding to shelters who experience increased costs due to specific operational practices. Shelter models that are not considered Low Barrier remain eligible for ESHAP funding.

Comment: Rebecca Austin, Executive Director of Safe Voices, provided oral and written testimony expressing that domestic violence resource shelters and general population shelters should be partners in this work, and funding decisions should not put them against each other. Austin stated that if the proposed Rule changes move forward, survivors and child survivors will be impacted, and greater instability in the network of shelter providers will be created.

MaineHousing's Response:

The proposed definition aims to allocate additional funding to shelter models that have increased operating costs. While there are not enough resources to fully fund shelters, allocation of resources to shelter models that cost more to operate should not be an impetus to weakened partner relationships.

Comment: Austin commented that the cost study that was conducted was not a true cost study of operations, and that the actual costs are far more than what is reflected in the budget, which shows a lack of meaningful understanding of what it takes to shelter survivors and families in Maine.

MaineHousing's Response:

The rule changes in question are based on the necessary hours of direct supervision within shelter facilities, which are reflected in the budgeted payroll expenses that were submitted for the shelter cost study.

Comment: Austin further commented that domestic violence shelters provide comprehensive sheltering services in ways that general population shelters do not, mainly allowing the facilities to be open and accessible 24/7 unlike other shelters that are only operated as nighttime programs.

MaineHousing's Response:

While not required, almost all ESHAP funded shelters are currently accessible to guests 24 hours a day.

Comment: Austin commented that domestic violence shelters operating in rural areas do incur more costs with the lack of public transportation and services, which requires the shelter to provide expanded services.

MaineHousing's Response:

MaineHousing recognizes that there are varying expenses incurred by shelter providers impacted by location, sheltering model, and other factors, however expenses specific to 24 hour staffing, substance abuse training, and overdose prevention and mitigation strategy expenses create more disparity than others.

Comment: Austin further commented that domestic violence shelters do serve individuals on the sex offender registry or that have restrictions being around children, by placing individuals in motels to maintain the safety of the children in the brick-and-mortar shelters.

MaineHousing's Response:

MaineHousing appreciates the accommodations made to ensure guests are not turned away due to sex offender registry status.

Comment: Austin further commented that the Rule changes would prioritize some shelter services over others and urged MaineHousing to keep the current Rule in place and not go forward with the changes.

MaineHousing's Response:

The low barrier shelter model is not prioritized over any other model, however, it does cost more than other sheltering models, which informs the policy to allocate some additional funding to those shelters operating a model that has higher operating costs.

Comment: Francine Garland Stark, Executive Director of the Maine Coalition to End Domestic Violence, provided oral and written comments expressing that Maine's domestic violence shelters were previously included in the Rule as meeting the existing low barrier designation, but with the proposed changes, will be excluded. Garland Stark commented that this change would prioritize certain populations with specific needs while discounting others by including the provision that low-barrier shelters must have staff on site 24 hours a day. Garland Stark stated that that needs of shelter residents can be met in other ways such as a 24/7 helpline staffed by advocates at the agency, which creates no access barriers as intake for new shelter residents is available 24/7.

MaineHousing's Response:

The low barrier shelter model is not prioritized over any other model, however, it does cost more than other sheltering models, which informs the policy to allocate some additional funding to those shelters operating a model that has higher operating costs.

Comment: Garland Stark commented that the shelter cost study performed did not represent an accurate assessment of cost and did not include what it would cost to fully staff and meet the needs

of the sheltered populations. Garland Stark stated the study failed to consider the 24-hour support offered by the domestic violence shelter model, where residents have full 24/7 access to their rooms, kitchen, laundry, bathrooms, playgrounds, private outdoor space, and pet areas – as well as a full range of advocacy support and on call overnight support.

MaineHousing's Response:

The rule changes in question are based on the necessary hours of direct supervision within shelter facilities, which are reflected in the budgeted payroll expenses that were submitted for the shelter cost study.

Comment: Garland Stark urged MaineHousing to revisit the proposed low-barrier shelter definition and exclude the provisions that require 24/7 staffing and prevent a sex offender registry check, as this excludes shelters that have different operational models and will result in a significant loss of funding for Maine's domestic violence shelters. Garland Stark commented that the proposed changes prioritize shelters that serve single adults over shelters that serve families with children.

MaineHousing's Response:

It has been MaineHousing's practice to consider a sex offender registry check a type of background check when reviewing low barrier shelter status. The proposed definition clarifies this but does not change the standing requirement that guests accessing low barrier shelters cannot be denied access due to status on the sex offender registry.

The low barrier shelter model is not prioritized over any other model, however, it does cost more than other sheltering models, which informs the policy to allocate some additional funding to those shelters operating a model that has higher operating costs.

Comment: Dr. Katie Spencer White, President and CEO of Mid-Maine Homeless Shelter, provided oral testimony commenting that one of the key reasons for the distinction between low-barrier shelters and all other shelters stems from how ESHAP funding is awarded. The operation and stabilization shares make up 45% each of the funding while the performance share makes up 10%. Shelters serving those who are incredibly difficult to house (sex offenders, those suffering from major mental illnesses, etc.) suffer financial loss, so providing a slight uptick in the operation share to those shelters balances the scales to make it fiscally responsible for providers to ensure that the needs of the people are being met.

MaineHousing's Response:

The impact on the Stabilization Share for shelters working with a population with the highest barriers to housing was a consideration in the increased allocation for low barrier shelters, as the time from shelter entry to housing is often longer for this population, impacting the number of clients who can be served with stabilization services at these shelters. Client numbers directly impact payment amounts for the Stabilization Share.

Comment: Dr. Katie Spencer White further commented that the cost study was conceived based on a national study, and while it may need more work, the findings of the study replicated what was determined by the national research. The methodology provided a clear indication of the disparate and distinct needs of serving various different populations and that 24-hour staffing is required for those suffering from untreated mental illness or substance use disorder.

MaineHousing's Response:

MaineHousing appreciates the support.

Comment: Dr. Katie Spencer White commented that the proposed Rule change is necessary to ensure that low-barrier shelters serving people who experience chronic homelessness and other co-occurring conditions remain a financially stable option.

MaineHousing's Response:

MaineHousing appreciates the support.

Comment: Dr. Katie Spencer White also provided written comments stating that low barrier shelters accept all individuals regardless of addiction, treatment of mental illness, or criminal convictions, and the needs of these individuals are significant, which leads to 24/7 staff assistance at all times of the day and night. Dr. Katie Spencer White further commented that the average length of stay is extraordinarily high for these individuals as landlords are unwilling to enter into leases with these individuals. Dr. Katie Spencer White summarized that these factors lead to a significant increase in operational costs, including significant staff training, certifications, on-site programs, and equipment to prevent crime and injury, which the funding low-barrier shelters receive does not even begin to cover. Dr. Katie Spencer White expressed her support for the proposed Rule changes that reflect the necessity of serving this population.

MaineHousing's Response:

MaineHousing appreciates the support.

Comment: Emily Gormley, Director of Development and Community Engagement at Caring Unlimited provided oral testimony expressing concern over the Rule change as it will reduce funding that their organization receives to serve individuals and families who are homeless due to domestic violence. Gormley commented that the same section of the Rule was revised one year ago, which resulted in shelters like theirs qualifying for additional support and now the Rule change reverses that progress to exclude those shelters and deprioritize victims of domestic violence and families and youth.

MaineHousing's Response:

The Low Barrier Shelter definition was revised last year only to clarify that shelters should enforce safety requirements in cases of imminent threat. There were no changes to the intake requirements at that time. The proposed change to the low barrier definition aims to address the expense disparity between shelters serving a population of guests requiring increased staffing, training, and overdose prevention and mitigation strategies. These operational practices are necessary for the safety of guests and staff at these shelters and come with increased costs.

Comment: Gormley commented that the proposed low-barrier shelter definition goes far beyond describing low barrier access, introducing operational and staffing requirements that emphasize substance use disorder at the expense of other critical needs. Gormley commented that prioritizing one servicing model or population over another through funding differentials fosters competition for scarce resources rather than collaboration and that these decisions should be made through the CoC or other statewide bodies following robust discussion and needs assessment.

MaineHousing's Response:

The proposed definition does introduce operational requirements as these operational practices are directly connected to increased operations costs. The low barrier shelter model is not prioritized over any other model, however, it does cost more than other sheltering models, which informs the policy to allocate some additional funding to those shelters operating a model that has higher operating costs.

Comment: Mark Swann, the Executive Director of Preble Street, provided written comments supporting the proposed additions to the definition of low-barrier shelters, including the requirement that low-barrier shelters must be accessible and have staff on-site 24 hours a day. Swann commented operating a low-barrier shelter without 24-hour staffing would put clients and staff at risk, stating in his experience it is an important staffing model. Swann further commented that most of the clients served in the low-barrier shelters are experiencing complex mental health and substance use challenges, which make it difficult, if not impossible for them to access other shelters, and require access to staff 24/7.

MaineHousing's Response:

MaineHousing appreciates the support.

Comment: Swann further commented that sheltering this population requires additional staffing, training and safety measures, which costs the shelter more in operations. Swann stated that the change to the low-barrier definition in the Rule ensures the shelters with minimum barriers receive the funding required to adequately staff these facilities and ensure the safety of the guests.

MaineHousing's Response:

MaineHousing appreciates the support and recognition that this is a fiscal policy aimed at addressing the increased costs experienced by shelters staffed 24 hours a day with costly training and safety measures.

Comment: Pamela Morin, the Executive Director of Family Violence Project, provided written comments expressing concerns about revision of the low-barrier shelter definition in the Rule, which would effectively exclude domestic violence shelters from eligibility. Morin commented that domestic violence shelters often serve entire families, including children, not just individuals and the changes to the Rule limit access for unhoused families and children.

MaineHousing's Response:

The proposed Low Barrier Shelter definition is not intended to limit access to unhoused families and children, rather it is intended to provide some additional funding to shelters who experience increased costs due to specific operational practices. Shelter models that are not considered Low Barrier remain eligible for ESHAP funding.

Comment: Morin further commented that the cost survey did not reflect the true cost of operating domestic violence shelters. Staffing in domestic violence shelters is not limited to supervision, it also includes advocacy, safety planning, legal navigation and other wraparound services. Additionally, domestic violence shelters incur costs for background checks, security systems, and other safety measures that general shelters do not require. Morin stated that although 24/7 staffing is not provided, a helpline is staffed 24/7 for shelter guests during the times when shelter staff are not on site, which comes at a significant cost.

MaineHousing's Response:

The rule changes in question are based on the necessary hours of direct supervision within shelter facilities, which are reflected in the budgeted payroll expenses that were submitted for the shelter cost study.

Comment: Jayme Villanueva, Co-Executive Director of Milestone Recovery provided written comments expressing strong support for MaineHousing's recognition of the critical role of low-barrier shelters in the State. Villanueva commented that Milestone, as a low-barrier shelter, serves people who are often turned away from elsewhere, those struggling with substance use, complex health challenges and the realities of living unsheltered. Villanueva stated guests frequently need assistance at all hours, which requires around the clock support and staffing. Villanueva strongly urged the adoption of the Rule that recognizes the importance of 24-hour staffing and access as defining features of low-barrier shelters. Villanueva stated without these requirement, shelters cannot safely or effectively serve the people most in need.

MaineHousing's Response:

MaineHousing appreciates the support.

Comment: Courtney Chasse, Executive Director of Hope and Justice Project, provided written comments urging MaineHousing to revise the low-barrier shelter definition to remove the prohibition of a sex offender registry check and the requirement for 24 hour a day staffing, to instead include accessibility to staff 24 hours a day which is the domestic violence shelter model. Chasse commented that the proposed definition excludes domestic violence shelters from receiving low-barrier shelter funding and instead reallocates funds to shelters that only serve individuals.

MaineHousing's Response:

It has been MaineHousing's practice to consider a sex offender registry check a type of background check when reviewing low barrier shelter status. The proposed definition clarifies this but does not change the standing requirement that guests accessing low barrier shelters cannot be denied access due to status on the sex offender registry. There are costs differentials between 24 hour on site staffing and access to 24 hour off site staffing.

Comment: Chasse further commented that the overnight needs of shelter residents can be met via the 24/7 helpline, which is staffed by the shelter. Chasse stated this creates no access barriers as intake for new shelter residents is available 24/7.

MaineHousing's Response:

MaineHousing supports shelters operating within a model that works best for their guests needs and ensures safety of both guests and staff. Having 24 hour on site staffing is a source of increased costs, which is what the proposed Low Barrier Shelter definition aims to account for.

Comment: Amanda Cost, Executive Director of Partners for Peace, provided written comments urging MaineHousing to revise the low-barrier shelter definition to remove the prohibition of a sex offender registry check and the requirement for 24 hour a day staffing, to instead include accessibility to staff 24 hours a day which is the domestic violence shelter model. Cost commented that the proposed definition excludes domestic violence shelters from receiving low-barrier shelter funding and instead reallocates funds to shelters that only serve individuals.

MaineHousing's Response:

It has been MaineHousing's practice to consider a sex offender registry check a type of background check when reviewing low barrier shelter status. The proposed definition clarifies this but does not change the standing requirement that guests accessing low barrier shelters cannot be denied access due to status on the sex offender registry. There are costs differentials between 24 hour on site staffing and access to 24 hour off site staffing.

Comment: Cost further commented that the overnight needs of shelter residents can be met via the 24/7 helpline, which is staffed by the shelter. Cost stated this creates no access barriers as intake for new shelter residents is available 24/7.

MaineHousing's Response:

MaineHousing supports shelters operating within a model that works best for their guests needs and ensures safety of both guests and staff. Having 24 hour on site staffing is a source of increased costs, which is what the proposed Low Barrier Shelter definition aims to account for.

Comment: Rebekah Paredes, Executive Director of New Hope, provided written comments urging MaineHousing to reconsider the definition of low-barrier shelter by removing the prohibition of a sex offender registry check and changing the 24 hour a day staffing requirements to the requirement to make staff accessible 24 hours a day. Paredes commented that the proposed changes exclude domestic violence shelters, which serve families, and instead prioritize shelters that only serve single adults.

MaineHousing's Response:

It has been MaineHousing's practice to consider a sex offender registry check a type of background check when reviewing low barrier shelter status. The proposed definition clarifies this but does not change the standing requirement that guests accessing low barrier shelters cannot be denied access due to status on the sex offender registry. There are costs differentials between 24 hour on site staffing and access to 24 hour off site staffing.

Comment: Paredes further commented that the overnight needs of shelter residents can be met via the 24/7 helpline, which is staffed by the shelter. Paredes stated this creates no access barriers as intake for new shelter residents is available 24/7.

MaineHousing's Response:

MaineHousing supports shelters operating within a model that works best for their guests needs and ensures safety of both guests and staff. Having 24 hour on site staffing is a source of increased costs, which is what the proposed Low Barrier Shelter definition aims to account for.