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## FEDERAL BUDGET

### August Recess, a Perfect Time to Tell Congress that *Caps Hurt Communities*

The House and Senate will be in recess until September 8. Please take advantage of the August recess to communicate with your Senators and Representatives and to educate them about the importance of affordable housing and how sequester budget cuts are hurting low income people.

The *Caps Hurt Communities* campaign is raising awareness about the devastating impact of the federal budget cuts on affordable housing programs. NLIHC and its campaign partners urge you to speak to your Senators and Representatives while they are in their home districts to tell them why Congress must end sequester budget caps and increase resources for federal affordable housing programs.

The Campaign for Housing and Community Development Funding (CHCDF), coordinated by NLIHC, is sponsoring the *Caps Hurt Communities* campaign. CHCDF is an education, strategy, and action hub for national organizations dedicated to robust federal housing and community development funding for lower income families and communities.

The *Caps Hurt Communities* campaign website [www.capshurtcommunities.org](http://www.capshurtcommunities.org) has suggestions for taking action. Please spread the word about the campaign on social media using the hashtag #CapsHurt.

NLIHC's *2015 Advocates Guide* offers suggestions for scheduling a meeting with members of Congress, at [http://nlihc.org/sites/default/files/Sec2.05\\_Lobbying-503C\\_2015.pdf](http://nlihc.org/sites/default/files/Sec2.05_Lobbying-503C_2015.pdf) and [http://nlihc.org/sites/default/files/Sec2.06\\_Congressional-Advocacy\\_2015.pdf](http://nlihc.org/sites/default/files/Sec2.06_Congressional-Advocacy_2015.pdf)

During these meetings, please describe the effects of cuts in federal funding for affordable housing for low income seniors, people with disabilities, and families, and urge your Congressional delegation to push for elimination of the sequester budget caps to protect affordable housing for low income families and communities.

A number of our partners have already held meetings with their members of Congress. Photos from these meetings are available in the *Caps Hurt Communities* photo gallery <http://www.capshurtcommunities.org/#!/gallery/c6w0> Send us pictures and reports on your visits to [outreach@nlihc.org](mailto:outreach@nlihc.org) to share with other advocates.

## MORE CONGRESS

### Bill Introduced to Prevent New Fair Housing Rule Implementation

On July 3, Senator Mike Lee (R-UT) introduced the “Local Zoning Decisions Protection Act” (S. 1909) that would prohibit the use of federal funds to “implement, administer or enforce” HUD’s recently released final rule on Affirmatively Furthering Fair Housing (AFFH) (see *Memo*, [7/13](#)). The bill would also prohibit federal funds from being used for building and maintaining a federal database of information on racial disparities within communities and disparities in access to affordable housing.

When introducing the bill, Senator Lee stated, “Every American should be free to choose where to live, and every community should be free to zone its neighborhoods and compete for new residents according to its distinct values. The diversity of America’s neighborhoods – from dense cities to wide-open rural communities to suburbs in between – is a treasure that we need to preserve. We don’t need a National Zoning Board. Washington should let Americans ‘govern local.’”

The Fair Housing Act of 1968 prohibits housing discrimination on the basis of race, color, religion, sex, familial status, national origin, or disability – the “protected classes” of people. The act also requires HUD grantees to take steps to actively overcome historic patterns of segregation and to promote fair housing choice. The current practice of affirmatively furthering fair housing choice has not been effective. When fully implemented, the new rule will be an improvement.

S. 1909 currently has five cosponsors and was referred to the Senate Committee on Banking, Housing, and Urban Affairs.

The bill text is at <https://www.congress.gov/114/bills/s1909/BILLS-114s1909is.pdf>

More information about the bill is at <https://www.congress.gov/bill/114th-congress/senate-bill/1909>

Senator Lee’s press release is at <http://www.lee.senate.gov/public/index.cfm/2015/7/lee-introduces-bill-to-stop-hud-zoning-rule>

NLIHC has information about the new AFFH rule as well as current AFFH practice at <http://nlihc.org/issues/affh>

## HUD

### **Webinar Scheduled with HUD Staff about the New Affirmatively Furthering Fair Housing Rule**

On Tuesday, August 18 at 1:00 pm ET, two HUD officials who are responsible for implementing the new Affirmatively Furthering Fair Housing (AFFH) rule will discuss the rule’s requirements and how it will work. The free webinar, presented by the National Fair Housing Alliance, will also discuss how fair housing groups and other stakeholders can help shape the fair housing planning process in their communities.

The speakers will be:

- George Williams, Deputy Assistant Secretary for Policy, Legislative Initiatives, and Outreach at HUD’s Office of Fair Housing and Equal Opportunity
- Adam Norlander, Special Assistant, HUD’s Office of Community Planning and Development

Register at <https://attendee.gotowebinar.com/register/2061339479162071042>

Closed-captioning is available. The link to access the captions will be included in the reminder email you receive before the webinar.

For additional information, please contact [training@nationalfairhousing.org](mailto:training@nationalfairhousing.org)

NLIHC has information about the new AFFH rule as well as current AFFH practice at <http://nlihc.org/issues/affh>

### **AFFH Assessment Tool Comments Due August 17, Preliminary Assessment by NLIHC**

On July 16, HUD published a revised Assessment Tool (see *Memo*, [7/20](#)) to be used to complete an Assessment of Fair Housing (AFH), as required by HUD’s new affirmatively furthering fair housing (AFFH) rule (see

*Memo, 7/13*). Comments on the Assessment Tool are due August 17. NLIHC has identified preliminary concerns with the new tool, some echoing comments regarding the initial Assessment Tool (see *Memo, 9/29/14, 11/17/14*) and others pertaining specifically to the revised Assessment Tool.

The Assessment Tool is a series of questions intended to help CDBG entitlement jurisdictions, States, and public housing agencies (PHAs) perform a meaningful assessment of four “fair housing issues” and the “contributing factors.” The four fair housing issues are racially and ethnically concentrated areas of poverty, patterns of integration and segregation, disparities in access to opportunity, and disproportionate housing needs. They are defined in the AFFH rule and further described in the Assessment Tool. Contributing factors are also defined in the rule and elaborated on in the Assessment Tool, including 39 examples.

The Assessment Tool is central to the new AFFH rule process. It will be the working template and ultimate document that entitlement jurisdictions, States, PHAs, advocates, and residents will use frequently. It is crucial that the final Assessment Tool clearly articulate the balanced approach to AFFH and the public participation requirements spelled out in the final AFFH rule.

The proposed AFFH rule implied that federal funds could not be used to preserve affordable housing or to revitalize areas of racial or ethnic concentrations of poverty that had suffered disinvestment, but that were housing developments and neighborhoods where long-time residents wanted to continue living while benefitting from improvements. In the final AFFH rule, HUD clarified that a balanced approach to AFFH is required.

The initial Assessment Tool referred only to segregation, racial and ethnic concentrations of poverty, and disparities in access to certain community assets. This could be misconstrued to mean a prohibition on the use of resources in neighborhoods that have such concentrations, yet also have the assets of community-based development organizations and affordable housing preservation organizations that have long worked with residents to improve publicly supported housing or community living conditions. Unfortunately, the revised Assessment Tool does not echo the final AFFH rule’s clear articulation of a balanced approach

The revised Assessment Tool also does not fully reflect the public participation process provided for in the final AFFH rule. The rule requires entitlement jurisdictions, States, and PHAs to consult with a wide variety of organizations, including those that represent people who have characteristics of the Fair Housing Act’s “protected classes,” race, color, religion, sex, familial status, national origin, and disability. The revised Assessment Tool does not require a listing of each organization consulted, nor does it require a listing of the organizations and individuals that submitted written comments or remarks delivered at public hearings. Consequently, it will not be possible to know whether the most appropriate entities were involved.

The AFFH rule requires entitlement jurisdictions, States, and PHAs to encourage participation by residents of public and assisted housing developments, minorities, non-English speaking persons, and people with disabilities. The revised Assessment Tool does not specifically ask what efforts were made in discussions with residents of publicly supported housing to determine residents’ desire to remain in their homes and neighborhoods, or to relocate to areas of opportunity.

The revised Assessment Tool requires entitlement jurisdictions, States, and PHAs to “include a description of efforts made to reach the public, including those representing populations that are typically underrepresented in the planning process such as persons who reside in areas identified as R/ECAPs [racially or ethnically concentrated areas of poverty], persons who are limited English proficient, and persons with disabilities.” The final Assessment Tool should require entitlement jurisdictions, States, and PHAs to report efforts made in discussions with residents of public and assisted housing and residents of R/ECAPs where community-based revitalization efforts exist or are planned, to determine their desire to remain in their communities or to relocate to areas of opportunity.

In addition to requiring entitlement jurisdictions, States, and PHAs to use HUD-provided data and maps, the AFFH rule requires them to use local data and knowledge. The rule also requires them to consider information provided during the required community participation and organization consultation processes. The revised Assessment Tool requires an analysis of each of the four fair housing issues using the HUD-provided maps and data tables, supplemented by an “Additional Information” subsection to compensate for the limitations of the HUD-provided data. In order to inject a more balanced consideration of fair housing issues, HUD should include directions in three of the “Additional Information” subsections to foster a more balanced consideration pertinent to the fair housing issue under consideration.

For example, in the “Segregation/Integration” and “R/ECAPs” sections, the Additional Information subsection should include local knowledge gathered indicating that residents value the communities in which they live and where they have deep social, community, cultural, or language ties – even if those communities are segregated or are racially or ethnically areas of concentrated poverty. For the “Disparities in Access to Opportunity” section, the Additional Information subsection should include local knowledge gathered indicating that assets exist not listed elsewhere in the Assessment Tool, such as responsive community-based organizations, community development corporations that have worked for years to help revitalize the neighborhood, active tenant organizations, and other important social network and cultural support infrastructures.

The revised Assessment Tool has a component that analyzes publicly supported housing, specifically identifying public housing, project-based Section 8, Housing Choice Vouchers, Low Income Housing Tax Credit-assisted housing, Section 202 housing for elderly people, and Section 811 housing for people with disabilities. In the subsection analyzing project locations, the Assessment Tool should foster a more balanced analysis. The final Assessment Tool should require entitlement jurisdictions, States, and PHAs to be sensitive to the wishes of existing residents of projects in segregated or R/ECAP areas, assessing whether existing residents prefer their developments to be improved and preserved, or prefer assistance in moving to areas of higher opportunity. In the subsection analyzing disparities in access to opportunity, the final Assessment Tool should require entitlement jurisdictions, States, and PHAs to also consider existing community assets such as responsive community-based organizations, community-based development corporations that have worked for years to revitalize the neighborhood, active tenant organizations, and other important social network and cultural support infrastructures.

The “Segregation/Integration” and “R/ECAPs” sections asks entitlement jurisdictions, States, and PHAs to discuss changing patterns of segregation/integration or changes of R/ECAPs to areas that no longer fit that description. The final Assessment Tool should be more specific, asking them to identify areas where residents are suffering from or are in danger of displacement due to gentrification.

The final part of the revised Assessment Tool requires an entitlement jurisdiction, State, and PHA to set priorities regarding each contributing factor it identified for each of the fair housing issues, and then to “set one or more goals” for each fair housing issue with significant contributing factors. Each goal must have metrics for measuring success over an identified timeframe. Unfortunately, the final AFFH rule does not require strategies and actions to implement the goals and priorities that the Assessment Tool has established for the Assessment of Fair Housing (AFH). The final rule merely calls for strategies and actions to implement the fair housing goals and priorities to be included in a Five-Year Consolidated Plan or Five-Year Public Housing Agency Plan. The instructions for the revised Assessment Tool mirror this problem. The final Assessment Tool should require entitlement jurisdictions, States, and PHAs to go one step further and propose actions that could be taken toward achieving each goal.

The entire AFH process leading up to the goals and priorities stage will have involved the entitlement jurisdictions, States, and PHAs, those they consulted, and the communities that participated in the development of the AFH. It is this set of participants who are most likely to have ideas about actions that should be taken to

achieve the goals. A set of proposed actions embedded in the AFH will facilitate the strategic thinking of those who later will embark on the Consolidated Plan process or Public Housing Agency Plan process.

Most participants in the Consolidated Plan process have historically limited their thinking to utilizing the formula grant programs (CDBG, HOME, etc). Without recommended actions in the AFH, the Consolidated Plan participants would have to take an unfamiliar leap from the AFH goals and priorities to devise appropriate actions to write into the Consolidated Plan. A set of recommended actions in the AFH would much more firmly and realistically link the AFH to the Consolidated Plan.

The revised Assessment Tool notice is at

[http://www.huduser.org/portal/sites/default/files/pdf/AFFH\\_AssessmentTool\\_30DayNotice\\_July16\\_2015.pdf](http://www.huduser.org/portal/sites/default/files/pdf/AFFH_AssessmentTool_30DayNotice_July16_2015.pdf)

HUD published two versions of the Assessment Tool, and seeks public comment regarding the options. The formats do not differ in content; the difference is placement of the analysis of contributing factors.

Option A Assessment Tool is at

[http://www.huduser.org/portal/sites/default/files/pdf/AFFH\\_AssessmentTool\\_OptionA.pdf](http://www.huduser.org/portal/sites/default/files/pdf/AFFH_AssessmentTool_OptionA.pdf)

Option B Assessment Tool is at

[http://www.huduser.org/portal/sites/default/files/pdf/AFFH\\_AssessmentTool\\_OptionB.pdf](http://www.huduser.org/portal/sites/default/files/pdf/AFFH_AssessmentTool_OptionB.pdf)

NLIHC's AFFH webpage, including a "Preliminary Overview of the Final AFFH Rule" is at <http://nlihc.org/issues/affh>

More information about the current AFFH process is on page 7-1 of NLIHC's *2015 Advocates' Guide*, [http://nlihc.org/sites/default/files/Sec7.01\\_AFFH\\_2015.pdf](http://nlihc.org/sites/default/files/Sec7.01_AFFH_2015.pdf)

## **FROM THE FIELD**

### **New York City Advocates Win Historic Rent Freeze, Tenants Lose in State Legislature**

New York City's Rent Guidelines Board (RGB) made the unprecedented decision to freeze rents on one-year lease renewals for rent-stabilized apartments when it met on June 29. The panel's 7 to 2 decision will affect about 1.2 million tenants whose leases are up for renewal in the coming year. The rent freeze was the goal of a grassroots campaign for rent reductions led by a citywide coalition of housing, community, and legal service organizations, including New York State Tenants & Neighbors (Tenants & Neighbors), an NLIHC State Coalition Partner.

The RGB, consisting of two landlord representatives, two tenant representatives, and five public members, has regulated rents on more than one million rent-stabilized apartments for 46 years. The RGB also limited the rent increase on two-year lease renewals to a record low 2% in its June 29 actions. In 2014, the board voted for its lowest ever rent increases, up to 1% for one-year lease renewals and 2.75 % for two-year lease renewals. Over the past three years, New York City rents have increased at a median rate of 4.3%.

The rent freeze will apply to about 60% of all rent-stabilized units in New York City. The RGB decision was based on data showing that landlord operating incomes have grown over the last nine years. In 2014, landlord operating incomes increased by 3.4% while operating costs increased by 0.5%. Although advocates hoped for a rent rollback to make up for past increases, they are satisfied by this year's historic decision and are hopeful that rent reductions may occur in future years.

The RGB votes, the first by a board completely appointed by Mayor Bill de Blasio (D), came one week after the New York state legislature and Governor Andrew Cuomo (D) upheld for another four years current rent regulations that negatively impact tenants. The Alliance for Tenant Power, a group of five statewide organizations working with and for tenants, advocated for the elimination of “vacancy control” deregulation, which allows landlords to remove an apartment from rent-stabilization when there is a vacancy and the new rent exceeds \$2,700. Vacancy decontrol encourages landlords to displace long-term residents and increase rents to the deregulation threshold. Advocates estimate that over the next four years, 100,000 rent-stabilized apartments will be lost due to vacancy decontrol.

Alliance for Tenant Power organized more than 5,000 tenants and elected officials to participate in lobby meetings and rallies at the state capitol. Advocates held a sleep-out at Governor Cuomo’s office in New York City that included Brooklyn Borough President Eric Adams. A later sleep-out was held at the state capitol grounds in Albany in what tenant leaders dubbed as “Cuomoville.” Throughout the campaign, Governor Cuomo did not meet with tenant groups. He joined with the Republican-controlled State Senate to preserve vacancy decontrol.

“We are pleased that the Rent Guidelines Board moved forward with this historic and necessary rent freeze for New York renters,” said Katie Goldstein, Executive Director of New York State Tenants & Neighbors. “While we were tremendously let down by Governor Cuomo, we see that there is hope for progress at the local level. The Alliance for Tenant Power carried a strong voice in the state legislative process, and we will continue to fight for stronger rent laws for low and moderate income New Yorkers.”

For more information, contact Katie Goldstein, Executive Director of Tenants & Neighbors at [kgoldstein@tandn.org](mailto:kgoldstein@tandn.org).

## RESEARCH

### Three Out of Five People Experience Poverty by Age 60

A study entitled *The Likelihood of Experiencing Relative Poverty over the Life Course*, by Mark Rank of Washington University and Thomas Hirschl of Cornell University, reports that three out of five adults (61.8%) will experience poverty before the age of 60. Two out of five (42.1%) will experience extreme poverty.

The authors defined poverty as family income in the bottom 20<sup>th</sup> percentile of the income distribution, and extreme poverty as family income in the bottom 10<sup>th</sup> percentile.

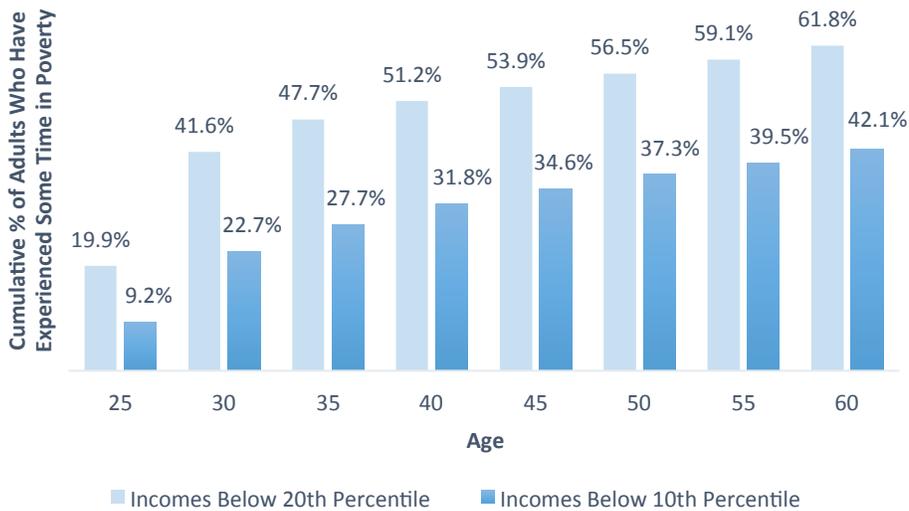
Young adults and people over the age of 55 are more likely to experience poverty than those in their prime working years. The study found that 46.9% of 25 to 34 year olds, and 38.9% of 55 to 64 year olds experience at least one year of poverty, a higher percentage than the 31.1% of 35 to 44 year olds and 28.8% of 45 to 54 year olds. The researchers also found that younger, nonwhite, female, unmarried and less-educated people are more likely to experience poverty.

Long-term poverty of five or more years is a less common experience than shorter spells. While 61.8% of adults experience at least one year of poverty, 45% experience it for two or more years, 24.9% for five or more years, and 11.9% for ten or more years. These years, however, are not necessarily consecutive. People tend to fluctuate in and out of poverty. Only 5.6% of the population experience ten consecutive years in poverty.

The study draws on data from the Panel Study of Income Dynamics (PSID), a longitudinal survey that initially included 18,000 individuals from 4,800 households in 1968, continuing to track them over time.

## FACT OF THE WEEK

### Three in Five Adults Experience Poverty by Age 60



Source: Rank, M. and Hirschl, T. (2015). *The Likelihood of Experiencing Relative Poverty over the Life Course*. PLOS ONE. Retrieved from <http://bit.ly/1TeY6d0>

## NLIHC NEWS

### NLIHC Recruiting for Housing Advocacy Organizer

NLIHC is seeking applicants for a Housing Advocacy Organizer.

*Housing Advocacy Organizer.* As one of a three-person team, the housing advocacy organizer mobilizes NLIHC members on federal policy advocacy based on NLIHC’s approved policy agenda, assists in the design and implementation of campaign field strategies, and conducts outreach activities in specific states. The organizer will spend significant time developing and retaining NLIHC membership, increasing endorsements for the United for Homes campaign, and mobilizing membership and state coalition partners on “calls to action” and other organizing efforts in support of socially just affordable housing policy.

The position requires strong written and oral communication skills and excellent electronic technology skills, including proficiency in the Microsoft Office suite, database management, and social media use. Priority consideration will be given to candidates with proven organizing experience mobilizing a community or constituent base at a national, state, or local level. Some knowledge of federal housing policy is a plus. A Bachelor’s degree is required. The position is based in Washington, DC, but some travel is required.

Qualified candidates will have strong written and oral communication skills, attention to detail, organizational skills, and proficiency with Microsoft Office suite and database programs. A Bachelor’s degree is required. The position is based in Washington, DC.

All candidates for employment at NLIHC must have a commitment to social justice and be able to work collaboratively in a fast-paced environment.

Interested candidates should forward a cover letter with salary requirements, resume, and a writing sample to Paul Kealey, Chief Operating Officer, National Low Income Housing Coalition, 1000 Vermont Avenue, NW, Suite 500, Washington, D.C. 20005 at [pkealey@nlihc.org](mailto:pkealey@nlihc.org). No phone calls, please.

## NLIHC Is Looking For Interns

NLIHC is accepting resumes for fall 2015 internship positions. Interns are highly valued and fully integrated into our staff work. We seek students passionate about social justice issues, with excellent writing and interpersonal skills.

The available positions are:

- **Policy Intern.** Tracks new legislation, attends and summarizes Congressional hearings for *Memo to Members*, participates in visits to Congressional offices, and develops materials for use in lobbying the House and Senate to accomplish NLIHC's policy agenda. Updates the Congressional database.
- **Organizing Intern.** Assists with grassroots organizing efforts for the United for Homes campaign and other legislative campaigns. Assists with membership recruitment/retention efforts and internal database upkeep.
- **Research Intern.** Assists in ongoing quantitative and qualitative research projects, writes weekly articles on current research for *Memo to Members*, attends briefings, and responds to research inquiries.
- **Communications/Media Intern.** Assists in planning for the National Low Income Housing Coalition's annual media awards, prepares and distributes press materials, assists with media research and outreach for publication releases, and works on social media projects. Maintains the media database and tracks press hits.
- **Graphic Design Intern.** Assists with sending out e-communications using MailChimp, revising collateral print material such as brochures, flyers, factsheets, updating content on the NLIHC website, and posting information on the Coalition's Social Media sites and blog.

These positions begin in late August or early September and run until December and are at least 30 hours a week. Two semester placements are possible. NLIHC provides modest stipends.

A cover letter, resume, and writing sample are required for consideration. In your cover letter, please specify the position(s) for which you are applying and that you are interested in a fall 2015 internship.

Interested students should send their materials to: Paul Kealey, Chief Operating Officer, National Low Income Housing Coalition, 1000 Vermont Avenue, NW, Washington, DC 20005. Or, send via email to [pkealey@nlihc.org](mailto:pkealey@nlihc.org)

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Sylvia Deyo, Field Intern, x229  
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Ed Gramlich, Special Advisor, x314  
Blair Hoffman, Staff Assistant, x230  
Paul Kealey, Chief Operating Officer, x232  
Mary Kolar, Field Director, x233  
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Trevor Smith, Communications Intern, x252  
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