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MEMORANDUM

June 15, 2018

To: Tribal Housing Clients

From: Hobbs, Straus, Dean & Walker, LLP

Subject: ***House Passes “THRIVE Act” to Establish Demonstration Program for Section 8 Vouchers for Housing for Individuals Recovering from Opioid and Other Substance Use; TDHEs Eligible to Apply***

On June 14, 2018, the House passed H.R. 5735, the “Transitional Housing for Recovery in Viable Environments Demonstration Program Act” or “THRIVE Act”. The THRIVE Act will now move to the Senate for consideration. The THRIVE Act was introduced by Rep. Andy Barr (R-KY), and would amend the United States Housing Act of 1937 to establish a demonstration program to set aside up to 10,000 Section 8 housing vouchers for supportive and transitional housing for individuals recovering from opioid use disorders or other substance use disorders.

The THRIVE Act initially only made non-profit organizations eligible to apply for the demonstration program, but Rep. Gwen Moore (D-WI) proposed a successful amendment to include Tribally Designated Housing Entities (TDHEs) as eligible entities under the Act. When introducing the amendment include TDHEs, Rep. Moore stated that tribes have been devastated by substance use, including opioid use, and the tertiary problems connected to substance use include housing problems.

Rep. Moore further stated that non-profits do not really provide services in Indian Country, due to geography and other issues, and that TDHEs must be eligible to apply and participate in the demonstration program as an exercise of tribal sovereignty. Rep. Moore noted that although the THRIVE Act is well-intentioned, it is not tied to any appropriations, so it will not increase the level of funding or total vouchers available, thus potentially prioritizing assistance to those in recovery for substance use over other needy populations such as domestic violence survivors and families on waiting lists for housing. She would prefer to see additional funding tied to any final version of the THRIVE Act, so that the Act does not “rob Peter to pay Paul.”

The specific details of the THRIVE Act, with Representative Moore’s amendment, include the following:

- The HUD Secretary would set aside approximately 10,000 vouchers for covered individuals for the purposes of the demonstration program.

- A covered individual who can receive a voucher under this program is defined as an individual recovering from an opioid use disorder or other substance use disorder.
- The vouchers would be administered by eligible non-profit organizations and TDHE.
- Such assistance would be available for a covered individual for a period of 12 to 24 months.
- To participate in the demonstration program, a TDHE must provide an evidence-based treatment program and a job skills training program for individuals recovering from an opioid use disorder or other substance use, and must demonstrate prior experience administering rental assistance vouchers, prior experience administering transitional housing programs under the McKinney-Vento Homeless Act, or demonstrate a partnership with (1) a public housing agency; (2) a housing program of a State or unit of local government; or (3) a tribe.
- To receive a rental assistance voucher, a TDHE would submit an application to the HUD Secretary that includes (i) a description of the terms of the treatment program, job skills training, and rental assistance to be provided to the individual, and assurances that the description shall be communicated to individuals that receive a voucher pursuant to the demonstration program; and (ii) a transitional plan that begins on the date on which a covered individual completes the treatment program of the eligible entity that includes information on additional treatment, job skills training, and housing resources and services available to the individual.
- Upon turnover of the housing choice voucher of an individual, the TDHE that initially offered the voucher could use the voucher to provide rental assistance to another covered individual.
- A TDHE that receives a rental assistance voucher under the demonstration program must submit an annual plan to HUD as described in the THRIVE Act, and information on each covered individual's housing upon termination of the provision of rental assistance.
- The demonstration program would last 5 years.

Conclusion

We will continue to monitor and report on the progress of the THRIVE Act. Please let us know if you have any questions about this memorandum. Do not hesitate to contact Ed Goodman at egoodman@hobbsstrauss.com or by phone at (503) 242-1745.