

# TENANT TALK

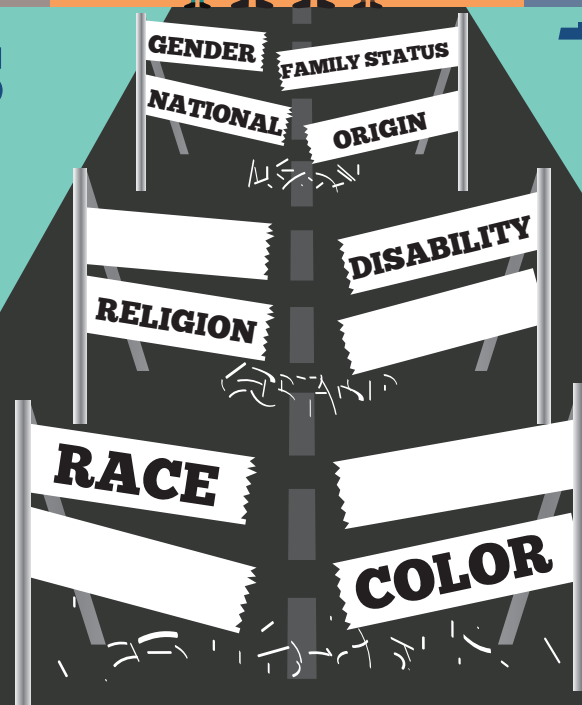
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## FAIR HOUSING: 50 YEARS LATER



### ALSO IN THIS ISSUE:

- *OUR HOMES, OUR VOICES*  
NATIONAL HOUSING WEEK OF  
ACTION EVENT HIGHLIGHTS
- SPOTLIGHT ON RECENT LOCAL  
ORGANIZING VICTORIES
- RESIDENT PERSPECTIVES
- POLICY UPDATE



A NATIONAL LOW INCOME HOUSING COALITION PUBLICATION

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**ABOUT NLIHC**

The National Low Income Housing Coalition is dedicated solely to achieving socially just public policy that ensures people with the lowest incomes in the United States have affordable and decent homes.

A key part of our work is through public education and engagement. NLIHC is committed to sharing resources and tools that help individuals become informed advocates. *Tenant Talk* is one of the many resources we provide to the public.

**BECOME A MEMBER**

NLIHC relies heavily on the support of our members to fund our work and to guide our policy decisions. Members are our strength! Hundreds of low income residents and resident organizations have joined the NLIHC community by becoming members.

**We suggest an annual membership rate of only \$5 for a low income individual membership**, and \$15 for a low income resident organization. Please consider becoming a member of NLIHC today at [www.nlihc.org/membership](http://www.nlihc.org/membership).

**Cover and Layout:** Design by Ellen Errico, NLIHC Creative Services Manager

# Dear Readers,

**D**r. Martin Luther King Jr. began speaking out about the importance of housing in one of his last campaigns in 1966. He marched on the streets of Chicago side-by-side with African-American tenants to demand better living conditions and an end to discrimination in housing sales and loans. On April 11, 1968, one week after the assassination of Dr. King, the federal government passed the Fair Housing Act, a law created to end housing discrimination in all its forms. In addition to commemorating the fiftieth anniversary of the Fair Housing Act, this edition of *Tenant Talk* will explore how far we have come and how far we have yet to go in making housing accessible, affordable, and safe for all.

Although the Fair Housing Act attempted to fix mass inequalities in housing, many of those same inequalities still exist today. Nevertheless, the current administration has moved with quick and deliberate speed to dismantle the rules and regulations that protect disadvantaged communities. Residents and advocates from communities all across the country have joined forces to tell the current administration that *enough is enough*. Some challenged HUD Secretary Ben Carson in court for his efforts to dismantle fair housing rules and regulations, others held unique advocacy events during NLIHC's annual *Our Homes, Our Voices* National Housing Week of Action, and others launched new campaigns to combat hate and discrimination in their communities.

This edition of *Tenant Talk* highlights the local actions of advocates to fight discrimination in their communities, as well as the national fights that other organizations are pursuing. You'll learn about ways to advocate on your own turf through the examples of others and proven advocacy models. This edition also shares the stories of housing advocates who ran for public office and won. Representation in politics can go far in terms of creating long lasting change.

Many have come before us in the fight for fair and equitable housing and we must continue their work. Every person deserves access to a safe, decent, and affordable home. Every person also deserves access to communities with resources that allow them to thrive. Like Dr. King and the tenants of Chicago, we can move the world in this direction if we dare to stand up and take action in our own communities.

In solidarity,

**Tenant Talk Editorial Board**

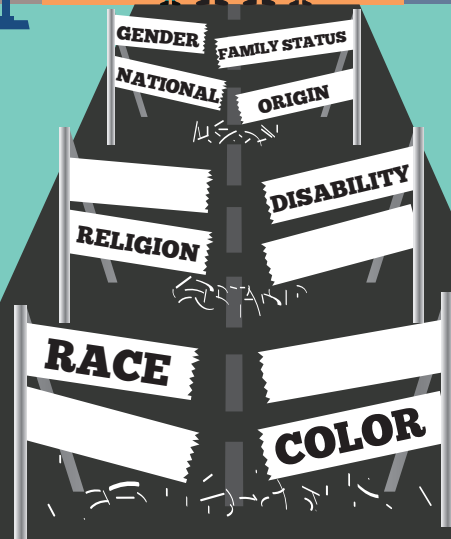


Delorise Calhoun Yanira Cortes Daisy Franklin Deidre Gilmore Michael Steele Martha Weatherspoon





# THE FAIR HOUSING ACT: 50 Years Later



**Learn about the state of fair housing – and the threats to the law – today, fifty years after the passage of the Fair Housing Act, in this edition of *Tenant Talk*.**

## The Chicago Freedom Movement

This year marks the 50<sup>th</sup> anniversary of the assassination of Dr. Martin Luther King Jr. As our nation commemorates his life and legacy, many will remember his march on Selma, his “Letter from a Birmingham Jail”, and his organizing of the Montgomery bus boycotts. A lesser known part of his legacy is his advocacy for fair access to housing. He believed that housing was a key part of economic justice and civil rights. In one of his last campaigns before he died, Dr. King moved to Chicago in the summer of 1966 to join residents in their fight against unfair housing practices. This advocacy campaign, dubbed “Chicago Freedom Movement,” contributed to the passage of the Fair Housing Act two years later in 1968.<sup>1</sup>

On January 26, 1966, Dr. King and his family settled into a run-down apartment on the west side of Chicago. King, who had recently celebrated the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, turned his focus to the North for his next campaign. He hoped to tackle the less-visible but equally discriminatory housing and economic practices present there.

After World War II, the number of African Americans in Chicago greatly increased as many families moved to the city from the South during the Great Migration to flee racial violence and seek economic opportunity. This increase in the African American population led to segregated policies of redlining and restrictive covenants. The Federal Housing Administration (FHA), which was created to make homeownership accessible for all Americans, denied loan insurance to African Americans and even those who lived near them. This practice was called “redlining” because the FHA created maps that were marked with red ink in the areas where minorities lived to signify that the FHA believed that these neighborhoods were “undesirable” for investment. Restrictive covenants were laws that prevented African Americans from moving into white neighborhoods.

These policies were a deliberate attempt by the government to segregate blacks and whites. Because of the policies, African Americans were forced into low-opportunity neighborhoods.<sup>2</sup>

Not only were African Americans limited to living in certain neighborhoods, they also faced discrimination when they tried to buy homes. Most financial institutions would not lend to African American families. Many white realtors took advantage of this exclusion through “contract selling.” In contract sales, African Americans made monthly

payments on their homes to the seller, with the promise of receiving the deeds to the homes once they were entirely paid off, usually decades later. These families had all of the responsibilities of a homeowner but none of the security—they did not build equity and they could be evicted for missing a single payment. Additionally, the realtors often sold these homes for prices that were double and triple their value. African American families were forced into these exploitative deals because they had no options to buy homes in the traditional market. It is estimated that 90% of African Americans in Chicago bought their homes through contract sales during the 1950s.<sup>3</sup> This practice

resulted in black families having thousands of dollars of debt and sent many spiraling into poverty. The Chicago Freedom Movement focused on homeownership and rental injustices facing black families. Dr. King and his staff visited tenants in apartments with atrocious conditions. Many of the apartments were rat-infested, without heat, dangerous, not regularly repaired by the landlords, and extremely overpriced.<sup>4</sup> These unsafe and unaffordable housing conditions became the focus of tenant organizing over the course of 1966.

Tenants and residents who joined the Chicago Freedom Movement held mass meetings to discuss their grievances and strategize about how to bring attention to their issues.<sup>5</sup>



*Martin Luther King with Andrew Young and Al Raby at press conference at Sahara Hotel Chicago, IL. King announces the Open City campaign to fight problems of the poor in the North. This is the SCLC's first true Northern campaign. Jan. 7, 1966*



They held rent strikes, hosted workshops for youth on nonviolent activism, and boycotted banks and businesses that discriminated against African Americans.

On Sunday, July 10, 1966—“Freedom Sunday”—Dr. King stood before 30,000 Chicagoans at Soldier Field and spoke powerfully about the injustices in the housing industry. He declared, “I am still convinced that there is nothing more powerful to dramatize and expose a social evil than the tramp, tramp, tramp of marching feet.”<sup>6</sup> Hundreds of residents then marched to City Hall to post a list of their demands.

**“We have made significant progress since the Chicago Freedom Movement and the passage of the Fair Housing Act, but we still have further to go.”**

Many white citizens in Chicago responded with violence. On Freedom Sunday an angry mob of whites attacked the marchers, setting their cars on fire and throwing rocks, glass, and racial slurs at the African Americans. The mayor of Chicago, Mayor Richard Daley, responded more positively. He agreed to meet with Dr. King and the tenants, and he negotiated an agreement for the city to commit to fair and open housing policies. Though some blacks argued that this agreement was weak and thus represented a defeat for their movement, Dr. King said it was “the first step in a thousand-mile journey.”<sup>7</sup>

The Chicago Freedom Movement was one of the major forces that led to the passage of the federal Fair Housing

Act in 1968, though this was not the only impact of the campaign. There are many lessons housing advocates today can learn from the work of Dr. King and the Chicago residents:

1. **Local policies matter, too.** Even though the Chicago movement had a national impact, residents began by focusing on the policies that were impacting neighbors in their own community. National and state politics don’t always address the challenges faced by communities on an everyday basis.
2. **Build a broad coalition:** One of the lessons of Dr. King’s work in Chicago was that the fight for civil rights is more than black and white. The tenants in Chicago were mostly African American but they worked with a wide range of allies including those who were white, Hispanic, Jewish, and Polish.<sup>8</sup> The fight for housing justice requires everyone to stand in solidarity.
3. **Everyone has potential to lead:** The Chicago campaign was primarily led by poor residents who also lived busy lives as factory workers, health aides, students, and parents. Dr. King and his staff worked to ensure that the main leaders of the movement were those who were directly impacted by the issues.<sup>9</sup> As we continue our work, we must strive to empower community members to speak out for their communities.

We have made significant progress since the Chicago Freedom Movement and the passage of the Fair Housing Act, but we still have further to go. Today, many Americans continue to live in segregated housing and are stuck in neighborhoods without access to resources and opportunity. Others still face discrimination by landlords and banks.

Many of these challenges are not new, but we should find hope in knowing that we can draw wisdom from the Chicago Freedom Movement. As residents and advocates, we must continue along the path Dr. King pursued to ensure housing equality. In the words of civil rights activist Miss Ella Baker, “We who believe in freedom cannot rest until it comes.”

# Fair Housing Act Overview and Challenges

The Civil Rights Act of 1968, more commonly known as the Fair Housing Act, was the third major civil rights law passed in the 1960s. It followed the Civil Rights Act of 1964, which outlawed discrimination and Jim Crow segregation in employment, schools and public places, and the Voting Rights Act of 1965, which outlawed racial discrimination in voting. The Fair Housing Act, passed a week after the assassination of Dr. Martin Luther King Jr., has a complicated history.

The Fair Housing Act prohibits discrimination in the sale, rental, and financing of housing based on race, color, national origin, religion, sex, familial status, and disability. The act has two main purposes—prevent discrimination and reverse housing segregation. The part of the law that calls for the reversal of segregation is necessary because decades of unjust government practices have led to the presence of housing segregation today. Research shows that people of color are most likely to live in neighborhoods with limited access to good jobs, healthy food, adequate schools, and other resources needed for success. Jurisdictions enforcing desegregation is one way to work towards a more integrated society where everyone has equal access to opportunity.

Since the passage of the Fair Housing Act, people have brought many cases of housing discrimination to court and have won those legal battles. There has also been an increase in accessible housing available to individuals with disabilities. And recently under the Obama administration, the definition of fair housing enforcement expanded.

Though we have made some progress, many challenges to fair housing remain. There are still extreme racial disparities in homeownership and wealth. In 1968, 65.9% of white families owned their homes, a rate that was 25% higher than the 41.1% of black families that owned their homes. Today, the black homeownership rate has not changed, while the rate of white homeownership has increased five percentage points to 71.1%. These homeownership disparities contribute to the shocking racial wealth gap in America. In 2017, the typical white family held ten times the amount of wealth as the typical black family (\$171,000 for whites to \$17,409 for blacks, on average). These numbers have worsened since 1968 and point to the fact that housing discrimination continues to determine life outcomes.

In 2017 more than 28,000 complaints of housing discrimination were filed across the country. Some of these

complaints resulted in lawsuits against cities, banks, and landlords for discrimination in housing and lending. While some cases were reported and sanctioned, others went unreported.



50th Anniversary of the Fair Housing Act Opening Ceremony.

The changing political landscape is also a major challenge. Protecting fair housing was once a bipartisan effort, but political support for this goal has decreased in recent decades. Under the Trump administration and the direction of Secretary Ben Carson, HUD has ignored its responsibility to enforce antidiscrimination policies and actively work towards integration.

There are actions we can take as housing advocates to create a society that is less discriminatory and more integrated:

1. We must **hold HUD accountable for enforcing fair housing policies** by providing public comment on changes to their policies and bringing them to court if warranted.
2. We must **improve access to credit and fight for stronger consumer protections**, especially for people of color and low income individuals. It is unacceptable that in 2018 individuals still face discrimination when they try to get loans from banks or apply for housing.
3. We must **update the Fair Housing Act** to provide legal protection against discrimination based on sexual orientation, gender identity, marital status, source of income, veteran status, domestic violence survivor status, or criminal record.
4. We must continue to **collect data and establish clear goals** to determine if we are making progress in ending housing discrimination and segregation.

*Continued on the next page*

Endnotes

- 1 “Assessing the Chicago Freedom Movement.” James Ralph. <https://pryac.org/assessing-the-chicago-freedom-movement/>
- 2 “Color of Law: A Forgotten History of How Our Government Segregated America.” Richard Rothstein.
- 3 “Family Properties: How the Struggle Over Race and Real Estate Transformed Chicago and Urban America.” Beryl Satter.
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- 5 “The Chicago Freedom Movement and the fight for fair lending.” Mary Lou Finley. <https://www.chicagoreporter.com/the-chicago-freedom-movement-and-the-fight-for-fair-lending/>
- 6 “Address by Dr. Martin Luther King, Jr. to the Chicago Freedom Movement Rally.” The King Center Archives. <http://www.thekingcenter.org/archive/document/speech-chicago-freedom-movement-rally>
- 7 “The Chicago Freedom Movement: Summer 1966.” Carolyn Black, Bill Appelans, and Fred Gaboury. <http://www.peoplesworld.org/article/the-chicago-freedom-movement-summer-1966/>
- 8 “Assessing the Chicago Freedom Movement.” James Ralph. <https://pryac.org/assessing-the-chicago-freedom-movement/>
- 9 “The Chicago Freedom Movement’s quest for economic justice.” Gil Cornfield, Melody Heaps, and Normal Hill. <https://www.chicagoreporter.com/the-chicago-freedom-movements-quest-for-economic-justice/>



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As activists who fought for the civil rights protections of the 1960s said, the road to justice is long and freedom is a constant struggle. It has been 50 years since the passage of the Fair Housing Act and while we have made progress that is worth celebrating, we have more work to do. We must work to end discrimination in housing because everyone deserves equal access to a safe, decent, and affordable home.

We must work towards integration and creating a society in which where one lives does not determine one's outcomes.

Together, we continue the fight.

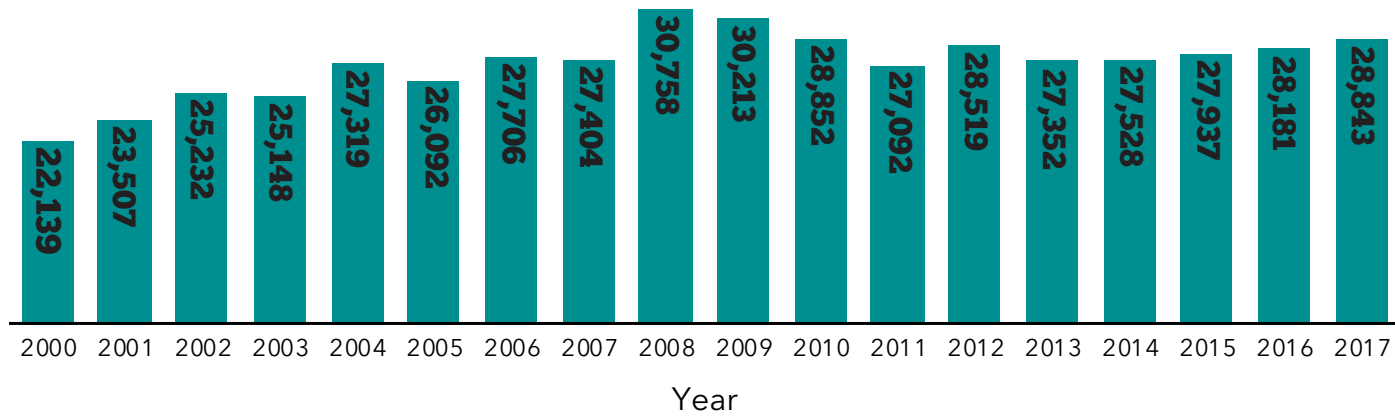
*If you or someone you know is a victim of housing discrimination, you can call this number to report it: (800) 669- 9777.*

*This piece was created with research from the National Fair Housing Alliance's "2018 Fair Housing Trends Report."*

## Fair Housing by the Numbers

These data were obtained through the National Fair Housing Alliance (NFHA) and HUD Department of Fair Housing and Equal Opportunity (FHEO).

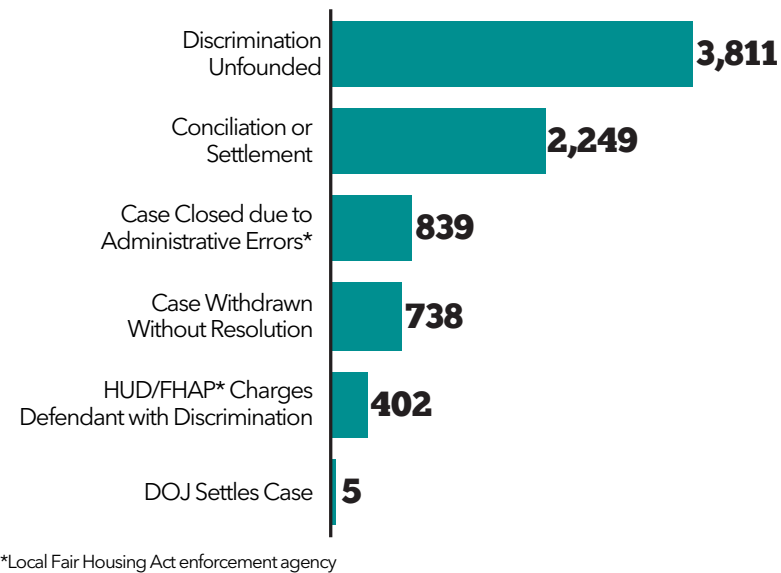
### FAIR HOUSING COMPLAINTS 2000-2017



These charts analyze fair housing complaints data. The first graph shows a comparison between 2017 data and the data from the previous two decades. The number of housing discrimination complaints filed have not changed significantly over time. From 2000 to 2017, each year had between 20,000 and 31,000 housing discrimination complaints, and the number of complaints filed has slightly increased in the past few years.

Figure 2 shows what happened in the cases that were filed in 2017. In 3,811 cases, no discriminatory action could be proven legally; 2,249 cases were settled and in 402 cases the defendant was found guilty of discrimination by HUD or a FHAP, a local Fair Housing Act enforcement agency.

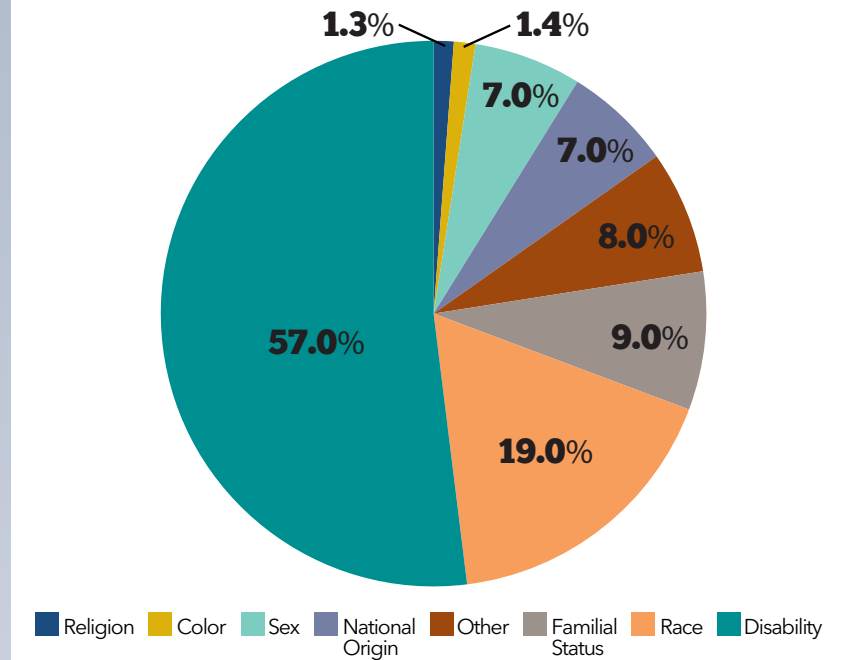
### FAIR HOUSING CASES COMPLETED IN 2017



Some of these cases resulted in monetary compensation for the victims. More than 800 cases were dismissed due to administrative errors; this can occur in cases when documents are filed late or if investigators cannot find enough evidence to hold a hearing. Finally, more than 700 cases were withdrawn by the plaintiff with no resolution.

Figure 3 shows the number of housing discrimination complaints filed by each protected class. The majority of fair housing complaints are brought forward for discrimination on the basis of disability. This is usually demonstrated legally by showing that a landlord failed to provide reasonable accommodations to a potential tenant. The "other" category includes some groups that are protected under state and local laws such as sexual orientation, gender identity, and income type, among others.

### HOUSING DISCRIMINATION COMPLAINTS BY PROTECTED CLASS IN 2017



## HUD Undermines Fair Housing

HUD, UNDER SECRETARY BEN CARSON, HAS LAUNCHED THREE EFFORTS TO UNDERMINE FAIR HOUSING.

### HUD ATTEMPTS TO SUSPEND SMALL AREA FMR RULE

The first attack against fair housing was HUD's attempt to suspend the start of the Small Area Fair Market Rent rule for public housing agencies (PHAs) in 23 of 24 metro areas required to follow the rule.

Small Area FMRs (SAFMRs) reflect rents in ZIP Codes, while traditional fair market rents (FMRs) reflect a single rent for an entire metro region. A goal of SAFMRs is to offer households more choices when deciding where to live. Small Area FMRs can do this by increasing the value of a voucher in high-rent ZIP Codes, which can help households use their voucher in areas that have better schools, fewer environmental hazards, more job opportunities, and greater access to full-service grocery stores and other amenities.

Five civil rights organizations sued HUD, claiming that suspending the Small Area FMR rule violated

Administrative Procedure Act (APA) rules requiring public comment and a legitimate reason for suspension. The Court agreed, HUD backed off, and PHAs in those 23 metro areas had to start using SAFMRs by April 1, 2018.

### HUD SUSPENDS THE AFFIRMATIVELY FURTHERING FAIR HOUSING TOOL

The second attack was HUD's suspension of the Affirmatively Furthering Fair Housing (AFFH) tool that required about 1,200 local governments to conduct an Assessment of Fair Housing (AFH) using an "Assessment Tool" to help them obey the Fair Housing Act of 1968. Although the requirement to affirmatively furthering fair housing has been law since 1968, meaningful regulations never existed to provide guidance on how to comply until the AFFH rule was published in 2015.

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HUD claims that the tool has flaws that get in the way of local governments completing their assessments of fair housing (AFHs). But HUD based its action on the experience of only the first 49 AFHs submitted. Eighteen of the 49 were accepted by HUD when first submitted and 32 were ultimately approved. The AFFH rule has a process for HUD to point out shortcomings in an AFH and for jurisdictions to fix them. The problems some jurisdictions had with the tool could have been easily fixed this way.

Because HUD suspended the AFFH tool, jurisdictions must go back to the failed Analysis of Impediments (AI) to fair housing process. The AI process merely requires a jurisdiction to pledge that it is affirmatively furthering fair housing, which simply means figuring out what barriers prevent fair housing choice in a jurisdiction and taking appropriate actions to overcome the effects of any barriers. The AFFH tool was designed to address the many problems with the old AI process.

**“What is disparate impact? For many decades HUD interpreted the Fair Housing Act to prohibit housing practices that have a discriminatory effect, even if there was no obvious intent to discriminate.”**



Washington DC, June 27 2018, USA: Dr Ben Carson, the Sec of Housing and Urban Development (HUD), testifies before a Congressional House committee in Washington DC. He was questioned about, among other issues, his proposed increase in rents to be paid by the poorest residents. Patsy Lynch/Alamy

In response to HUD suspending the tool, three advocacy organizations sued HUD. However, the judge decided that the organizations did not have legal “standing” to sue. That allows HUD to go forward.

HUD is now preparing to propose a “streamlined” version of the AFFH rule that will probably weaken AFFH. NLIHC will keep you informed as this efforts unfolds.

### HUD CONSIDERS CHANGING THE DISPARATE IMPACT RULE

The third attack on fair housing is HUD’s intent to revise the Disparate Impact rule. HUD is seeking public comment on whether the rule is consistent with the U.S. Supreme Court *Inclusive Communities* decision.

HUD agrees that the Supreme Court upheld the concept of disparate impact under the Fair Housing Act. However, HUD states that the Court did not directly rule on the regulation itself. Therefore, HUD wants public input on whether the regulation is consistent with the Court’s *Inclusive Communities* ruling, especially as it relates to the insurance industry.

What is disparate impact? For many decades HUD interpreted the Fair Housing Act to prohibit housing practices that have a discriminatory effect, even if there was no obvious intent to discriminate. Eleven courts of appeals agreed. Because there were minor variations in how the courts and HUD applied the discriminatory effects concept, HUD proposed regulations to establish uniform standards. The Disparate Impact rule was finalized in February 2013.

## Disaster Recovery Efforts in Violation of the Fair Housing Act

A category 4 hurricane like Harvey has a way of exposing the weaknesses in a city’s housing infrastructure. Arbor Court Apartments in Houston, Texas is a glaring example of that.



**“There is no shortage of studies that point to the harm housing conditions like these do to the health of children and school performance after so many missed days—with outcomes that follow them through life.”**

Arbor Court apartments are in a census tract in which almost half the residents are below poverty, including 78% of the children under 5 years of age. The tract is 3% white non-Hispanic; 51% African American; and 45% Hispanic. Built in the Greens Bayou floodway, the

property experiences regular flooding, which leads to a perfect environment for black mold, insects, and pests. There is no shortage of studies that point to the harm housing conditions like these do to the health of children and school performance after so many missed days—with outcomes that follow them throughout their lives.

Watching the waters rise again after Harvey—for the second time in two years—and with the first-floor apartments uninhabitable and uninhabited, a group of mothers with children living in Arbor Court decided to take action. The group approached Texas Housers—an NLIHC state partner organization—to help them to understand their rights and how HUD and their landlord was in violation of the Fair Housing Act.

Here’s how it works. The owners of the Arbor Court apartment building have a contract with HUD to rent to those who qualify for federal housing assistance. HUD pays this private landlord over \$2.4 million every year under this arrangement. Collectively, the tenants pay 30% of their income in additional rent to the landlord in the amount of \$440,000 per year.

On July 17, 2018, over a dozen current and former Arbor Court tenants filed a lawsuit with the help of Lone Star Legal Aid and Daniel & Beshara, P.C. against HUD and the owners of Arbor Court Apartments. The lawsuit asserts that HUD has a clear right to end its contract with the owner of Arbor Court because the owner failed to meet the HUD housing quality standards set forth in the Section 8 contract. The lawsuit further asserts that HUD’s failure to terminate the contract forces tenants to remain in high-crime, high-poverty, minority-concentrated areas and thereby perpetuates racial segregation and racial discrimination in clear violation of the Fair Housing Act and the U.S. Constitution.

Among other requests, the lawsuit asks the court to require HUD to provide tenants with Housing Choice Vouchers and other necessary assistance that would allow the tenants to obtain affordable, decent, and safe housing in communities without substandard conditions.

For periodic updates on this case, visit: <https://lonestarlegal.blog/category/news/>



# The Impact of Nuisance and Crime Free Ordinances on Domestic Abuse Survivors

Since the 1980s, cities across America have created nuisance and crime-free ordinances as a means of decreasing illegal and dangerous activities from taking place in rental properties. However, as these policies have evolved, they've raised questions about the impacts they have on some of the most vulnerable people and about whether they comply with the Fair Housing Act.

Nuisance and crime-free ordinances encourage and, in some cases, require landlords to evict tenants who engage in a broad range of activities considered to be a nuisance or associated with criminal activity. Activities that can be defined as being a nuisance can range from having garbage on the property to being arrested regardless of whether the incident led to a conviction. These types of policies target immigrants, women and people of color and lead to housing insecurity.

These policies have negative impacts on the safety and wellbeing of women generally and African American women specifically who experience domestic violence. Because the ordinances do not provide exceptions to emergency service calls made by victims of domestic abuse, the women experiencing domestic violence often must make a choice between seeking safety away from their abusers or remaining housed. The case of Lakisha Briggs of Norristown, Pennsylvania, shows the impact these ordinances have on domestic abuse victims.

In 2012, Briggs was informed that the city had a “three strikes” rule on emergency calls for disorderly behavior at a residence and that the city would forcibly evict tenants who

received a third strike. Additionally, residents could receive strikes from calls coming from the tenants themselves as well as their neighbors. At the time, Briggs was living with an abusive boyfriend and, due to a record of previous calls, was forced to stay housed with him rather than seek help. This came to a head when Briggs was hospitalized after a violent argument at her home. Because a neighbor called police to help, Briggs reached her third strike and the city had her evicted.

Ms. Briggs, with support from the American Civil Liberties Union, filed a lawsuit against the City of Norristown regarding her own experiences with its nuisance ordinance. As part of this case, HUD filed a complaint stating that the ordinance violated the Fair Housing Act based on the impact it had on women experiencing domestic violence. The City of Norristown eventually settled the case and agreed to repeal their ordinances as part of the settlement. Additionally, Pennsylvania passed legislation that bans localities from creating these types of ordinances. While some states such as Pennsylvania and Illinois no longer have these policies, there are still many more where they are allowed and enforced.

So, what can be done? Many localities do not realize that these types of policies violate the Fair Housing Act, so education is key in turning the tide. HUD has released guidance on how to evaluate these ordinances using the Fair Housing Act which states that localities should remove all policies that punish residents with eviction for use of emergency services. Additionally, fair housing groups have created trainings that explain why these policies are discriminatory.

**“Activities that can be defined as being a nuisance can range from having garbage on the property to being arrested regardless of whether the incident led to a conviction. These types of policies target immigrants, women and people of color and lead to housing insecurity.”**

# Southern Movement Blueprint: A Plan of Action Created by the People for the People

Many of the articles in this edition of *Tenant Talk* point to the failure of the government to end segregation and discrimination, and to protect people that are vulnerable. Many communities across the country are organizing to find their own solutions to these problems.

Since 2012, community leaders from across the South have gathered at seven Southern Movement Assemblies to discuss the major issues affecting their neighborhoods, develop bold visions for the future, and commit to action. The result of these efforts is the Southern Movement Blueprint – a framework for creating a “new social economy,” a “people’s democracy” and a “defense of marginalized communities.”

The first part of the vision, creating a new social economy, means confronting harmful economies and constructing new institutions and practices like cooperatives. A people’s democracy means building coordinated local community-rule for “movement power.” The last part of the vision, protecting and defending communities, means working to eliminate “state violence” in all its forms.

The Southern Movement Blueprint identifies failed economies, false democracy and state violence as targets to hold accountable. Failed economies refer to markets that exploit communities, gentrification that displaces people and the elimination of jobs due to global systems of finance and

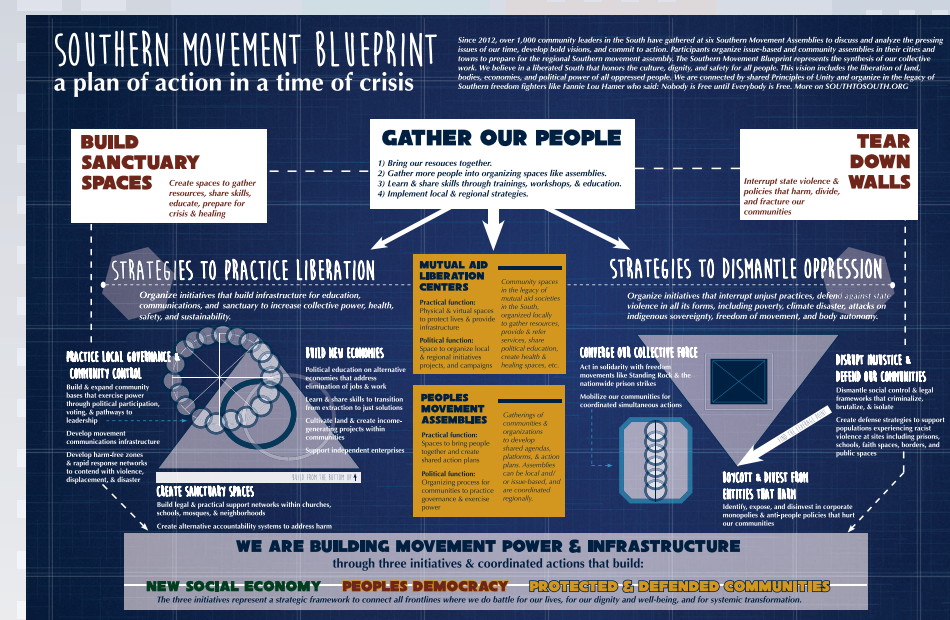
technology. False democracy is voter disenfranchisement and restrictions that prevent people from participating in their civic duties. State violence refers to physical violence, economies of scarcity and environmental racism that are rising in communities every day.

There are many initiatives the blueprint suggests as means to eliminate the threats to communities. Strategies to practice liberation and to interrupt and dismantle oppression are proposed to create change in communities. Strategies of liberation include practicing local governance and community control and building new economies by supporting and establishing local businesses, learning and sharing hard skills, and cultivating community-controlled funds. Strategies to interrupt and dismantle oppression are mobilization and convergence, disruption and defense, and boycotts. Examples of strategies to dismantle oppression are standing in solidarity with Standing Rock and investigating and targeting Southern companies that have profited from ecological disasters.

The Southern Movement Blueprint also incorporates community infrastructure practices in order to create the vision of the Southern Movement Assembly. Mutual Aid Liberation Centers are community spaces organized locally to gather resources and support rapid response to crisis. They are spaces that provide sanctuary and an entry point for people to join the movement. Community and Frontline

Assemblies are gatherings to practice governance from the bottom up. One example of an assembly is the Labor and Climate Assembly which organizes workers and community members directly affected by climate disasters and exploitative industries to build long-term strategies for just transitions.

The Southern Movement Blueprint offers a plan of action that builds slowly towards a Southern infrastructure connecting local communities through work, principles and values. There is room for everyone in the plan. If you are looking for ways to take local action in your community, and like the concept of the blueprint, you can learn more by going to [www.southtosouth.org](http://www.southtosouth.org).



Above is the Southern Movement Blueprint: A collective plan of action that lays out work and commitments needed to create a better future for local communities.





# OUR HOMES, OUR VOICES NATIONAL HOUSING WEEK OF ACTION EVENT HIGHLIGHTS

## 1. RICHMOND, VIRGINIA

Advocates in Virginia, including NLIHC state partner the Virginia Housing Alliance, invited elected officials to tour the construction site of the New Clay House, a permanent supportive housing site owned and operated by Virginia Supportive Housing located in downtown Richmond. The program is currently undergoing renovations and will be able to accommodate twice as many individuals as before (for a total of 80 residents). The New Clay House was able to utilize over a dozen federal and state funding sources to make this project happen, from the Historic Tax Credit to the National Housing Trust Fund.

## 2. NASHVILLE, TENNESSEE

Following the State of the Metro address delivered by Mayor David Briley, residents of Nashville gathered to express the priorities of their community. Bus riders, bus drivers, tenants, and concerned community members spoke about gentrification and the displacement of families in the city. The People's State of the Metro address highlighted ways local leadership could work alongside working-class residents to ensure development without displacement.

## 3. SAN JUAN, PUERTO RICO

MicroJuris.com and other advocates in Puerto Rico held a symposium titled *Invisible Before the Law: Rights and Inequality in Puerto Rico*. The symposium featured a guest lecturer, Luis Estrella Martínez, associate judge of the Supreme Court of Puerto Rico. Other sessions included a discussion panel with several elected officials, a presentation on legal difficulties low income people have faced since Hurricane Maria, a workshop on poverty and access to justice, and other topics.

## 4. PLAINFIELD, NEW JERSEY

*Our Homes, Our Voices* Week of Action occurred at the same time as Habitat for Humanity's National Women's Build Week. To celebrate both events, Greater Plainfield and Middlesex County Habitat for Humanity gathered a group of 25 female volunteers to build an affordable home in Plainfield, New Jersey.

## 5. BALTIMORE, MARYLAND

In Baltimore, Housing Our Neighbors hosted a Housing is a Human Right spaghetti dinner for individuals experiencing homelessness. The event was held at a local church and had a large turnout. Participants engaged in discussions about affordable housing and displacement throughout the event.

## 6. PORTLAND, MAINE

Many participants during the week of action met with their representatives to advocate for increased attention and resources devoted to housing issues. Members of the Maine Affordable Housing Coalition, an NLIHC state partner, met with Senator Angus King at a public library to discuss the lack of affordable housing in Maine, and how Congress might help address it.

## 7. HAMMOND, INDIANA

Prosperity Indiana, an NLIHC state partner, gathered residents and advocates to share challenges and desired outcomes related to housing issues facing their community. Over the course of a day they devised a plan of action to achieve effective and comprehensive solutions.

## 8. MIAMI, FLORIDA

Did you know that LGBTQ youth are 120% more likely to experience homelessness than their non-LGBTQ peers? Smash the Slumlords and the Liberty City Committee on Slum and Gentrification gathered to sing karaoke while raising funds for LGBTQ homeless youth in Miami. The advocates also discussed a community land trust that is being developed, along with housing and shelter options.

## 9. NEW ORLEANS, LOUISIANA

Greater New Orleans Housing Alliance hosted "The Rent is Too Damn High!" during the *Our Homes, Our Voices National Housing Week of Action*. This was an exhibition, performance, and catalogue publication that allowed black artists of the city to explore themes of home, belonging, gentrification, and displacement. At the exhibition, residents viewed the artists' work and commentary on housing justice.

## 10. SACRAMENTO, CALIFORNIA

For the first time ever, the California Residents Network (RUN) provided witness at a state legislative hearing to help pass a bill that supports renters. RUN leader Andrea Noble shared with the Assembly Judiciary Committee at the Capitol why it is important to enact a protection that will allow renters to make their rental payments via a third party.

## 11. BOSTON, MASSACHUSETTS

Metro Housing Boston and Citizens' Housing and Planning Association (CHAPA), an NLIHC state partner, hosted a panel discussion titled *Foundations for the Future: State and Federal Affordable Housing Programs*. Congresswoman Katherine Clark joined three other panelists, including National Low Income Housing Coalition President and CEO Diane Yentel, to kick off the Week of Action by speaking about the future of affordable housing in America.

## 12. DAVENPORT, IOWA

The Shelter and Transitional Housing Council of Davenport held a lunch event where they discussed the unique housing challenges of the "Quad Cities," with a focus on the need for more federal solutions. This discussion was the first of a series where the group will continue to brainstorm potential solutions.

## 13. EATON, OHIO

Home is the Foundation, in partnership with several other organizations, held a panel discussion on affordable housing in Preble County, Ohio. Attendees included government officials, local advocates, and residents. The discussion was followed by a tour of a local affordable housing development.



RICHMOND, VA



NASHVILLE, TN



PLAINFIELD, NJ



SAN JUAN, PR



BALTIMORE, MD



MIAMI, FL



SACRAMENTO, CA



BOSTON, MA



NEW ORLEANS, LA



PORTLAND, ME



HAMMOND, IN



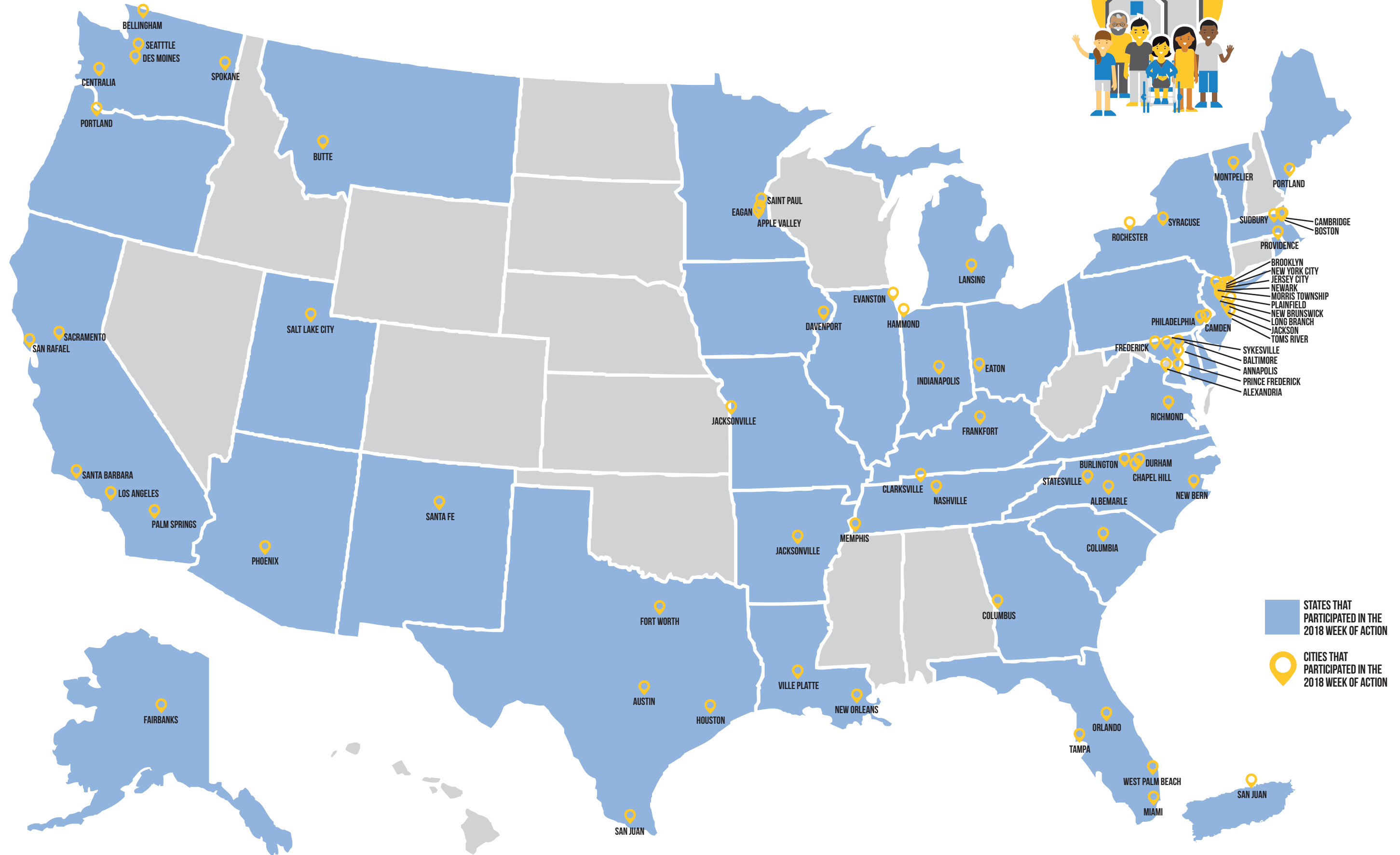
DAVENPORT, IA



EATON, OH



# OUR HOMES, OUR VOICES • NATIONWIDE WEEK OF ACTION EVENTS



# SPOTLIGHT ON...

## Recent Local Organizing Victories

### Oklahoma Coalition for Affordable Housing Supports 50th Anniversary of Fair Housing

The Oklahoma Coalition for Affordable Housing (OCAH) celebrated the 50th Anniversary of the Fair Housing Act this spring by sponsoring four trainings and seminars throughout the state. The coalition aimed to educate the community at large about federal housing laws and regulations that impact people's health and wellbeing, and the accessible housing needs for people with disabilities.

In Oklahoma City, the coalition held the 2018 Oklahoma Fair Housing & Health Equity Seminar. This event covered fair housing laws, the enforcement of fair housing, the impact of housing discrimination, and behavioral health and housing. This seminar provided training to professionals from a variety of sectors including health, housing, and law.

Also held in Oklahoma City was the Commercial Real Estate Bus Tour, hosted by the Central Oklahoma Commercial Association of REALTORS®, OCAH Affiliate and Education Sponsor. The tour followed the proposed Bus Rapid Transit Route—a bus-based transit system that would have dedicated lanes for buses, stations in the center of the road, and off-board fare collections. The discussion on the tour focused on Americans with Disabilities Act (ADA) aspects of the proposed route and potential development of affordable housing near the route.

OCAH also promoted the Fair

Housing Accessibility FIRST Policy Training in Tulsa. The free training was provided by the Tulsa Area Fair Housing Partnership & the U.S. Department of Housing and Urban Development. This training included information about the Fair Housing Act's accessibility requirements, disability rights laws, and methods for making housing accessible through modifications and accommodations.



2018 Oklahoma Fair Housing & Health Equity Seminar

The last event celebrating the 50th anniversary of the Fair Housing Act took place in Tulsa and focused on landlord and tenant problems including housing discrimination claims and health and safety issues. All of these educational opportunities held during Fair Housing Month are just one way OCAH supports fair housing practices in Oklahoma.

### Civil Rights Groups Challenge Policies that Restrict Access to Basic Utility Services

Many Americans are familiar with the protections the Fair Housing Act provides them when attempting to rent an apartment or purchase a home. However, many might not be aware that the law also protects them from discriminatory practices while living in their home or apartment. In LaGrange, Georgia, legal activists from a coalition of Civil Rights groups are relying on this aspect of the Fair Housing Act to challenge local laws they believe have a discriminatory impact on members of the community.

The City of LaGrange is the sole provider of basic utilities such as electricity and water and has imposed a policy that allows the city to restrict basic access to these services if the account holder has unpaid fines from any offense. The policy also allows LaGrange to restrict utility access if one does not have a Social Security card and a government ID.

In 2017, both policies were challenged in court by the Southern Center for Human Rights (SCHR), the National Immigration Law Center, and Relman, Dane, & Colfax PLLC on behalf of the NAACP. They argued that the policies had an unfair impact on the city's black and Latino residents. While black residents account for fewer than half of the city's population, 90 percent of individuals with unpaid court fines were black. Additionally, the policy targets Latino immigrants who are less likely to have the



Mayra Joachin, a staff attorney at the National Immigration Law Center, discusses her involvement in the case against La Grange, Georgia

identification required. These residents are often forced to rely on a third party to gain access to basic utilities.

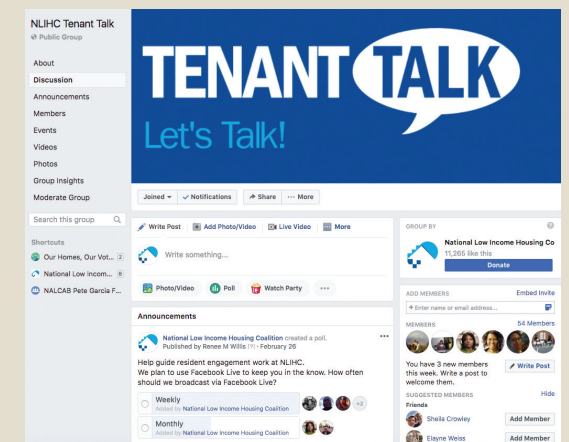
While the 2017 case was ultimately dismissed by the U.S. District Court of Northern Georgia, SCHR filed an appeal with the eleventh circuit court this past June. Amicus briefs in support of SCHR's case have been filed with the court from many organizations including the NAACP Legal and Education Defense Fund and the Southern Poverty Law Center.

## Want to have a conversation about an article you read in *Tenant Talk*?

## Want to know how other residents are addressing issues in their communities?

Join NLIHC's resident-focused Facebook group: *Tenant Talk* – [www.facebook.com/groups/TenantTalk](http://www.facebook.com/groups/TenantTalk)

Here you can engage with other resident leaders across the country in ongoing dialogue and effective action necessary to end housing poverty.





# RESIDENT PERSPECTIVES

## Update from Our Homes, Our Voices Housing Week of Action: Action Outside of HUD's Office

By Rhoda Gibson, Co-Founder of Mass ADAPT

This past year, the administration has proposed many threats to affordable and accessible housing. I live in affordable housing and am worried about how the loss of resources could affect my neighbors and me. Because of these threats, I have been active in my community and across the nation, making my voice heard about the need for more affordable and accessible housing, not less.



MassADAPT rally outside of HUD's offices in Boston

MassADAPT and the Boston Center for Independent Living organized a protest May 4, outside of the HUD offices in Boston, in response to the administration's proposal to require many low income families to pay an even greater share of their limited incomes on rent and to increase rents for households with high medical or child care expenses. I helped coordinate the effort through my role as co-founder of MassADAPT, the Massachusetts chapter of ADAPT, a grassroots disability rights group that engages advocates in nonviolent direct action to ensure the civil and human rights of people with disabilities.

On May 4, fifteen advocates protested and handed out flyers to pedestrians. Northeastern's graduation was the same day, so we were able to engage many graduates and family members in conversations about accessibility issues. Even one of the HUD security guards came out, asked for more information, and how he could help the cause. One issue the activists were concerned about was their inability to use vouchers for newly constructed accessible units in Massachusetts, particularly in the Malden, where I live. The nonviolent action was a great opportunity to inform the public about the unmet accessible housing needs of people with disabilities.

My engagement in issues related to housing and accessibility rights did not stop with the protest on May 4. I have participated in visits with members of Congress regarding affordable accessible housing. It's so hard to find and secure affordable housing when one has a disability. I am trying to do as much as I can to raise this issue to the forefront of people's minds. Hard times can happen to anyone. I became disabled at the age of 54 and it was very unexpected. Having a safety net to land on when the unexpected happens is something I am grateful for, and I hope that I don't see it disappear in my lifetime.

## My Journey

By Yanira Cortes, Newark NJ Resident Leader and NLIHC Board Member

I am delighted to be the newest member of the *Tenant Talk* editorial board. The last few years of my life have led me to better appreciate and understand the importance of housing policy advocacy and the power of low income renters when they speak up.

As a wage-earner and single mother of four, there is little margin for error in budgeting, and money is always tight. I was delighted when I was eventually able to get an affordable apartment at Pueblo City Apartments. Unfortunately, affordability isn't the only important part of a stable home. Safety and health are essential as well.

My experience at Pueblo City Apartments was horrific. My apartment was filled with mold and infested with pests. The property managers were not responsive to my repeated pleas for repairs. I couldn't just move. Locked in a lease and having little money to cover moving costs, where could I go?

I sought help. First, I went the conventional route with building inspectors to document code violations and have fixes ordered. But I didn't stop there. I met with the Ocean County Lakewood Chapter of the NAACP, the Greater Newark HUD Tenants Coalition, Former New Jersey State Senator Jennifer Beck (R-Monmouth), the CEO of Ocean, Inc., and various others who helped me secure new housing options. I testified before the Senate's Community and Urban Affairs Committee to share my experiences and ensure other low income people don't have similar experiences.

Today, I have a Housing Choice Voucher that has enabled me to move my children into a house in Ocean County. I know that for many low income renters, the story doesn't work out this well. Many give up. Many never find the people who are willing to help.

My experience living in sub-standard housing fuels my interest in making sure that NLIHC is successful in securing more resources and better tenant protections. It's important for my family, it's important for my community.



Yanira Cortes

**WE WANT TO  
HEAR FROM YOU!**

Submit your feedback about this edition of *Tenant Talk*, stories about events in your community, or reflections on federal policy to [outreach@nlihc.org](mailto:outreach@nlihc.org), and you could be featured in future editions of *Tenant Talk*!



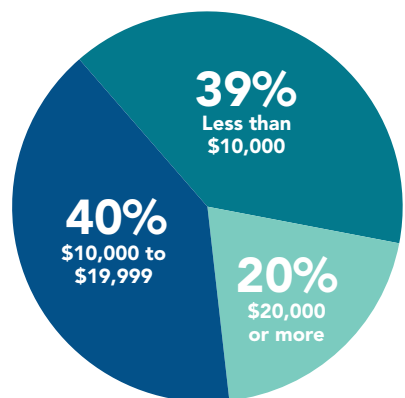
# An Overview of Representative Dennis Ross's Bill to Cut Housing Benefits:

**R**epresentative Dennis Ross (R-FL) has released a draft bill that would cut housing benefits that help low income families afford to keep roofs over their heads. The bill could increase rents on millions of low income families who receive housing benefits. If passed, the bill would leave even more low income people—including seniors, people with disabilities, veterans, children, and other vulnerable populations—without stable homes, making it harder for them to climb the economic ladder and live with dignity. This could lead to increased evictions, and in worst cases, homelessness.

Because people receiving federal housing assistance already pay their fair share (at least 30 percent of income), rent increases would force them to spend less money on basic needs like medicine or food and would put them at increased risk of eviction and homelessness.

Rep. Ross's bill proposes several different rent structures public housing agencies (PHAs) could implement—all of which would raise rents for the poorest families.<sup>1</sup> HUD is already testing some of these policies through its rent-reform demonstration and is planning evaluations of others through the recent expansion of the Moving to Work (MTW) demonstration. Congress should not make a

SEVENTY-NINE PERCENT OF HUD-ASSISTED HOUSEHOLDS HAVE AVERAGE ANNUAL INCOMES BELOW \$20,000



Source: HUD Picture of Subsidized Households 2017. Note: Figures do not add to 100% due to rounding.

Eight Out of Every Ten HUD-Assisted Households Have Annual Incomes Below \$20,000

shift in longstanding federal rent policies before the results of these evaluations are available.

## Representative Ross's bill would:

**Eliminate income deductions for medical or childcare expenses.** Currently, most families receiving federal housing assistance pay 30 percent of their *adjusted* income as rent. Under the proposal, households could instead have to pay 30 percent of their *gross* income. HUD could impose this policy change on households headed by seniors or people with disabilities regardless of the rent options local PHAs choose.<sup>2</sup> Basing families' contributions on gross income particularly hurts households with high medical or child care expenses by eliminating deductions for these expenses, but virtually all seniors, people with disabilities and families with children would pay more if rent is based on gross income. The proposal would also increase the minimum rent from \$50 to \$75, even if this is more than 30% of a resident's income.

**Allow rents to balloon substantially beyond what families can afford.** Under the "tiered rent" policy proposed by the bill, rents could increase substantially. Poor families could be charged a minimum of more than \$500, ten times the minimum rent they can be charged today and far more than 30 percent of most extremely low income families' income. In addition, rents could increase by as much as several hundred dollars a month when a tenant's income exceeds the initial "income cliff." Estimates show that the average rent increase would be more than \$200 at the income cliff.

**Impose a de facto time limit on affordable housing benefits.** Under the "stepped rent" component of the proposal, tenants could see their housing benefits decrease and rents increase every two years, even if it requires them to pay more than their fair share and regardless of their ability to pay. Similar to the "tiered rent" policy, this option would immediately raise rents substantially on the lowest income people, continuing to increase their rent payments every two years based on local housing costs and regardless of their income. Eventually, low income tenants would receive zero housing benefits. Such a system would establish a de facto time limit that would have serious negative consequences, including preventing housing assistance programs from providing continuing assistance to families that work but don't earn enough to afford market rents, and placing some tenants at risk of eviction and homelessness.

**Give authority to PHAs to change rent policies, without protections for residents.** The bill also allows PHAs to establish other rent policies with little oversight from HUD. Under the bill, a PHA's proposal to change its rent-setting policy would be considered accepted if HUD does not disapprove the policy in 90 days. The bill does not provide any details on how PHAs must ensure residents have adequate protections when implementing a new rent policy.

**Allow PHAs to provide significantly less assistance to families in need.** Instead of covering the full amount a family needs to maintain adequate housing, the bill would permit PHAs to use 40 percent of their funding for housing vouchers to offer "shallow" housing benefits across more families—less than half the current level. While supporters claim this model would serve more families, it could so dilute housing benefits that families could not achieve housing stability or have a real opportunity to live in higher-opportunity neighborhoods. The proposal claims that the reduced subsidies would be optional for families on waiting lists for assistance. But these families who may be homeless or living in unsafe, unstable housing arrangements could face pressure to accept. If they didn't, other families would jump past them on the waiting list. Federal housing benefits are already chronically underfunded; three out of four families in need are turned away. This proposal would divert scarce resources away from people most in need and potentially undermine the proven effectiveness of housing

vouchers in preventing homelessness.

**Make it harder for families to move to high-opportunity neighborhoods.** Currently, around 2,200 PHAs administer the nation's 2.2 million housing vouchers. Voucher holders trying to move from one agency's jurisdiction to another (including to move to high-opportunity neighborhoods) would have to navigate a patchwork of local rent policies to figure out if they can afford to move.

**Make funding cuts more likely.** In addition to undermining the proven effectiveness of federal rental assistance programs, allowing PHAs to substantially increase tenants' rent payments could be used to make the case for future funding cuts. All PHAs—and all households they assist—could be much worse off, regardless of the choices individual PHAs and communities make.

## An Overview of Representative Turner's Bill Related to Foster-Care Youth

The House Financial Services Committee passed, on a party-line vote, Representative Mike Turner's (R-OH) "Fostering Stable Housing Opportunities Act of 2017" (HR 2069) on July 24. The bill aims to provide housing assistance to youth aging out of the foster system, but it provides no additional resources to do so. Instead, the bill imposes work requirements and other burdens on youth as a condition for receiving housing assistance, the first time ever for individuals who rely on such assistance. The bill will now head to the House floor for a vote, where it needs to be approved only by a simple majority. While the bill is more likely to pass the House, it faces more opposition in the Senate, where it would need 60 votes to pass.

The bill directs public housing agencies to impose a combination of education and training or self-sufficiency requirements on youth aging out of the foster care system as a condition of receiving housing assistance. While the bill no longer expressly requires youth to work a set number of hours each week to maintain their housing assistance, the HUD Secretary would have the authority to establish hourly education and training requirements through regulation.

As an alternative to imposing education and training requirements, public housing agencies would be required under the bill to make participation in HUD's Family Self Sufficiency (FSS) programs mandatory for youth as a condition of receiving housing assistance.

Whether through education and training requirements or mandatory FSS participation, the "Fostering Stable Housing Opportunities Act" puts youth unable to meet these standards at risk of losing housing benefits that make it possible for them to live in stable, affordable homes and find and maintain work.

<sup>1</sup> The bill would not change rent policies in the Section 8 Project-based Rental Assistance program, except for former public housing properties that converted to PBRA under the Rental Assistance Demonstration.

<sup>2</sup> The bill would also allow HUD to set rents higher than 30 percent of gross income for seniors and people with disabilities.

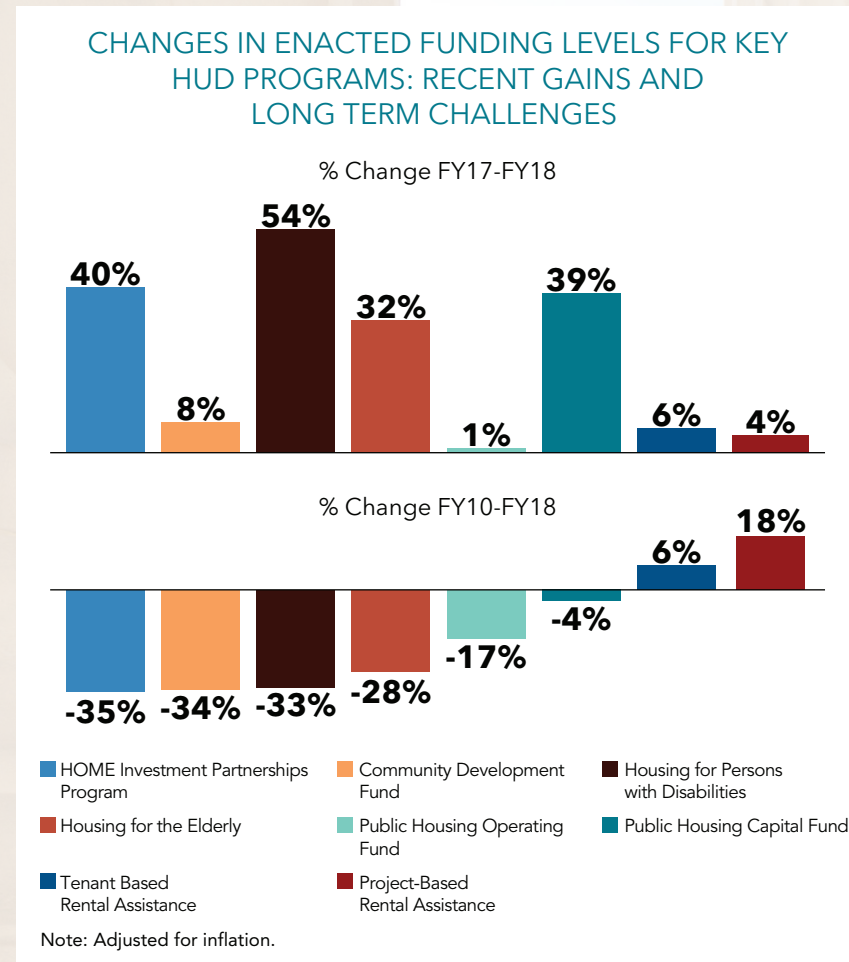


# Federal Budget Updates

Each year, Congress must pass twelve spending bills to fund federal agencies and programs. The process has already begun for the current fiscal year (FY 2019), which began October 1, 2018. Both the Senate and the House have introduced their versions of the spending bills that fund HUD, but only the Senate has passed their proposal. Instead, Congress passed a temporary funding bill, known as a continuing resolution, to keep the government running through December 7. The continuing resolution gives Congress more time to enact final spending bills.

Earlier this year, Congress agreed to lift spending caps that had significantly decreased funding for affordable housing, community development, and other critical programs. This agreement allowed Congress to increase funding for HUD in the last fiscal year (FY 2018) by 10% from the previous year. Both the House and Senate versions of the new FY 2019 spending bills build on this increase, although the Senate version provides \$1 billion more than the House proposal. Both plans reject the deep cuts proposed by the White House and certain members of Congress.

The House and Senate bills contain different levels of funding for HUD programs. The Senate bill fully funds all existing Housing Choice Vouchers and Project-Based Rental Assistance and provides new vouchers for veterans and youth aging out of foster care. In contrast, the House bill does not include enough funding for existing contracts of these rental assistance programs, which could result in fewer families receiving housing assistance. The House did include \$50 million for a mobility-voucher pilot program that would help families with young children move to neighborhoods with better schools, lower rates of crime and poverty, and additional economic opportunities. The two bills also contain differences on funding levels for Section 811 mainstream vouchers (for non-elderly persons with disabilities), public housing, Housing Opportunities for Persons with AIDS (HOPWA), housing for the elderly (Section 202), and several community development grant programs. Both bills have positive aspects, and NLIHC and other advocates will continue working with Congress to ensure rental assistance,



Despite strong gains in FY18, most HUD programs have lost ground since FY10.

public housing, and other important programs have the highest levels of funding possible. NLIHC and other advocates are also watching for harmful policy riders. Although spending bills are supposed to only contain language on funding, many members of Congress will try to attach other language – known as policy riders – that push certain policies. Some of these policy riders are helpful, such as ensuring people cannot lose their housing because they are survivors of domestic violence or sexual assault. Others can be extremely harmful, like prohibiting HUD from implementing the Affirmatively Furthering Fair Housing Rule.

As Congress moves forward in this process and the House and Senate come to an agreement on the differences between their two bills, advocates across the country will need to engage with their members of Congress to push for the highest spending levels possible and help protect and promote affordable housing.

# Disaster Housing Recovery Updates

NLIHC's Disaster Housing Recovery Coalition works to ensure that all families impacted by recent disasters, including Hurricane Harvey, Irma, Maria, and Florence receive the housing assistance they need and deserve. Unfortunately, since the hurricanes made landfall in 2017 and 2018, the Federal Emergency Management Agency (FEMA) has neglected the housing needs of thousands of survivors by refusing to make available long-term housing recovery resources, including the Disaster Housing Assistance Program (DHAP).

DHAP was created after the hard-won lessons from Hurricane Katrina, and the program has been used successfully in major disasters since that time. Under DHAP, families displaced by disasters receive longer-term rental assistance and case management services to help them find permanent, affordable homes, maintain employment, and connect to other public benefits. The program has been upheld as a best practice by past Republican and Democratic administrations.

DHAP has been requested by governors, members of Congress, advocates, and survivors, but FEMA refuses to implement it.

Instead, FEMA has relied on its Transitional Shelter Assistance program, which helps cover the costs for survivors to stay in motels and is poorly designed to help families with the lowest incomes. Participating motels often charge survivors daily fees or require survivors to have credit cards or put down security deposits – all of which can act as barriers for low income households. More recently, FEMA abruptly ended its TSA program for Puerto Rican disaster survivors, regardless of whether the survivors living in the motels had nowhere to go. FEMA has also relied on state-run disaster recovery programs, which have experienced significant delays.

Because of FEMA's neglect, thousands of families have had no choice but to double or triple up with other low income families, return to unsafe and unhealthy homes, sleep in cars, or pay more than half of their limited income on



Advocates in Puerto Rico discuss the obstacles preventing recovery after Hurricane Maria

rent, putting them at risk of evictions and, in worst cases, homelessness. There are already accounts of individuals displaced by the 2017 disasters who have been referred to state emergency homeless assistance programs as a result of FEMA's failure to address longer-term housing needs.

NLIHC president and CEO Diane Yentel stated, "It is unacceptable that FEMA is choosing to retraumatize these U.S. citizens and put them at increased risk of homelessness. Congress must hold the administration accountable by requiring FEMA to provide families with the proven longer-term disaster housing assistance that has been used to help survivors get back on their feet after other past disasters."

Senator Bill Nelson (D-FL) introduced S. 2880, the "Disaster Housing Assistance Act," and Senator Elizabeth Warren (D-MA) and Representative Adriano Espaillat (D-NY) introduced S. 2996 and H.R. 5474, the "Housing Victims of 5 Major Disasters Act of 2018." Both bills would immediately make available DHAP to low income survivors. Advocates can help disaster survivors by calling their members of Congress and urging them to cosponsor the bills.

**TAKE ACTION!**  
 CONTACT YOUR MEMBERS OF CONGRESS AND URGE THEM TO REQUIRE FEMA TO IMPLEMENT THE **DISASTER HOUSING ASSISTANCE PROGRAM (DHAP) TODAY!**



# Protecting Tenants of Foreclosure Act

**P**resident Trump signed into law a permanent extension of the “Protecting Tenants at Foreclosure Act” (PTFA) on May 24. The PTFA, which expired at the end of 2014, enables renters whose homes were in foreclosure to remain in their homes for at least 90 days or for the term of their lease, whichever is greater. Senator Richard Blumenthal (D-CT) and Representative Keith Ellison (D-MN) had earlier introduced legislation (S. 325/HR 915) to permanently extend the PTFA. Making the PTFA permanent has long been an NLIHC policy priority.

The PTFA, enacted in 2009 with significant NLIHC input, was the only federal protection for renters living in foreclosed properties. During the financial crisis, inappropriate lending, falling home prices, and high unemployment led to a high number of foreclosures across the U.S. The impact of these foreclosures was not limited to homeowners, however; renters lost their homes every day when the owner of the home they were renting went into foreclosure. Unlike homeowners who have some indication that a foreclosure is coming, renters are often caught entirely off guard.

The PTFA provides most renters with the right to at least 90 days’ notice before being required to move after a foreclosure. Before the permanent extension, renters, who often have no idea that their landlords are behind on mortgage payments, could be evicted with just a few days’ notice in most states.

Under PTFA, tenants with Section 8 Housing Choice Voucher assistance have additional protections allowing them to retain their Section 8 lease and requiring the successor-in-interest to assume the housing assistance payment contract associated with that lease.

The PTFA applies to all foreclosures on all residential properties; traditional one-unit single family homes are covered, as are multi-unit properties. The law applies in cases of both judicial and nonjudicial foreclosures. Tenants with lease rights of any kind, including month-to-month leases or leases terminable at will, are protected as long as the tenancy is in effect as of the date of transfer of title at foreclosure.

The PTFA applies in all states but does not override more protective state laws.



**THE PTFA PROVIDES MOST RENTERS WITH THE RIGHT TO AT LEAST 90 DAYS’ NOTICE BEFORE BEING REQUIRED TO MOVE AFTER A FORECLOSURE. BEFORE THE PERMANENT EXTENSION, RENTERS, WHO OFTEN HAVE NO IDEA THAT THEIR LANDLORDS ARE BEHIND ON MORTGAGE PAYMENTS, COULD BE EVICTED WITH JUST A FEW DAYS’ NOTICE IN MOST STATES.**

# HUD Withdraws Proposed Demolition/Disposition Rule

**H**UD, under Secretary Ben Carson, took two actions that could weaken protections for public housing residents when their public housing agency (PHA) seeks to demolish or dispose of (sell) their development.

First, HUD withdrew a proposed rule that could have provided better resident protections from PHA abuses in the demolition/disposition application and implementation process. Advocates worked for years to secure the protections in the proposed rule.

The proposed rule would have:

- Provided guidance to ensure there is more effective resident feedback.
- Explicitly stated that HUD would not consider an application unless it included all of the significant information required for residents to be fully informed.
- Clearly stated that demolition or disposition is a Significant Amendment to the PHA Plan. It would also have required a PHA to certify that it included proposed demolition or disposition in its PHA Plan or Significant Amendment in order to ensure involvement by the Resident Advisory Board,

energetic outreach to residents and the public, and a public hearing.

- Strengthened the notice that must be provided to residents who would be relocated.
- Added civil rights requirements.

The second harmful action was withdrawing Notice PIH 2012-07, written in 2012 as a result of persistent efforts by advocates. That Notice purposely served as a reminder to residents, the public, and PHAs of PHAs’ obligations regarding resident involvement and the role of the PHA Plan under demolition/disposition and PHA Plan regulations. The replacement Notice PIH 2018-04 significantly downplays the role of resident consultation, the PHA Plan, and other resident-oriented features.



*Detroit, Michigan — Demolition of the Brewster-Douglass public housing projects.*

**HUD WITHDREW A PROPOSED RULE THAT COULD HAVE PROVIDED BETTER RESIDENT PROTECTIONS FROM PHA ABUSES IN THE DEMOLITION/DISPOSITION APPLICATION AND IMPLEMENTATION PROCESS. ADVOCATES WORKED FOR YEARS TO SECURE THE PROTECTIONS IN THE PROPOSED RULE**



**"NOW, WITH THIS BILL, THE  
VOICE OF JUSTICE SPEAKS  
AGAIN..."**

*—President Lyndon B. Johnson  
at the signing of the Fair Housing Act of 1968*



**NATIONAL LOW INCOME  
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