July 17, 2019

The Honorable Mike Levin                           The Honorable Gus Bilirakis
Chair, Subcommittee on                               Ranking Member, Subcommittee on
Economic Opportunity                                  Economic Opportunity
Committee on Veterans Affairs                         Committee on Veterans Affairs
United States House of Representatives                United States House of Representatives
Washington, D.C. 20515                                Washington, D.C. 20515

Re: American Bar Association Support for H.R. 716, the Homeless Veterans Legal Services Act

Dear Chairman Levin and Ranking Member Bilirakis:

On behalf of the American Bar Association, I write to express our strong support for H.R. 716, the Homeless Veterans Legal Services Act (HVLSA). This bipartisan legislation would authorize proven strategies for removing chronic barriers blocking homeless veterans from receiving the promised benefits, services, and treatment they need for self-sufficiency and success. We applaud your including the bill in this morning’s legislative hearing and urge that you report the bill out favorably, so it can proceed to the full Committee, to the House and to the Senate to be signed into law this Congress.

The progress over the past decade in reducing the number of veterans on the street has been promising, in large part due to Congress’ willingness to support programs that target specific obstacles veterans encounter. For nine years in a row, according to the Department of Veterans Affairs’ (VA) Project CHALENG (Community Homelessness Assessment, Local Education and Networking Groups), one barrier—unresolved legal problems—comprise half of the top ten unmet needs of veterans. Several of these legal problems arise as a consequence of living on the street, but each unresolved legal issue can either lead to homelessness or prevent those already homeless from benefitting from VA programs or support. Nonetheless, the VA is neither permitted to provide legal help nor permitted to enter into community partnerships to have others help resolve these problems for homeless veterans. VA programs such as Supportive Services for Veteran Families and Grant and Per Diem do allow a small percentage of awarded grants to be used for legal services, but most grantees do not do so. Our country has historically relied on pro bono and civil legal assistance lawyers to provide free legal services to local veterans in need, but this is not a sustainable or systemic solution to the chronic need.

The HVLSA would solve this problem in a budget-neutral way by allowing the VA Secretary to use existing funds, when available, to enter into private-public partnerships to deliver legal services to veterans experiencing homelessness. In this way, the VA would be able to provide the
national leadership and necessary support to better ensure that the right kinds of legal services are available where and when they are needed most. The VA is to be commended for the role it already plays in removing certain regulatory barriers, sharing data, educating and training lawyers, and helping to support innovative delivery models, such as medical-legal partnerships, homeless court at Stand Down events, and law school clinical programs. These initiatives, and many others, illustrate what might be accomplished in meeting veterans’ needs when closer collaboration between the VA and the legal community is authorized.

Unfortunately, according to the 2018 U.S. Department of Housing and Urban Development “Point-in-Time Count,” even with some progress last year, there are more unsheltered veterans today than there were two years ago. We should no longer tolerate legislative obstacles to ending the scourge of veteran homelessness, and H.R. 716 would resolve one such obstacle, allowing the development of a national strategy for removing several of homeless veterans’ most persistently unmet needs. The legal community welcomes the opportunity for partnership, and the ABA stands ready to assist in support of this legislation and the collaborations it would make possible.

The notice for this morning’s hearing included reference to a discussion draft of a similarly-titled bill, the Legal Services for Homeless Veterans Act (LSHVA). We support that legislation, as well, which seeks to establish the same authority for the VA Secretary as H.R. 716 to enter into partnerships with legal service providers. The LSHVA is distinguished in that it specifies that funds would be distributed through grants to organizations of a certain capacity. We support any effort to help ensure that veterans receive quality representation from known and accountable organizations. We also believe the VA should retain discretion to support innovative delivery models, demonstration projects, or engage in data-informed experimentation, especially when a particular need or part of the country is going unserved. By contrast, H.R. 716, would provide the VA the authority to address the listed legal issues across civil, criminal, and administrative lines. Legal assistance providers may be restricted in what types of legal issues they may handle, so if homeless veterans facing legal barriers are to gain access to the programs, services, and treatment they need to succeed, the VA will need, at a minimum, the authority to target the range of issues captured in the CHALENG survey. H.R. 716 would give the VA that authority.

If you have any questions or concerns, please contact me or Kenneth Goldsmith in the ABA Governmental Affairs Office at (202) 662-1789 or kenneth.goldsmith@americanbar.org.

Sincerely,

Robert M. Carlson

cc: Members of the Subcommittee on Economic Opportunity