



Statement for the Record of the

NATIONAL COALITION
for **HOMELESS VETERANS**

United States House of Representatives
Committee on Veterans' Affairs,
Subcommittee on Health

Hearing on Pending Legislation

July 9, 2013

Chairman Dan Benishek, Ranking Member Julia Brownley, and distinguished members of the House Committee on Veterans' Affairs, Subcommittee on Health:

The National Coalition for Homeless Veterans (NCHV) is honored to present this Statement for the Record for the legislative hearing on July 9, 2013. On behalf of the 2,100 community- and faith-based organizations NCHV represents, we thank you for your steadfast commitment to serving our nation's most vulnerable heroes.

This statement will focus on Rep. David McKinley's H.R. 2065, the "Safe Housing for Homeless Veterans Act." While we are appreciative of any effort to protect homeless veterans from unnecessary harm as they work to reintegrate into society, NCHV believes that this bill as currently written could adversely impact organizations that seek to serve those veterans. Therefore, NCHV does not support H.R. 2065 at this time.

Evolution of "Safe Housing" Legislation

The original "Safe Housing for Homeless Veterans Act," introduced in the second session of the 112th Congress by Rep. McKinley, would have required entities to perform the following in order to receive funding under Title 38 U.S. Code Chapter 20 to house or serve homeless veterans:

“(Submit) to the Secretary a certification that the building where the entity proposes to provide such housing or services is in compliance with codes relevant to operations and level of care provided, including the most current Life Safety Code and all applicable State and local housing codes, licensing requirements, fire and safety requirements, and any other requirements in the jurisdiction in which the project is located regarding the condition of the structure and the operation of the supportive housing or service center.”¹

In its testimony before this Subcommittee on April 16, 2012, the Department of Veterans Affairs correctly noted that this legislation would have a very broad application, affecting such programs as the Supportive Services for Veteran Families (SSVF) Program, “even when veterans are not cared for in these structures.”²

NCHV appreciates that the present version of the “Safe Housing for Homeless Veterans Act,” introduced by Rep. McKinley in May 2013, would no longer affect programs that do not necessarily involve housing for homeless veterans. However, we are concerned about this bill's potential impact on community- and faith-based organizations.

Need to Clarify Who Bears the Burden of Certification

The Department of Veterans Affairs is barred by law from making per diem payments under Title 38 U.S. Code § 2012 unless an organization has shown that its facilities “meet applicable fire and safety requirements under the Life Safety Code of the National Fire Protection Association or such other comparable fire and safety requirements as the Secretary may specify.”³ VA abides by this statute by conducting thorough inspections before making an initial per diem award to a service provider.

¹ <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:h.r.004079:>

² <http://veterans.house.gov/witness-testimony/robert-l-jesse-md-phd-0>

³ <http://www.law.cornell.edu/uscode/text/38/2012>

If this initial inspection is successful and per diem funding is awarded, VA will continue to monitor the facility in question as well as provide regular re-inspections to ensure that, among other things, it continues to meet the applicable fire and safety requirements.

H.R. 2065 introduces the concept of an “annual certification” that would require all per diem recipients to demonstrate the following:

“That the building where the entity provides such housing or services is in compliance with codes relevant to the operations and level of care provided, including applicable provisions of the most recently published version of the Life Safety Code or International Building Code and International Fire Code (or such versions of such codes that have been adopted as State or local codes by the jurisdiction in which the project is located), licensing requirements, fire and safety requirements, and any other requirements in the jurisdiction in which the project is located regarding the condition of the structure and the operation of the supportive housing or service center.”⁴

NCHV is concerned that H.R. 2065 – as currently written – could discontinue VA’s current practices, in which the department determines whether facilities are in Life Safety Code compliance during its regular re-inspections.

Do these current practices constitute “annual certification,” as described in this bill? If so, H.R. 2065 should be amended to clarify that VA maintains responsibility for conducting all such inspections and providing certification. If not, this bill could place a significant burden on service providers to orchestrate and pay for these rigorous inspections out-of-pocket. This issue must be addressed before NCHV could consider making an endorsement.

On the topic of whether or not International Building and Fire Codes should be used interchangeably with the Life Safety Code, as this bill would allow, NCHV defers to VA for its expertise in this area.

In Summation

While NCHV does not support H.R. 2065 at this time, we are hopeful that the appropriate changes can be made to ensure that veteran service providers are not adversely impacted by this legislation.

Thank you for the opportunity to submit this Statement for the Record. It is a privilege to work with the House Committee on Veterans’ Affairs, Subcommittee on Health, to ensure that every veteran in crisis has reasonable access to the support services they have earned through their service to our country.

Matt Gornick
NCHV Policy Director

202-546-1969
mgornick@nchv.org

⁴ <http://www.gpo.gov/fdsys/pkg/BILLS-113hr2065ih/pdf/BILLS-113hr2065ih.pdf>

NCHV Disclosure of Federal Grants

Grantor: U.S. Department of Labor
Subagency: Veterans' Employment and Training Service
Grant/contract amount: \$350,000
Performance period: 8/13/2012 - 8/12/2013
Indirect costs limitations or
CAP limitations: 20% total award
Grant/contract award notice
provided as part of proposal: Yes

Grantor: U.S. Department of Labor
Subagency: Veterans' Employment and Training Service
Grant/contract amount: \$350,000
Performance period: 8/13/2011 - 8/12/2012
Indirect costs limitations or
CAP limitations: 20% total award
Grant/contract award notice
provided as part of proposal: Yes