

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

SB 110-FN-LOCAL, relative to administration of the emergency shelter program by cities and towns.

Hearing Date: February 7, 2023

Members of the Committee Present: Senators Gray, Murphy, Abbas and Perkins Kwoka

Members of the Committee Absent : Senator Soucy

Bill Analysis: This bill establishes further residency requirements for the emergency shelter program facilitated by the department of health and human services.

Sponsors:

Sen. Fenton	Sen. Watters	Sen. D'Allesandro
Sen. Prentiss	Sen. Ricciardi	Sen. Lang
Sen. Whitley	Sen. Chandley	Sen. Soucy
Rep. Newell		

Who supports the bill: Senator Fenton, Senator Watters, Senator Lang, Representative Jodi Newell, Representative Hamer, Mayor Joyce Craig, Natalie Darcy, Todd Marsh, Elizabeth Dragon, Gary Hamer, Keith Kuenning

Who opposes the bill: Julie Smith, Steve Tower, NH Legal Assistance

Summary of testimony presented in support:

Senator Fenton

- This bill was a recommendation by his municipality in order to update RSA 126 dealing with emergency shelter programs and residency.
- The NH Welfare Administration approved a policy to help guide welfare administrators in regards to residency and temporary housing.
- They are seeing a lot of homelessness in New Hampshire.
- Very often, people seeking assistance will go to a larger town that has more resources.
- The larger towns will provide assistance but the smaller towns do not necessarily reimburse them.
- This bill provides that communities coordinate with each other regarding reimbursement from the community of origin.
- The amendment that he provided fixes some issues with residency.
- Senator Perkins Kwoka asked him to speak to the amendment.
 - Senator Fenton replied that it fixes issues with residency and where they are domiciled for voting purposes.

Natalie Darcy – Human Services Manager, City of Keene

- She is delighted to see that the Local Welfare Administration resolution is in this bill.
- People experiencing homelessness are often referred to Keene from around the region.
- As a community, Keene takes pride in that they are supportive of humanitarian initiatives.
- This legislation supports humanitarian efforts while acknowledging responsibilities from municipalities of origin.
- Currently under law, a person can come and stay one night in a city or town and be considered a resident.

- Keene is a hub for support and emergency services in a rural area of the state.
- Passage of this bill would clarify and increase municipality fairness and not place undue burden on just the cities.
- She sees the resolution added to this bill as the approval of improved best practices that foster fairness and consistency between municipalities.
- Currently, individuals having shelter in motels, hotels, treatment centers or hospitals are discharged and told to go to the cities where the services are located to get vouchers.
- This bill will help billing the municipality of origin for services provided by the host municipality.
- Keene and local welfare offices throughout the state, continue to be accessible and accountable to the people in need and the taxpayers.

Elizabeth Dragon – City Manager, Keene

- Two of the four communities she has worked in have homeless shelters.
- Both of those communities also serve as a regional hub.
- She strongly believes every community in the state has a role to play and should respond to homelessness.
- She does not see that happening.
- There is not enough financial motivation to bring everyone to the table.
- In the communities that did not have a shelter, they would search for a community with services and a shelter and pay to transport their homeless there.
- In communities with shelters, like Keene, they see individuals from around the state and beyond.
- In Keene the per capita homeless population far exceeds the state average of 12.3 per ten thousand.
- Between the city and the shelters they are five times that average.
- Other communities with shelters experience the same thing.
- Small towns often have very limited welfare hours.
- Keene fulfills their legal and ethical obligation to support everyone regardless of residency.
- This bill makes clear that an individual being dropped off in Keene for services is still a resident of the town they come from, even if they temporarily assist them.
- They do not gain or lose residency while in emergency housing.
- It keeps the community of origin responsible, at least financially for the assistance provided.
- The city of Keene's use of hotels and motels has dramatically increased.
- In 2019, they only used the hotels for one individual and one family.
- In 2022, 51 individuals and 20 families using hotels.
- This is a growing problem.
- COVID 19 and the housing shortage have amplified the problems related to the welfare system.
- This has put a great deal of strain on the handful of cities and towns who are providing shelters and supportive services.
- The states own strategic plan relating to homelessness acknowledges the uneven and inconsistent response across all towns.
- Some communities are shouldering a disproportionate amount of financial responsibility.
- This bill is a step in the right direction.
- Senator Gray stated that he has concerns because of the complications with the definition of residency in statute and asked her if she could comment on that.
 - Ms. Dragon replied that she did hear that is a concern, because residency is defined in statute. She believes they can come up with some new language to work around that.

Todd Marsh – NH Local Welfare Administrators Association

- The Local Welfare Administrators Association educates and supports municipalities to foster compliant practices when assisting residents with RSA 165:1.
- Municipal Local Welfare is a valuable expert, social service voice and resource to decision makers within town and cities throughout New Hampshire.
- They are often a bridge of communication between outside agencies and municipal leaders.
- They have collaborated with others on the issue of homelessness and the Emergency Rental Assistance Program (ERAP) was instrumental in providing housing for people affected by COVID 19 and those who were not.
- Hotels and motels paid for by agencies have been used for emergency housing purposes, when needed, for many years.
- As the country's multi-faceted challenges increased so has the use of hotels and motels, the use of traditional shelters, the use and development of seasonal overnight warming centers and substance use disorder treatment centers.
- They have learned a multi-pronged approach is needed to find solutions.
- In 2022, by a unanimous vote, the NHLWAA adopted their ethics resolution agreement.
- It is "to provide increased collaboration and consistent liability expectations, further established general assistance best practices and foster increased municipal support for temporary emergency assistance by clarifying municipal liability due to temporary emergency housing placements."
- Although the association did not initiate SB 110, much of their best practice language has been used.
- Passage of this bill will establish a common ground, agreement on emergency services outside of a municipality of origin.
- Passage will foster increased municipal support by clarifying residency liability to the municipality of origin.
- The clarifying humanitarian safeguard language in this bill, indicates assistance needs to be "provided to meet basic needs of transient individuals or residents of other municipalities."
- The language further states that "municipalities shall communicate and coordinate assistance options with each other including reimbursements from municipalities of origin." (RSA 165:20a)
- That safe language will protect the person so they receive assistance immediately.
- Initiatives to increase emergency housing is often met with concern of increased financial liability for host municipalities.
- This legislation increases collaboration efforts and decreases the concern for financial liability of the host municipalities.
- There are concerns from others about unintended consequences.
- His Association and the Sponsors have thought this through and he is confident that the safeguard humanitarian language they put in will protect those that they are obligated to assist.
- It is important to be aware that most municipalities work well together but there are pockets throughout the state that will benefit from this improvement in the law.
- Regarding Senator Gray's concern about residency, the bill does include language that states it is for local welfare purposes only.
- This is an advocacy resolution, that will increase emergency services throughout the municipalities of the state by minimizing the financial liabilities of the host city.
- Senator Perkins Kwoka asked if the residency definition used in the language is from RSA 21:6 A but is modified by the proposed language of the bill.
 - Mr. Marsh replied yes, primarily their intent was to include motels and hotels to the existing language, when used for emergency housing. Specifically, only when paid for by agencies or organizations. As written, if a family self pays into a motel, they would be a resident of the community they moved to for local welfare purposes. If the cost is paid by

for by an agency or organization, for local welfare purposes, they are residents of the town of origin, until the family self pays for 30 days.

- Senator Perkins Kwoka asked if basically the proposition is to have this coordination between municipalities pursuant to RSA 165:20 A, on a case by case basis.
 - Mr. Marsh replied that in local welfare most everything is on a case by case basis. The bill does indicate that a town could seek reimbursement from the town of origin for hotel services provided. Currently, there is nothing in the law that says town need to collaborate and coordinate and this bill would change that.

Summary of testimony presented in opposition:

Steve Tower – NH Legal Assistance

- Their Local Welfare Project provides one legal aid attorney who is on call to help a resident if their municipality is not meeting their statutory obligations under RSA 165.
- Most of the local welfare cases are emergencies such as a person is about to become homeless.
- They will get involved and try to resolve the issues with the town.
- This bill does addresses a very serious issue for the hub towns that have many services.
- People that are experiencing homelessness end up in these hub towns.
- Sometimes these towns feel like they are bearing the burden of the homelessness crisis.
- They work closely with a lot of these towns and the Local Welfare Association.
- Some of the smaller towns that may not have a local welfare officer, might not be fulfilling their obligation under RSA 165.
- His concern is with section five where it requires municipalities to communicate and coordinate with each other regarding an individual that cannot return to the town of origin.
- The bill does not specify who is making the determination that they cannot return to the town of origin.
- The town may think the individual can return but that person who is seeking assistance might not feel it is possible to return.
- His concern is that this language conflicts with RSA 165 which states that an individual can apply for help wherever they are.
- Senator Gray stated that it changes space only. He continued that the purpose of the bill is whether town A or town B pays for the services.
 - Mr. Tower replied that his concern is not about which town pays it is about a town stating that the individual has to go back to the town of origin. If that last sentence of section five was removed he believes the issue would be solved.
- Senator Gray requested that Natch Greyes from the NH Municipal Association work on the language so that they can be sure the services are provided and a clear way to determine who pays.

TJM

Date Hearing Report completed: February 8, 2023