

April 21, 2023

County Commissioner Derek Householder  
County Commissioner Ben Carpenter  
County Commissioner Scott Owen

Via email, [perryco@perrycountyohio.net](mailto:perryco@perrycountyohio.net)

Dear Perry County Commissioners:

I am writing to you again on behalf of the National Homelessness Law Center (“the Law Center”) to reiterate our concerns about how you plan to utilize over \$7 million in funds distributed to Perry County through the American Rescue Plan (“ARP”). Both the delay in deploying these much-needed funds to the community<sup>1</sup> and failure to use them to support “programs or services that address housing insecurity, lack of affordable housing, or homelessness”<sup>2</sup> is extremely disappointing. Your plan to use these funds to renovate the courthouse, however, goes beyond disappointment – it is almost certainly an improper use of the funds.

In order to count as an eligible capital expense, the expenditure of Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) must be a direct response “to the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 public health emergency.”<sup>3</sup> Renovating a historic courthouse certainly does not fall under ARP priorities<sup>4</sup> and is an ineligible use of the funds unless the renovation is “a related and reasonably proportional response to a public health or negative economic impact of the pandemic.”<sup>5</sup> My understanding is that the courthouse roof has been leaking and has needed other repairs for years before the COVID-19 pandemic hit. From what I can tell, there is no nexus at all between the \$15 million dollars in proposed repairs and the pandemic. While I do not doubt the importance and necessity of the project, it is inappropriate to use funds that are intended to help people hit hard by the effects of the pandemic to “leverage” a repair that should have been prioritized well before March 2020.

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<sup>1</sup> Previous letters were sent by the Law Center on October 26, 2021 and April 21, 2022 urging you to utilize the funds for housing needs.

<sup>2</sup> [SLFRF-Final-Rule.pdf \(treasury.gov\)](#), p. 80

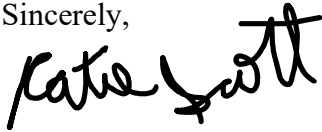
<sup>3</sup> <https://www.federalregister.gov/d/2021-10283/p-46>

<sup>4</sup> [Updated NACo Analysis: Overview of U.S. Treasury's Final Rule for ARPA Fiscal Recovery Fund](#)

<sup>5</sup> “[S]ome commenters also requested use of funds for capital expenditures in government administration buildings, such as public courthouses...Like other eligible uses of SLFRF funds in this category, capital expenditures should be a related and reasonably proportional response to a public health or negative economic impact of the pandemic.” [Interim Final Rule \(treasury.gov\)](#), pg. 192

The Perry County Housing Coalition (“the Housing Coalition”) has repeatedly asked that just a fraction of the funding be used toward programs to alleviate homelessness, which is an explicit priority of ARP and SLFRF. The United States Interagency Council on Homelessness (“USICH”) has noted that ARP resources “provide communities with a once-in-a-generation opportunity to innovate and improve existing systems and should target the most vulnerable people, including those living with disabilities and those living unsheltered.”<sup>6</sup> You are allowing this opportunity to slip by. I have advised the Housing Coalition to raise these concerns with their legislators and advised them of the hotline for reporting inappropriate use of ARP funds. *It is not too late to do the right thing and take advantage of this historic opportunity to address homelessness in Perry County.*

Sincerely,

A handwritten signature in black ink that reads "Katie Scott". The signature is written in a cursive, flowing style.

Katie Meyer Scott, Directing Attorney  
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<sup>6</sup> [USICH American Rescue Plan Guide.pdf](#)