

TENANT TALK

SPRING 2019 | VOLUME 10, ISSUE 1

Gentrification and Neighborhood Revitalization:

WHAT'S THE DIFFERENCE?

ALSO IN THIS ISSUE:

- HOUSING IS BUILT WITH BALLOTS:
OUR HOMES, OUR VOTES
- 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 <https://nlihc.org/membership>.

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

PRICED OUT!

Gentrification and the Battle for Our Neighborhoods

A Letter
from the
EDITORIAL
BOARD

Dear Readers,

Struggling neighborhoods throughout the country require new investment. Low income renters too often confront food deserts, limited access to mass transit, unsafe housing conditions, and crumbling public schools. When communities succeed in revitalizing neighborhoods, this turnaround often pushes out the very people who were meant to benefit from the new development. We're talking about the dreaded reality faced by low income people throughout the country: gentrification.

People talk a lot about gentrification, but it's an issue that is largely misunderstood. We believe there are lots of positive things that come with new developments: more jobs, more transit options, better food options, and more taxes in the area contributing to better parks or libraries. The true enemy in new development is the upward rent pressure that leads to displacement. **We cannot continue to repair neighborhoods at the cost of residents who have devoted their lives to creating these urban spaces.**

This issue of *Tenant Talk* examines the many aspects and layers of gentrification and discusses tools and new policies that some communities are using to stop displacement. We also illustrate some possible changes at the federal level that can help, as well as discuss a new threat from the recent tax cuts package.

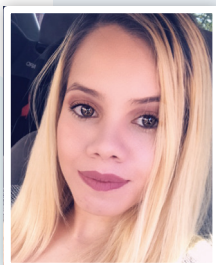
Displacement due to gentrification is the frontline issue for most of us. We hope readers will come away from this issue with more ideas for local solutions, more motivation to engage with Members of Congress in DC, and more hope for housing justice in our future.

In solidarity,

Tenant Talk Editorial Board



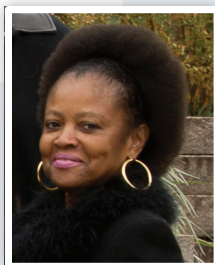
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Gentrification and Neighborhood Revitalization: WHAT'S THE DIFFERENCE?

There are many definitions for gentrification, which can make discussions about development and displacement confusing.

Many anti-displacement activists define gentrification as a profit-driven, race, and class change of a historically disinvested neighborhood. “Disinvested” in this context means areas that businesses and governments have abandoned—where there has been little new development or maintenance of existing

buildings or institutions. Gentrification occurs where land is cheap and the chance to make a profit is high due to the influx of wealthier wage earners willing to pay higher rents.

One case of extreme gentrification is the Bay Area in California, which is undergoing a radical makeover due to the rise in technology companies replacing old industries and jobs. New people moved in to work for these companies and replaced the pre-existing residents. Land values and housing prices



increased dramatically, as did the pressure for property owners to get the most out of rents on urban spaces. The Bay Area has become the second densest urbanized area in the country after Los Angeles.

The Bay Area has grown radically wealthier, but the newfound wealth coming from the tech, medicine and finance businesses goes to a small percentage of people. (The area has more millionaires and billionaires than New York City.) The upper layers of the labor force are getting paid very well, allowing them to outbid ordinary working people, the elderly, and people with disabilities for homes. This increased competition for housing has left areas like Oakland and the San Francisco Mission less affordable for long-term residents.

Race is tied to class and power in gentrification. Most of the wealthy and well-paid in the Bay Area are white while those being displaced are people of color, who typically have less income to bid for housing and are more often renters at greater risk of eviction. The elite can hold onto their claims to the city because they also hold the political power.

There are ways, however, to revitalize neighborhoods

without also gentrifying them. One is to use a positive development model that builds a new vision of community health and sustainability that benefits all residents. Community organizing that brings different groups to the same table to identify a shared interest and common struggle is key to ensuring development that empowers entire communities.

The development process should enable community members to identify the types of housing, services and infrastructure that should exist in their neighborhood. The process should value longtime residents' visions of neighborhood change and give the power of decision-making to community residents. A healthy community is one that acknowledges and supports the importance of racial equity, community and culture.

Public agencies can foster positive development by supporting a shared neighborhood vision and working with community institutions to ensure a successful revitalization that values culture, health, and positive human development, not just increased economic activity. Agencies should help ensure lasting change though development without displacement.



Displacement – The Real Enemy

The most common problem people associate with gentrification is the displacement of residents from a neighborhood experiencing redevelopment. Displacement happens in various ways. “Direct displacement” is when residents are forced to move because of rent increases and/or building renovations. “Exclusionary displacement” is when housing choices for low-income residents are limited. “Displacement pressures” are when supports and services that low-income families rely on disappear from the neighborhood.

Although displacement is cited as the most common concern of gentrification, the research on gentrification and displacement is unclear. Ingrid Gould Ellen and Gerard Torrats-Espinosa studied the long-term effects of gentrification and tracked racial change over time. They defined gentrification narrowly as an increase of income in a neighborhood compared to the larger metro region over time.



Advocates from United for a New Economy – Denver, Colorado
Credit: John Goldstein

The researchers found that a growing number of low-income neighborhoods occupied predominantly by people of color have gentrified in recent decades, although most have remained low-income. Gentrification in the short-term has brought racial integration for many of these neighborhoods, and neighborhoods that became racially diverse through gentrification remained racially diverse past the initial gentrification period. Some neighborhoods that experienced gentrification in the 2000s, however, did experience a more significant rise in white population in the short term and may not experience the same racial stability in the long term.

Gentrification can also benefit neighborhood residents by lowering poverty rates and exposing residents to more opportunity. Recent studies found that public housing residents in gentrifying neighborhoods are exposed to less violent crime, are more often employed, and have higher incomes and greater educational attainment than their counterparts in low-income neighborhoods. Urban revitalization also brings more services to an area. A lack of choice and competition in disinvested neighborhoods may cause families to pay more for goods and services. **There can be benefits to gentrification, but only to long-term residents who are not pushed out. Development without displacement is the key. Fighting against displacement rather than fighting against development should be the focus.**

An exclusionary effect of gentrification is the high cost of rents that force low-income households to move to lower-cost neighborhoods with fewer resources. Displaced low-income households most likely end up in new low-income neighborhoods. Many vulnerable households that do move are renters and are at greater risk of moving to neighborhoods that have lower home values, high unemployment rates, lower median incomes and poor public-school performance.

Cultural displacement is also common. The closing of long-time neighborhood landmarks like historically black churches or local restaurants can erase the history of a neighborhood and with it a sense of belonging. The influx of a new population of upper- and middle-income residents can also change the political landscape, with new leaders ignoring the needs of long-time residents. The loss of long-time residents’ political power leads to further withdrawal from public participation and a loss of control.

Although gentrification can bring about racial diversity, integration, neighborhood improvements, and greater access to services, advocates need to actively promote policies that protect tenants from displacement. Preserving the subsidized housing in gentrifying neighborhoods can ensure that income and racial diversity remains in a neighborhood over time. Governments should also create more affordable low-income homes in gentrifying neighborhoods through new construction and acquisition. Housing subsidies should require long-term or permanent rather than temporary affordability. The next section of *Tenant Talk* will explore these solutions in more detail.

Local Policy Solutions for Preventing Displacement

The data on displacement due to gentrification is insufficient. Many researchers have measured the problem at the city or metro level, but there are few studies that look at neighborhood or “submarket” areas. There is also not a silver bullet or list of sure-thing policies to prevent displacement, but the following are some of many tools that can help combat gentrification. They include baseline protections for the most vulnerable residents, producing and preserving affordable homes, non-market-based approaches to housing and community development, and approaches to community participation.



*Grace Townhomes formed by the Community Justice Land Trust.
Photo: Domus, Inc*

COMMUNITY LAND TRUSTS

One of the biggest problems with gentrification is land. Developers and investors buy land when it is affordable in struggling neighborhoods, and then wait for the right moment to move forward with profitable development. Community Land Trusts (CLTs) are one way to keep land owned by the community and to fight against rapid property value escalation.

CLTs are nonprofits that own land - received as donations or bought with government subsidies - to ensure it stays affordable for long periods. The land is used for housing or other community purposes. If it's for housing, the homes are sold to lower-income families, but the land is still owned by the CLT. When a CLT homeowner moves, they sell the home back to the CLT or another low-income family. The CLT homeowner receives a more modest return on their investment than a regular homeowner when they sell because they “share equity” (the land portion) with the CLT.

Some concerns with CLTs are that they are costly to implement (require substantial funding), especially in gentrifying neighborhoods, and they rarely provide homes to extremely low-income families. CLTs also usually operate on a small scale, which could be helped if cities gave public

land to CLTs and established supporting organizations to build them.

The Community Justice Land Trust (CJLT) in Philadelphia, PA, was created in 2010 by a community coalition that included the Women's Community Revitalization Project (WCRP) and the Philadelphia Association of Community Development Corporations. Philadelphia CJLT addresses the community's recent dramatic increases in housing prices, the rise in new development that did not consider existing needs, and the problem of vacant land and abandoned buildings. The land trust has 36 rent-to-own townhomes and plans to develop 75 more. It is governed by an advisory committee of residents and other stakeholders, as well as WCRP board members.

Research on one of the largest CLTs in the U.S.—Champlain Housing Trust in Vermont—shows that lower-income affordability continued and improved between generations of homebuyers, homeownership was expanded for persons left out from the market, most homeowners gained wealth, and most homeowners bought market-rate homes after they left the CLT. Though CLTs provide limited opportunities for the homeowners to build wealth, they help sustain relative affordability for lower-income households over time.

RENT CONTROL

Rent-control policies offer protections from sudden rent increases, establish maintenance standards, provide the right to a lease renewal, provide the framework for organizing and litigation, and set limits on security deposits. These policies directly affect neighborhood affordability by preventing rents from skyrocketing, enabling residents to stay in their apartments for the long term. Basically, rent control sets a cap on how much a landlord can charge for the rent.

New York has the strongest rent-control policies in the U.S. The Emergency Tenant Protection Act (ETPA) of 1974 established details for rent control and allowed eight counties to voluntarily participate. Currently, 966,000 apartments (45% of the rental market) are rent-stabilized in New York. Since the 1990s, when the law was weakened, the state has lost 300,000 units of rent-stabilized housing. Landlords can remove apartments from rent control when a renter vacates the apartment and then make substantial improvements. This loophole has led landlords to harass, frighten or incentivize renters into leaving their rent-regulated homes.

Continued on the next page

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The ETPA is due to expire in 2019. The Upstate Downstate Housing Alliance sees this as an opportunity to strengthen and expand tenants' rights and is calling for the state to undo provisions that incentivize the loss of rent-regulated units and to extend the rent stabilization framework to the entire state.



New York Housing March, January 2018. Photo: Ethan Fox

Rent-control policies must be carefully implemented to avoid negative consequences. First, rent controls are not tied to specific residents, so there is no way to ensure they are benefiting the people most in need; there are many examples of higher-income, even wealthy, people benefitting from rent control while extremely low-income people remain homeless or on housing assistance wait lists. Second, landlords and developers regularly attack rent control laws, so a strong advocates' rights coalition is needed to ensure proper enforcement and to advise renters on seeking legal recourse. Third, landlords often argue that legal cap on rents leave them too little income for repairs and maintenance, so rent control policies must be paired with enforceable building standards.

JUST-CAUSE EVICTION ORDINANCES

Every rental lease has an end date, even those made by spoken agreement. It is common that when a lease expires, it automatically renews month-to-month on the same terms as the previous lease. Many renters are displaced because at the end of any given lease term, the landlord can simply "not renew" the contract. Some jurisdictions prevent such displacement by passing "Just-Cause" eviction ordinances stipulating that a landlord cannot evict a renter unless there has been a specific violation of the lease. Non-renewal is no longer an option.

Seattle, WA, has had a just-cause eviction ordinance in place since 1980 that applies to verbal leases and month-to-month leases. In these cases, a landlord may ask a tenant to leave for 18 specific reasons, such as failure to pay rent or renter damage to the property.

Just-cause eviction protections are most effective when paired with rent control. If there is no limit on the amount a landlord can increase the rent, a landlord often can just double the rent, and effectively push the renter into moving, without a just cause for eviction.

COMMUNITY BENEFITS AGREEMENTS

Community benefits agreements (CBAs) are legal contracts signed by a developer and community groups. They spell out the benefits a developer promises to provide to the community as part of a development. CBAs give community groups a voice in shaping projects and the legal authority to enforce developers' promises.

For CBAs to be effective, they need to be created by active community-based coalitions willing to stay involved during the development process to hold the developers accountable. Coalitions must ensure any CBAs include fair benefits that are reflective of the community's wishes. If CBAs are weak, they cannot be changed and can be used by developers to look good in the public eye without delivering substantive benefits.

"CBAs give community groups a voice in shaping projects and the legal authority to enforce developers' promises."

Cherokee Denver had purchased the Gates rubber factory in Denver, CO, in 2001 to redevelop the site. They worked with the community to create a CBA that included affordable homes and job guarantees, but the project fell through because of the recession. Broadway Station Partners (BSP) finally bought the land in 2018 to create a mixed-use development. The community surrounding the factory site formed a CBA with BSP, similar to the now-repealed Cherokee Gates Urban Redevelopment Plan. BSP agreed to build 338 affordable homes (affordable for 40 years) and to hire local construction workers. This strong CBA required community groups to stay engaged with developers over nearly 20 years to ensure that redevelopment would have community interests at heart.



Gates Rubber Factory. Photo: John Goldstein

TENANT OPTION TO PURCHASE

“Tenant option to purchase” (TOP) is a tool for residents facing eviction because the property owner intends to sell the property, demolish it, or convert to another use. Cities can pass a TOP policy to require that any housing unit undergoing such changes is offered to residents first before being sold, demolished or re-rented on the private market. The benefits of TOP policies are that they create legal rights for individuals and families faced with displacement, they can ensure housing stability for existing tenants by giving them an option to return to their original homes after being relocated, and they can increase living standards that benefit the existing tenants.

The District of Columbia has an effective Tenant Opportunity to Purchase Act (TOPA). This law requires owners of properties with two or more rental units give tenants and/or tenant associations the option to buy the apartments before a property conversion takes place. If the owner does not provide tenants the option to purchase, the tenants can pursue a lawsuit against the owner. According to Scott Bruton at the Coalition for Nonprofit Housing and Economic Development, TOPA is the most valuable tool the District has for preserving affordable rental housing. Without TOPA, affordable housing developers would lose out to for-profit, market-rate developers in buying multifamily rental properties.

REGULATING AND TAXING SHORT-TERM RENTALS

Research shows that short-term rentals correlate with fewer regular rental units (each unit that gets converted to an short-term rental, takes one away from renters), increased rents, and higher property values, which all lead to displacement. Jurisdictions could regulate and tax the short-term rental operators, many of whom work through AirBnB. Jurisdictions could limit the number of days per year a room or apartment can be rented short-term, require a local contact person be licensed for

short-term rentals and fine offenders, and require that only apartments occupied by a permanent resident who is leaving temporarily may be rented short-term.

Taxing short term rentals is another option. Citizen’s Housing and Planning Association (CHAPA) advocates were successful in getting a state law passed that applies the 5.7 % hotel and motel room tax to short-term rentals (effective July 1, 2019), excluding homeowners who rent their units for two weeks or less during the year. At least 35% of the revenue generated must fund affordable housing, the first state to do so. The law also allows jurisdictions the authority to create additional local taxes, makes short-term renters obtain \$1 million in liability insurance, and creates a public registry of short-term rentals. It remains to be seen whether this bill, the first of its kind, prevents the future loss of affordable homes.

“The benefits of TOP policies are that they create legal rights for individuals and families faced with displacement...”

VACANCY TAXES

Rents rise when there is insufficient housing for all who need it. Vacant properties, of course, provide no housing. Some real estate investors buy buildings and let them sit empty – a phenomenon called “speculation” - often in areas at risk of gentrification where land can be relatively cheap. Real estate investors buy the property and allow it to sit empty because that costs less than managing the building and making sure it’s up to local codes. When the right development opportunity arises, they sell the property or demolish it to make way for something new.

In some communities, speculation has led to a rapid growth in vacant apartments, and some jurisdictions have begun taxing property owners who refuse to make homes available for rent. Voters in Oakland, CA, passed such a tax law by a vote of 68%-31%. The new tax will generate about \$10 million annually, which will the city will then invest in affordable housing.

Small Area Fair Market Rents Can Help Minimize Harm Due to Gentrification

Small Area Fair Market Rents (SAFMRs) are a potential tool to minimize displacement of residents and help ensure an income mix in gentrifying neighborhoods.

WHAT ARE SMALL AREA FMRS?

SAFMRs base the value of a Housing Choice Voucher to a landlord on rents in a ZIP Code. Without SAFMRs, the value of a voucher is based on Fair Market Rent (FMR), which is based on rents in an entire metro area. Metro areas have many areas with very different market rents. A voucher pays the difference between 30% of a household's income and the voucher "payment standard." Public housing agencies (PHAs) set a payment standard (the amount a landlord gets from a voucher) at 90% to 110% of the FMR. As a result, the FMR voucher value is often not enough for rents in gentrifying neighborhoods.

Use of SAFMRs ensure payment standards (the value of vouchers) are more in line with neighborhood rental markets, making vouchers more valuable in higher-rent neighborhoods, such as those undergoing gentrification. Vouchers that pay less than the market rate make it difficult to rent in gentrifying neighborhoods. Household often end up paying more than 30% of their income for rent (paying the difference between the voucher payment and landlord's market rent).

MINIMIZING DISPLACEMENT AND/OR FOSTERING MIXED-INCOME NEIGHBORHOODS

Where SAFMRs are available, long-time residents with vouchers (or voucher applicants) living in gentrifying neighborhoods might be able to remain in their homes, avoiding displacement as landlords attempt to cash in on rising demand for rental housing. Use of SAFMRs before a neighborhood fully gentrifies can help new income-eligible households move into a neighborhood

to take advantage of the improving community features and provide a healthy mixed-income area.

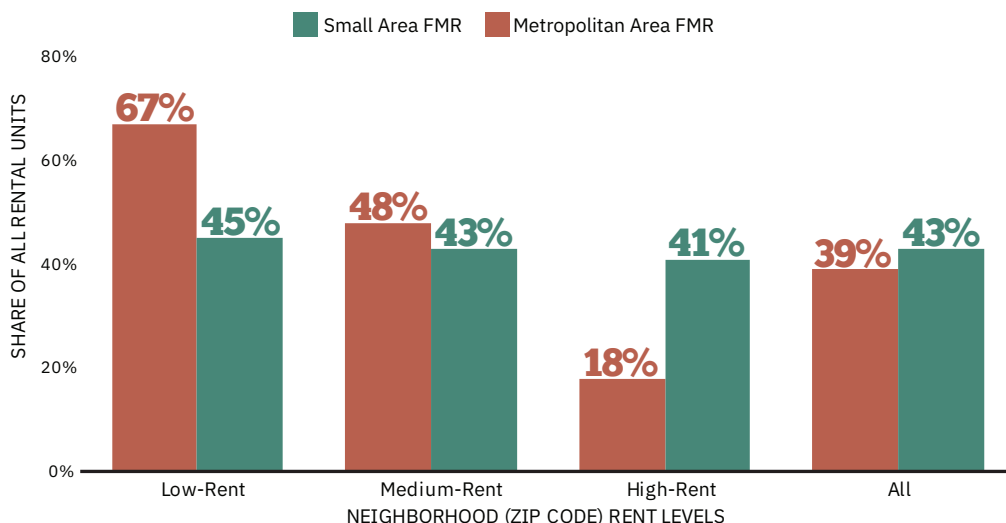
REQUIRED AND VOLUNTARY SAFMRS

A new HUD regulation required PHAs in 24 metro areas to begin using SAFMRs on April 1, 2018. SAFMRs have to be used by all PHAs in those metro areas, not just the PHA in the major city – e.g., 19 PHAs in the Philadelphia metro area must use SAFMRs, not just the Philadelphia PHA. More metro areas could be required to use SAFMRs in the future. PHAs anywhere can voluntarily use SAFMRs, and residents should advocate for their PHAs to use them. A list of the 24 metro areas can be found at: <https://bit.ly/2Vt3KLq>

One issue, however, is that landlords are not required to rent to households with vouchers. There are two categories of exceptions:

1. Landlords must accept vouchers if their building is assisted by the Low Income Housing Tax Credit, HOME, or national Housing Trust Fund programs.
2. Some cities and states have laws that ban "source-of-income" (SOI) discrimination, prohibiting landlords from refusing to rent paying with a voucher, Supplemental Security Income, or Social Security. The Poverty & Race Research Action Council annually updates a list of SOI laws at: <https://bit.ly/2DKnFQ0>

NEIGHBORHOOD SHARE OF RENTAL UNITS AFFORDABLE TO VOUCHER RECIPIENTS METROPOLITAN VS. SMALL AREA FAIR MARKET RENTS (FMRS)



Source: NYU Furman Center (2018).

Extended Affordability Requirements are a Tool to Preserve Affordable Housing

The lowest-income renters face a national shortage of more than seven million affordable, accessible and available rental units, and only one in four eligible low-income renters receives the assistance they need. The affordable housing crisis could worsen when 279,207 publicly subsidized rental homes reach the end of their affordability periods over the next five years; these homes could convert to market-rate rents without additional subsidy. One way to prevent future losses of affordable homes is to extend affordability requirements.

Many state legislatures have chosen to extend the federal Low-Income Housing Tax Credits (LIHTC) housing affordability requirements beyond the year 30 limit. LIHTC is the largest federal affordable housing production in the U.S., and many LIHTC homes risk being converted to market rate housing once affordability restrictions expire. The states with extended mandatory affordability requirements include Pennsylvania, Florida, Vermont, Maine, New Hampshire, Oregon, Utah, Hawaii, Colorado, Maryland, and Connecticut*. Most of these states have affordability requirements of 35 to 50 years; they are 60 years in Oregon, 99 years in New Hampshire, and permanent in Vermont.

Vermont's permanent affordability requirement was created in the 1980s because many affordable homes built with HUD and USDA funding had affordability requirements expiring at that time. Many property owners chose to convert the affordable units to market-rate housing, leading to a massive displacement of the lowest-income renters. At the same time, HUD was reducing affordable housing subsidies available to state and local governments.

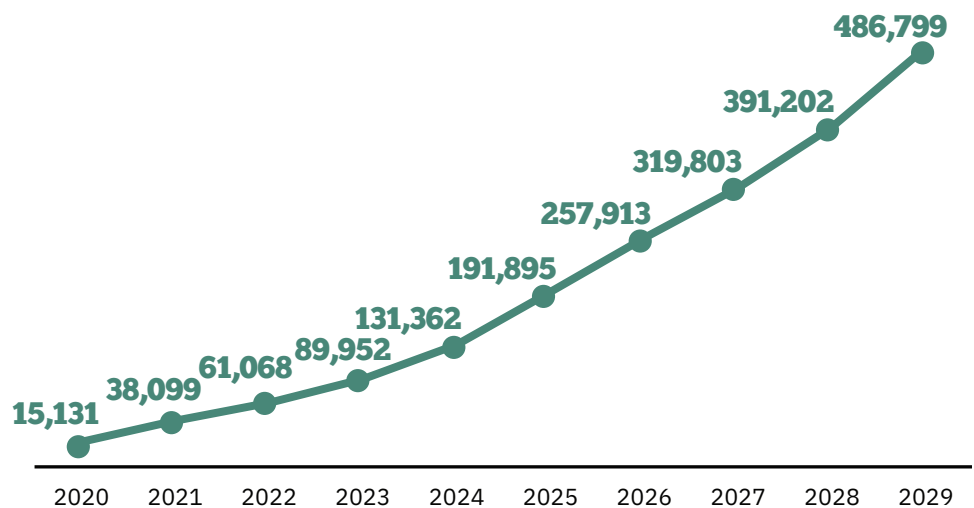
The "Vermont Housing and

Conservation Trust Fund Act in 1987" requires any housing subsidized by the state must be permanently affordable to lower-income Vermonters. Compliance is monitored by a community-based nonprofit or a public agency like the Vermont Housing and Conservation Board (VHCB). Over the past thirty years, VHCB has assisted nonprofits and municipalities develop 8,300 permanently affordable homes. In addition to homes made permanently affordable, VHCB prevented virtually all affordable homes built with HUD and USDA subsidies from turning into market-rate housing.

Solutions like permanent or extended affordability requirements protect the limited supply of affordable homes, which in turn can effectively ensure low-income residents remain in their neighborhoods. NLIHC advocates for the longest possible affordability periods in all federal programs, and while progress is slow, advocates can win extended or permanent affordability requirements for states or cities' uses of federal dollars!

NEARLY HALF A MILLION LOW INCOME HOUSING TAX CREDIT HOMES WILL LOSE THEIR AFFORDABILITY RESTRICTIONS FROM 2020 TO 2029

CUMULATIVE COUNT OF LIHTC UNITS LOSING ALL AFFORDABILITY RESTRICTIONS (2020-2029)



Source: NLIHC and PAHRC, 2018

Opportunity Zones—A Potential New Challenge in the Fight against Gentrification

The “Tax Cuts and Jobs Act of 2017”—President Trump’s massive tax cut law that mostly benefits wealthy Americans and corporations — created “Opportunity Zones,” 8,700 ZIP codes where governors have determined a need for more investment and where those who do invest will now receive significant tax benefits.

The Opportunity Zones (OZ) concept—more investment in struggling neighborhoods — could be a good thing. Senators Tim Scott (R-SC) and Cory Booker (D-NJ), who authored the plan, hope to address blight and crumbling infrastructure. As passed, however, the law does not incentivize, much less require, the investments be used to benefit long-term residents by building affordable housing, supporting local businesses, creating decent-paying jobs, or providing other types of community benefits. Investor-developers can now receive large federal tax benefits to build anything from hotels to luxury condos to corporate office buildings, as long as they build it in an OZ.

To compete for a governor’s OZ designation, a ZIP code had to have a poverty rate of at least 20% or a median income no greater than 80% of the area median income. ZIP codes can be quite large, include a variety of income groups, and contain wealthy pockets or a major university or an arts district in an otherwise poor area. Also, not all OZ ZIP codes need to meet the “low-income” definition; up to 5% of the OZs can include ZIP codes next to a “low-income” ZIP code, as long as the adjacent ZIP code has a median income no more than



Housing Trust of Rutland County makes renovations to Heritage Courts in Poltney, VT

125% of the low-income ZIP code. All of the OZ investment activity could happen in the wealthier ZIP code, with little or no benefit to the neighborhoods in need.

Combating this new gentrification pressure will require advocates to engage with local officials approving the developments. Advocates should argue that proposed

projects in OZs must include permanently affordable rental housing. Advocates must also urge their members of Congress in Washington, DC, to call upon the Department of Treasury to issue strong and clear regulations for OZ investments that require a focus on extremely low-income people, increase affordable rental housing, and support the neighborhood development vision of long-term residents.

“Combating this new gentrification pressure will require advocates to engage with local officials approving the developments.”

Some have merely asked for “transparency” by requiring OZ administrators to report outcomes – an after-the-fact exercise. Without strong regulations at least providing incentives, if not requirements, that protect long-term residents from displacement and ensure real benefits to low income communities, the reporting will be an empty exercise.



OUR HOMES,
OUR VOTES

HOUSING IS BUILT WITH BALLOTS!

SUMMARY OF 2018 BALLOT INITIATIVES

For the 2018 election cycle, NLIHC's *Our Homes, Our Votes* nonpartisan voter engagement project tracked the major local and state ballot measures for affordable housing revenue and tenant protections across the country. There were some big wins for affordable housing advocates—and some narrow losses. The success of the initiatives that passed show strong support from voters for addressing the lack of affordable housing in their states.

There were two major types of affordable housing ballot measures up for a vote this past election cycle—measures that sought to increase funding for affordable homes and measures that sought to increase tenant protections by implementing rent control laws. Out of the 26 ballot measures that sought to expand affordable housing resources, 20 passed. Out of the seven ballot measures that aimed to expand rent control, five passed.

Many of the successful funding ballot measures either increased taxes or created a new tax dedicated to affordable housing. Voters in California supported the creation or increase of a wide variety of taxes. Several ballot initiatives that passed created hotel taxes or increased sales taxes that will dedicate millions of dollars to affordable homes. Voters in San Juan County, Washington supported an additional real estate excise tax which will enable the County to collect .5% of the selling price for county owned real estate.

Voters also passed general obligation bonds to fund affordable homes. General obligation bonds are sold to investors and used to finance public projects. The government that issues the bond is expected to pay it back

in full. Seven bond funding ballot measures were passed, including one in Charlotte, North Carolina that will increase the city's affordable housing trust fund from \$15 million to \$50 million.

Voters in Idaho, Nebraska and Utah all overwhelmingly passed measures to expand Medicaid coverage to all low-income adults. Medicaid expansion has been used to fund housing support services such as case management, navigation assistance, and street outreach. Medicaid expansion also covers populations that weren't previously covered by Medicaid, such as people experiencing homelessness.

The rent control ballot measures that passed in the 2018 elections were limited in scope. Three wards in Chicago, Illinois passed advisory referendums repealing the state rental control preemption law—a law that prevents local governments from passing or enforcing measures that would set rent limits. An advisory referendum means voters let their views be known about an issue without creating any binding legislation.

In Santa Cruz, California, Measure M passed, which will require moving assistance provided for tenants evicted without just cause and limit rent increases in apartments built before 1995. Voters in Berkeley, California approved Measure Q which will allow for newly built properties to have rent control and will prevent land lords from increasing rents in existing rent control units when the units become empty, though implementation of this measure will require the repeal of California's Costa-Hawkins Act, which forbids rent control on

new development. Proposition 10, which would have allowed California communities to move forward with rent control proposals, failed at the polls by a vote of 38% to 62%.

Many states and localities grapple with the affordable housing crisis and seek local policy changes aimed at improving housing affordability. When low-income

residents and allies vote for affordable rental housing, the they move the needle. Win or lose, these ballot initiatives represent real movement towards increasing the visibility of the affordable housing crisis.

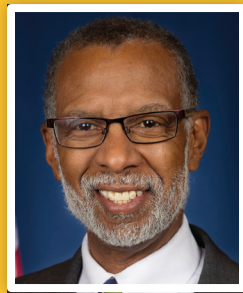
To view the ballot measure chart visit: https://nlihc.org/sites/default/files/Housing-Ballots_Initiatives.pdf

MAKING CHANGE BY RUNNING FOR OFFICE WHEN THE ADVOCATE BECOMES THE ELECTED OFFICIAL

Ballot initiatives are not the only way that housing advocates are changing housing policies at the local level. More and more low income residents, allies, and housing professionals are running for public office...and winning! Here are thoughts from a few recent examples of advocates who stepped inside the halls of power and became elected leaders.

SENATOR ART HAYWOOD; PENNSYLVANIA STATE SENATE DISTRICT 4

Bio: Senator Haywood ran for office for the first time in 2009 after being inspired by President Barack Obama's successful campaign the year prior. After serving on the Cheltenham Township Board of Commissioners, he won a race for state senate in 2014. Prior to running for office, Senator Haywood's career as an attorney focused heavily on work to preserve and create affordable housing through positions with Community Legal Services and Regional Housing Legal Services.



WHAT HOUSING ACHIEVEMENTS ARE YOU MOST PROUD OF WHILE SERVING IN THE STATE SENATE?

My biggest and most proud housing achievement was ensuring that there was a permanent revenue source for the state housing trust fund. My district has benefited directly from the investment. Recently, \$400,000 was awarded to an organization that provides home repair grants to retirees. Retirees' incomes have not kept up with inflation. Some of the houses have a lot of deferred maintenance—home owners cannot address roof problems or plumbing breakdowns. The money from the housing trust fund stabilizes neighborhoods and keeps people in their homes. These funds prevent housing vacancies and blight that bring neighborhoods down. I see the direct impact of the housing trust fund in my district every day.

WHAT ADVICE WOULD YOU GIVE TO A HOUSING ADVOCATE WHO WANTS TO RUN FOR OFFICE?

Elections matter. Over the past three years, the state has allocated over \$15 Million in grants for affordable housing projects. I was able to get dollars into my district to stabilize individuals and help people stay in their homes. People take for granted state house and state senate elections, but legislators can have a big influence on policies in their states.

Run and recognize that the first time you run you may not win. It may take two times to win, and that's okay. We need advocates in decision making positions so that they can be in a place to get more housing funding. Creating a blight elimination program is an example of something a statewide or county wide government can do. It's good to have people on our side. There will be a legislator for your district and someone is going to fill that position. Why not you? The best way to get important changes passed into law is to be the decision maker.

MAYOR EMILY NIEHAUS; MOAB, UTAH

Prior to being elected Mayor in November 2017, Emily Niehaus founded Community Rebuilds, a nonprofit devoted to producing affordable and energy-efficient housing. Community Rebuilds includes an emphasis on workforce training through their developments. Emily will remain in a leadership role with Community Rebuilds during her term as Mayor.



THE POSITION OF MAYOR IS RESPONSIBLE FOR MANY ISSUES. DID YOU FIND THAT VOTERS WANTED TO HEAR ABOUT YOUR IDEAS FOR BETTER AFFORDABLE HOUSING WHILE YOU WERE CAMPAIGNING?

Yes, of course! My three priorities as Mayor are affordable housing, economic diversification, and infrastructure

development. Like many other communities, Moab suffers from a lack of affordable housing. The community needs government to step up and work to unlock more housing development opportunities. And, government can play a critical role in the preservation of affordable housing through enabling deed restrictions and creating zoning to exclude short term rentals like Airbnb. I believe that it was the issue of housing and my experience as an affordable housing developer that got me elected.

DID YOU DO ANY WORK IN YOUR CAMPAIGN TO EARN THE SUPPORT OF LOW INCOME RENTERS IN MOAB?

I did not directly target any one particular group for the campaign. I tried to reach out to everyone. In one mobile home park I visited, I met a veteran concerned about his health care, a single mom unsure if her housing costs were going to go up, a man concerned about water quality and quantity, and a Mexican boy crying because he lost his father, who I believe had been deported. Low income renters have such thick issues. It is our responsibility to listen to them and understand that stable housing is the most critical bridge for getting out of poverty.

WHAT HOUSING AFFORDABILITY SOLUTIONS DO YOU PLAN TO PRIORITIZE NOW THAT YOU ARE MAYOR?

Right off the bat, we are 1) hosting workshops to highlight historical issues and efforts to build affordable housing; 2) completing an assured housing analysis and follow through with implementation on ideas such as deed restrictions and employer provided housing; 3) identifying barriers to affordable housing in our City Code; 4) financially support our Housing Authority in project implementation; and 5) creating an incentive program for deed restricted housing development through the creation of the Planned Area Development code.

COUNCIL MEMBER JEREMY SCHROEDER; MINNEAPOLIS CITY COUNCIL

Jeremy Schroeder worked as policy director at the Minnesota Housing Partnership (MHP) for nearly two years before his election to the Minneapolis City Council in November 2017. During his time with MHP, Jeremy worked to advance housing affordability at the state level and had significant success working on housing bond legislation with other coalition members. Before working as a professional housing advocate, Jeremy worked on election and campaign finance reforms with Common Cause Minnesota and led the coalition that successfully abolished the death penalty in Illinois.



DID YOUR EXPERIENCE WORKING AS POLICY DIRECTOR FOR MINNESOTA HOUSING PARTNERSHIP MAKE YOU A BETTER CANDIDATE FOR MINNEAPOLIS CITY COUNCIL?

Absolutely! Our city has an affordable housing crisis to which there is no easy, simple solution. My work as a housing advocate allows me to bring depth to an issue that's top-of-mind for many Minneapolis residents, which was a huge asset in a competitive campaign where I challenged an incumbent. This also proved to voters that I am well-positioned to cut through the rhetoric and create effective affordable housing policy.

“GET INVOLVED IN LOCAL CAMPAIGNS. BEING A HOUSING ADVOCATE IS A HUGE ADVANTAGE GIVEN THE NATIONAL CONVERSATION AROUND HOUSING, BUT BEING A GOOD CANDIDATE MEANS HAVING ANSWERS FOR ANY QUESTION THAT COMES YOUR WAY.”

WERE THERE LOCAL OR NEIGHBORHOOD LEVEL HOUSING PROBLEMS YOU LEARNED ABOUT FROM VOTERS THAT HAD NOT BEEN A PART OF YOUR WORK AT THE STATE CAPITOL? HOW DOES HEARING DIRECTLY FROM VOTERS IMPACT YOUR PERSPECTIVE AND PRIORITIES?

In my work as an advocate, I learned that even when there is a lot of general support for affordable housing, local pushback—mostly to specific projects—is often a huge barrier. Conversations with voters expanded my perspective and showed me that the increased density and affordability needed to make Minneapolis accessible to all, will not be possible unless I clearly explain how those principles will make life better for all of my constituents.

WHAT ADVICE WOULD YOU GIVE TO HOUSING ADVOCATES WHO ARE CONSIDERING RUNNING FOR OFFICE?

Get involved in local campaigns. Being a housing advocate is a huge advantage given the national conversation around housing, but being a good candidate means having answers for any question that comes your way. You don't necessarily need the best answer right off the bat, but you need to show that you are aware of the issue and have an opinion about how to address it—especially in policy areas where your opponents are experts. Being an advocate can prepare you to run for office but remember that political campaigns can be very different from advocacy work. Build a solid campaign team that you trust, set a strategy that harnesses your housing expertise and be relentless in your efforts to meaningfully reach every voter in your jurisdiction. It's never going to be easy, but success is more than possible.

RESIDENT PERSPECTIVES

Tenants Organize to Stop Gentrification in Barry Farms

By Nicole Odom,
Organizing Assistant at Empower D.C.



Barry Farm in southeast Washington, DC had been a public housing site for a long time. In 2010, the District of Columbia Housing Authority made plans to redevelop the run-down buildings and replace the apartments one for one. After we were notified of the replacement plans, we didn't hear anything further for quite a while. Then suddenly HUD approved the demolition of the homes and created a proposal with other developers to build mixed-income homes and space for retail as well. Residents were going to be phased back in to the property once the redevelopment was done--which didn't make any sense to me. Why couldn't we come back all at once, and in a short period of time?

Residents were upset about this new proposal. It didn't consider our needs and vision. And it reduced the number of apartments available for low income households. The residents formed a coalition called the Barry Farm Tenants and Allies Association to demand a stop to the demolition and the creation of a new proposal that considered their needs.

I had lived in Barry Farm for nine years with my husband and children. Two years ago, I decided to organize with the other residents because it was a way for me to gain the confidence and knowledge to help myself cope with the possibility of losing my home. Over time the advocacy actions empowered me to fight for myself. Joining with the tenants association also connected me to the broader Barry Farm community, who I did not know well when I lived at there. Now I have a lot of relationships with my neighbors.

The types of organizing activities we conducted were meeting with city council members and the board of commissioners. We spoke about our situation and the need for us to be part of the redevelopment process. I have also helped residents come forward to share their stories with legislators so they understand our side of the situation and help us regain control of our community.

Our advocacy efforts have been successful so far. The District of Columbia appeals court ruled in favor of Barry Farm Tenants and Allies Association, which appealed the zoning approval for the site in the middle of 2018. The city was told to explain concerns about density and unit sizes, so the District of Columbia Housing Authority withdrew the plan and we were told a revised plan would be presented soon.

There is still no sign of the plan. Many of the old homes at Barry Farm have already been demolished and residents have already moved to other parts of the city. The tenants association is currently working on our own vision for the redevelopment of Barry Farm. We want to make sure it includes everybody's input. Once it is finished, we will submit it to the city to be considered.

The fight against gentrification continues!

Newark Advocates Work with City Council and the Mayor to Guarantee Low Income Renters Right to Counsel in Eviction Court

Maria Lopez-Nunez, Community Development and Environmental Justice Director, Ironbound Community Corporation and Daniel Wiley, Housing Justice Manager, Ironbound Community Corporation



Newark, New Jersey's Right to Counsel Ordinance passed in 2018 as a response to the gentrification pressures happening here. We both work at Ironbound Community Corporation and were constantly asked by residents for help with eviction notices. We also knew of cases where landlords were evicting entire buildings of undocumented tenants. Landlords would threaten to call ICE if the tenants didn't leave, and of them many did just to avoid being deported. Many renters did not know their rights in these instances and were very vulnerable.

We were first introduced to the right to counsel concept through Arnold Cohen, Policy Director at the Housing and Community Development Network of New Jersey, who connected us to Susannah Leahy from Right to Counsel NYC Coalition. That coalition was successful in getting an ordinance passed in New York City that guaranteed low income renters the right to representation during eviction proceedings. Once we met with Susannah, we passed on the information to our Executive Director, who met with Mayor Ras Baraka about implementing such a policy in Newark. The Mayor and his staff were very supportive of the concept and were proactive in getting the ordinance passed.

The Newark Right to Council Coalition was formed in early 2018 to ensure the ordinance became law. The Coalition is made up of legal service organizations, nonprofits, lawyers, academics, and community residents. Although the mayor was supportive of the Right to Council Ordinance, the coalition wanted to make sure the strongest ordinance was passed. In August of 2018, a weaker version almost became law, but thanks to the objections from the community, a much stronger ordinance was later drafted and passed.

The ordinance passed in December of 2018. The city now must find funding and set up the pilot program by April of 2019. The participants selected for the program will have incomes at or below 200% of the poverty level, can be renters or homeowners undergoing foreclosure, and will be residents of Newark. The city is willing to fund the program at one million dollars from the outset. If the program proves successful, funding for the program could increase. We hope that the program will show results like the one in New York City. In the first year of program implementation, the eviction rate in New York City decreased by 14%. We are going to be involved in all stages of the process, to ensure the program is successful.

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, and you could be featured in future editions of *Tenant Talk*!

BUDGET UPDATE

On February 14, Congress and the White House reached a final deal to fund the federal government for the remainder of FY19. In late December, President Trump and congressional leaders had failed to enact several spending bills for FY19 – including funding for affordable housing and community development programs – which led to the longest federal government shutdown in U.S. history. While leaders reached an agreement to reopen the government for three weeks, they were quickly approaching the new deadline of February 15 when congressional leaders finally reached a deal on a bipartisan spending package, including the Transportation-HUD and USDA spending bills that had previously been negotiated between the House and Senate. The Senate passed the spending package by a vote of 86-16 on February 14, and the House approved the measure on a 300-128 vote later that day. President Trump signed the bill into law on February 15.

Overall, the bill provides HUD programs with more than \$12 billion above the president's request. The spending package builds on the 10% increase in HUD funding that advocates and congressional champions secured in FY18 by providing \$1.5 billion in new resources in FY19. In doing so, Congress has clearly rejected the calls to drastically cut housing investments proposed by the White House.

This spending package rejects the rent policy changes proposed by the Trump administration that would have given HUD the authority to increase financial burdens on current and future tenants of HUD-assisted housing. The Trump administration had proposed providing the HUD secretary the authority to: increase a tenant's rent contributions from the current standard of 30% of their adjusted income to 35% of their gross income; eliminate income deductions for childcare and medical expenses; triple the minimum monthly rent for tenants living in severe poverty to \$150; and allow housing providers to impose rigid work requirements. NLIHC and others will continue to monitor closely any other efforts to impose punitive measures that would jeopardize family stability and increase the financial burdens on low-income tenants.

Additionally, compared to FY18, the negotiated package increases funding for tenant-based rental assistance, public housing, project-based rental assistance, and homeless assistance grants. Advocates believe the spending package provides enough funding to renew all existing rental assistance contracts for both vouchers and project-based rental assistance and includes additional resources to provide an estimated 7,600 new vouchers to veterans and youth aging out of the foster care system. The bill also provides enough funding to renew all contracts for Section 811 Housing for Persons with Disabilities and Section 202 Housing for the Elderly.

The spending package also includes \$25 million for a mobility housing voucher demonstration for families with young children to help them move to areas of opportunity. The bill does not include an amendment introduced by former Senator Dean Heller (R-NV) that would have prohibited people charged with certain crimes from receiving housing assistance. NLIHC and other advocates voiced concerns about how this provision would have been implemented.

This successful outcome is due to the hard work of advocates across the nation and strong Congressional champions, including Senators Susan Collins (R-ME) and Jack Reed (D-RI) and Representatives David Price (D-NC) and Mario Diaz-Balart (R-FL) – the chairs and ranking members of the House and Senate Transportation-HUD Appropriations Subcommittees.

Hours before this *Tenant Talk* went to print, President Trump released his FY20 budget request. Like his other budgets in FY18 and FY19, the proposal would reduce housing benefits for the lowest-income people by slashing federal investments in affordable homes, increasing rents, and imposing harmful work requirements. Overall, the administration proposes to cut HUD by an astounding \$9.6 billion or 18% below 2019 enacted levels. NLIHC strongly urges Congress to reject Mr. Trump's budget and to significantly expand the investments in affordable homes that America's families and communities need to thrive.

2020 PRESIDENTIAL CANDIDATES INTRODUCE BOLD HOUSING PROPOSALS

Although the next presidential election is nearly two years away, several high-ranking members of Congress have announced—or are expected to announce—their decision to run for higher office, and some have also introduced bold housing proposals.

Three months before Senator Elizabeth Warren (D-MA) announced her decision to run for president on December 31, 2018, she introduced the “[American Housing and Economic Mobility Act](#).” This bold and broad affordable housing bill would address the underlying cause of the affordable housing crisis—the severe shortage of affordable rental homes for people with the lowest incomes—by investing \$445 billion over 10 years in the national Housing Trust Fund. The bill also expands protections under the Fair Housing Act by banning discrimination on the basis of sexual orientation, gender identity, marital status, and source of income. The bill includes investments in rural and tribal housing, and a number of other provisions. NLIHC endorsed the bill, which was also introduced in the House by Congressmembers Cedric Richmond (D-LA), Barbara Lee (D-CA), Gwen Moore (D-WI), and Elijah Cummings (D-MD).

More recently, Senator Kamala Harris (D-CA) announced her decision to run for president on January 21, nearly six months after she introduced major housing legislation known as the “Rent Relief Act.” The bill would create a new refundable tax credit to bridge the gap between what households can afford to pay in rent and their rental costs.

Presidential candidate Senator Cory Booker (D-NJ) has also introduced the “Housing, Opportunity, Mobility, and Equity (HOME) Act.” If enacted, these housing tax credit bills would eliminate housing cost burdens for millions of households who today are forced to make impossible choices between paying rent and buying groceries, visiting their doctor, or saving for a rainy day. (Senator Booker’s bill would also require states and local communities to develop new inclusive zoning policies, programs, or regulatory initiatives to create more affordable housing supply.)

As more presidential candidates throw their hats into the ring, NLIHC will continue to urge them to make housing for the lowest income people a key pillar of their platforms.

UPDATE: Disaster Recovery & Affordable Housing

Last year’s disasters caused enormous damage. The Camp Fire in Northern California destroyed or damaged 12,000 homes in an area already experiencing an extreme shortage of affordable housing. Hurricane Michael left up to 20,000 people homeless in the Florida Panhandle, and the huge amounts of rain and heavy winds from Hurricane Florence harmed tens of thousands of homes in the Carolinas. While the Federal Emergency Management Agency (FEMA) does provide some housing assistance after a disaster, the response has not been able to meet survivors’ urgent housing needs.

Members of the NLIHC-led Disaster Housing Recovery Coalition (DHRC) in both Florida and California report that months after the storm, hundreds of people remain living in tents, shelters, cars, or in the overcrowded homes of friends or family. FEMA has provided some survivors with rental assistance, money to stay in motels, or trailers, and the agency continues to search for additional places to hook up trailers to plumbing and electricity. However, the process has been slow, and FEMA has refused to utilize the

Disaster Housing Assistance Program (DHAP)—a crucial tool for providing stable homes that was successfully used after Hurricane Katrina and Superstorm Sandy. Like after other disasters, the lack of housing options has forced many people into unsafe and unsanitary conditions or to relocate.

Renters impacted by Hurricanes Florence and Michael have also faced the threat of evictions. Some landlords of federally-assisted properties issued eviction notices to tenants, giving residents as little as three days to leave.

DHRC partners in these areas have worked tirelessly to ensure evictions are valid, tenants have time and resources to find new housing, and they have the right to return to their unit once repairs are finished.

The most recent disasters demonstrate the great need for additional affordable housing and more equitable disaster response and recovery systems. NLIHC and the DHRC will continue to push for legislation that ensures the lowest-income disaster survivors have the accessible, safe, and affordable homes necessary to recover.



Mexico Beach Florida after Hurricane Michael. Photo: Gladys Cook, Florida Housing Coalition

BE A PART OF THE MOVEMENT!



OUR HOMES, OUR VOICES

NATIONAL HOUSING WEEK OF ACTION!



MAY 30 TO JUNE 5, 2019

Last May, advocates participated in more than 125 events throughout the country in the *Our Homes, Our Voices* National Housing Week of Action.

After so much enthusiasm during 2018's events, NLIHC is joining with partners in the Campaign for Housing and Community Development once again to support a full week of local actions.

Find out what's happening in your community by visiting www.ourhomes-ourvoices.org. If there is no event planned in your community, contact NLIHC about putting one together.



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