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### **Memo Takes a Holiday Next Week**

*Memo to Members* will not be published on Monday, August 24. Every August *Memo* goes to the beach for one week. Look for *Memo* to return on Monday, August 31, tan, rested, and ready. Although *Memo* is taking a break, NLIHC staff remain diligently on the job.

## NATIONAL HOUSING TRUST FUND

### **High Volume Two Quarters for GSEs Bodes Well for NHTF**

The volume of business for Fannie Mae and Freddie Mac, the two housing government sponsored enterprises (GSEs), for the first two quarters of 2015 was significantly higher than originally estimated by the Administration in setting the FY16 budget for the National Housing Trust Fund (NHTF) and the Capital Magnet Fund (CMF).

NLIHC has received an unofficial new estimate for the NHTF from the Department of Treasury of \$196 million, based on annualizing the volume of business for 2015 using the first two quarters. This is considerably higher than the estimate of \$120 million that was in the President's FY16 budget proposal. The new estimate for the CMF is \$106 million, up from \$64 million.

The Housing and Economic Recovery Act of 2008 (HERA), which established the NHTF and CMF, requires the GSEs to contribute 4.2 basis points of their volume of business each year to support the two funds. The requirement was suspended in November 2008 after the GSEs were taken into conservatorship during the financial disaster caused by the foreclosure crisis. Federal Housing Finance Agency Director Mel Watt lifted the suspension on December 11, 2014 (see *Memo*, [12/15/14](#)). HERA also requires that the first 25% of the total go to the Hope for Homeowners Reserve Fund, which is expected to be needed for the first year only.

For more information about the NHTF, go to [www.nhtf.org](http://www.nhtf.org).

## FEDERAL BUDGET

### **The #CapsHurt Twitterstorm is Over! What's Next?**

You've survived the Twitterstorm that swept through social media at the end of July, but now is not the time to let up on other activities integral to the *Caps Hurt Communities* campaign. It is urgent that advocates meet with their Representatives and Senators during the August recess to tell them to end the sequester and properly fund HUD programs. Then send us photos and other information about those meetings.

You and fellow housing advocates tweeted 530 times since the beginning of the *Caps Hurt Communities* campaign. Because of you, the #CapsHurt content reached approximately 350,000 people. In fact, the combined number of times people may have viewed the content is 1.5 million. That's impressive – all thanks to you!

The *Caps Hurt Communities Campaign* of the Campaign for Housing and Community Development Funding (CHCDF) needs your help. The [www.capshurtcommunities.org](http://www.capshurtcommunities.org) website has a toolbox full of great resources to help you schedule and plan meetings with your elected representatives to educate them about the importance of affordable housing and how sequester budget cuts hurt low income families.

We know that you are taking advantage of the Congressional recess because you've told us. But, we'd like you to show us, too, by sending photos of your meetings. Your stories, embellished with your photos, will help bring additional momentum to the campaign.

Photos from past meetings are available in the [Caps Hurt Communities Photo Gallery](#). We are calling on **all** advocates to send photos and information related to their meetings to [outreach@nlihc.org](mailto:outreach@nlihc.org) so that fellow advocates can learn from each other about the kinds of activities taking place and the progress we are making in the *Caps Hurt Communities* campaign.

CHCDF is an education, strategy, and action hub for national organizations dedicated to adequate federal housing and community development funding for lower income families and communities. The campaign website [www.capshurtcommunities.org](http://www.capshurtcommunities.org) has more details about how you can participate. Participants of the campaign are encouraged to spread the word about the campaign on social media using the hashtag #CapsHurt.

NLIHC's *2015 Advocates Guide*, at <http://nlihc.org/library/guides>, is a valuable resources for suggestions about scheduling a meeting with a member of Congress. Check out the "Congressional Advocacy and key Housing Committees" section of the *Advocates' Guide*.

## **MORE CAPITOL HILL**

### **Join 200 Other Organizations and Sign Letter to Senators Urging Them to Oppose House of Representative's Assault on Fair Housing**

NLIHC urges organizations to unite with 200 organizations that have already signed a letter calling on Senators to reject the House of Representative's harmful anti-fair housing amendments in any final FY16 spending legislation. The National Fair Housing Alliance is circulating the letter. Sign-ons are due by Friday, August 21.

In June, the House approved FY16 spending bills for the Department of Justice and HUD containing several amendments that would prohibit the federal government from using its fair housing rules to advance the Fair Housing Act's mission of supporting diverse, inclusive communities where everyone has access to the resources they need to succeed (see Memo, 6/15). The bills also would all but eliminate private local fair housing enforcement (see Memo, 6/8).

Click here to read the letter and to sign your organization onto it:

[https://docs.google.com/forms/d/1KiBSkLRLoaU6\\_I\\_KbukrNkbRDgSEGXxjygMGAvTRVYQ/viewform?c=0&w=1](https://docs.google.com/forms/d/1KiBSkLRLoaU6_I_KbukrNkbRDgSEGXxjygMGAvTRVYQ/viewform?c=0&w=1)

Click here for a fact sheet about the anti-fair housing amendments adopted by the House of Representatives:

[http://www.nationalfairhousing.org/Portals/33/2015-07-09\\_Fact\\_sheet-Impact\\_of\\_anti-fair\\_housing\\_amendments.PDF](http://www.nationalfairhousing.org/Portals/33/2015-07-09_Fact_sheet-Impact_of_anti-fair_housing_amendments.PDF)

The current list of organizations signed on to the letter is at

[http://nlihc.org/sites/default/files/Organizations\\_Signed\\_Ltr\\_Congress\\_FairHousing.pdf](http://nlihc.org/sites/default/files/Organizations_Signed_Ltr_Congress_FairHousing.pdf)

Support is especially needed from organizations in the following states:

Alaska  
Arkansas  
Delaware  
Hawaii  
Idaho  
Iowa  
Kansas

Kentucky  
Maine  
Nevada  
New Hampshire  
New Mexico  
North Dakota

Rhode Island  
South Carolina  
South Dakota  
Utah  
West Virginia  
Wyoming

## HUD

### NLIHC Submits Comments On Revised AFFH Assessment Tool

NLIHC submitted comments regarding HUD's revised Assessment Tool (see *Memo*, [7/20](#)). The purpose of the Assessment Tool is to help Community Development Block Grant (CDBG) entitlement jurisdictions, States, and public housing agencies (PHAs) complete an Assessment of Fair Housing (AFH), as required by HUD's new affirmatively furthering fair housing (AFFH) rule (see *Memo*, [7/13](#)). As reported last week (see *Memo*, [8/10](#)) NLIHC had concerns about the revised Assessment Tool. NLIHC enthusiastically endorsed the final affirmatively furthering fair housing rule, and pledges to help realize successful implementation in the coming years.

NLIHC's comment letter offered qualified endorsement of the revised Assessment Tool. In particular, NLIHC is concerned about the revised Assessment Tool's lack of attention to an important aspect of affirmatively furthering fair housing choice – the choice of long-time residents, and especially residents who are members of protected classes, to remain in their publicly supported affordable homes and in the communities where they have social, cultural, and language ties, even if those communities are racially or ethnically segregated.

In short, the final Assessment Tool should be improved in five general areas:

- The Community Participation Process section needs to be augmented in a way that provides more guidance to entitlement jurisdictions, States, and PHAs and that affords community stakeholders a means to assess the thoroughness of its entitlement jurisdiction, State, or PHA's effort to provide for and encourage public participation.
- The final Assessment Tool must provide guidance reflecting the final AFFH rule's clear articulation that the obligation to affirmatively further fair housing means preserving affordable housing and/or revitalizing areas of racial or ethnic concentrations of poverty, as well as enhancing access to opportunity.
- The section assessing mobility policies and practices that was in the initial Assessment Tool should be restored and modified to address the suggestions NLIHC made in our comment letter dated November 25, 2014 regarding the initial Assessment Tool.
- The requirement that entitlement jurisdictions, States, and PHAs assign one of three levels of significance to HUD's list of factors contributing to the four fair housing issues that was in the initial Assessment Tool should be restored.
- The final Assessment Tool should require entitlement jurisdictions, States, and PHAs to propose actions that could be taken toward achieving each fair housing goal that they establish. A set of proposed actions embedded in the Assessment of Fair Housing (AFH) will facilitate the strategic thinking of those who

later will embark on the Consolidated Plan process or Public Housing Agency Plan process. A set of recommended actions in the AFH would more firmly and realistically link the AFH to the Consolidated Plan.

NLIHC wrote that the Assessment Tool should contain as much detail as possible because it will be the working template and ultimate document that entitlement jurisdictions, States, PHAs, advocates, and residents will be working with on a frequent, operational basis. The final rule and any additional guidance HUD provides are important to realize the goal of affirmatively furthering fair housing choice, but on a day-to-day working basis, these documents will eventually be less prominent than the Assessment Tool itself. An Assessment Tool with detailed guidance providing direction echoing the final rule will minimize the need for stakeholders to toggle between the final rule, any subsequent guidance and the Assessment Tool. In short, the Assessment Tool is as important as the final rule.

NLIHC's comment letter is at

[http://nlihc.org/sites/default/files/NLIHC\\_Comments\\_AFFH\\_AssessmentTool\\_Aug2015.pdf](http://nlihc.org/sites/default/files/NLIHC_Comments_AFFH_AssessmentTool_Aug2015.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)

## **HUD Issues Revised Section 8 Renewal Policy Guidebook**

HUD's Office of Multifamily Housing Programs issued an updated *Section 8 Renewal Policy Guidebook*. A cover sheet summarizes 125 changes and provides links to the changes. The body of the *Guide* contains asterisks indicating specific revisions in the 221-page document. Two chapters are completely revised: Chapter 2 that outlines six options available to owners with expiring Section 8 Housing Assistance Payment (HAP) contracts, and Chapter 16 pertaining to the old State Housing Finance Agency form of HAP contract.

Because Section 8 policy continued to evolve dramatically since the mid-1990's when long-term Project-Based Section 8 HAP contracts began expiring, HUD created the *Guide* to make Section 8 policy more effective and accessible for HUD's partners. The *Guide*, which is updated periodically, provides comprehensive guidance for renewing expiring Section 8 HAP contracts. It incorporates the procedures contained in previous Section 8 expiring contract Housing Notices, along with a number of other changes.

Chapter 11, which highlights tenant issues, has seven revisions. This chapter has always explained the difference between a regular Housing Choice Voucher and an Enhanced Voucher, the meaning of "opting out" of a Section 8 HAP contract, details regarding an owner's obligation to notify tenants well before opting out, and tenants' right to remain in their homes with an Enhanced Voucher when an owner opts out.

The policy changes will be effective for all Project-Based Section 8 renewals or amended rent request packages received by HUD after November 5, 2015.

NLIHC wants to remind *Memo* readers about the National Housing Preservation Database (NHPD), which contains critical information about every federally assisted property in the country. The primary purpose of the NHPD is to provide local advocates with details about expiring use and other threats to preserving public and assisted housing. The NHPD is a joint project of NLIHC and the Public and Affordable Housing Research Corporation (PARHC) and is currently provided to the public free of charge. To become a NHPD user, go to <http://www.preservationdatabase.org>.

The revised *Section 8 Renewal Policy Guidebook* is at [http://portal.hud.gov/hudportal/documents/huddoc?id=Section8\\_Renewal\\_Guide.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=Section8_Renewal_Guide.pdf)

Basic information about Project-Based Section 8 is on page 4-26 of NLIHC's *2015 Advocates' Guide*, [http://nlihc.org/sites/default/files/Sec4.08\\_Project-Based-Rental-Assistance\\_2015.pdf](http://nlihc.org/sites/default/files/Sec4.08_Project-Based-Rental-Assistance_2015.pdf)

## **HUD Notice Provides Guidance Regarding Public Housing Community Service and Self-Sufficiency Requirements**

HUD issued a Notice to help public housing agencies (PHAs) understand the Community Service and Self-Sufficiency Requirement (CSSR) for public housing residents so that PHAs can more effectively administer the requirement. In response to a report from HUD's Office of the Inspector General on February 13, 2015 that was critical of how CSSR has been implemented, the Office of Public and Indian Housing (PIH) issued Notice PIH-2015-12 on August 13.

The Quality Housing and Work Responsibility Act of 1998 requires every adult resident of public housing to contribute eight hours of community service per month or to participate in an economic self-sufficiency program for eight hours per month. A public housing resident could meet the requirement by performing eight hours of some combination of community service or economic self-sufficiency activity. The requirement is not restricted to a precise eight hours per month; a resident could comply by performing any amount of hours per month, as long as at least 96 hours are accumulated by their annual certification.

Community service is defined as "The performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community." The Notice lists examples of eligible community service activities such as serving at schools, Head Start Programs, child-care centers, or senior centers; assisting at nonprofits dedicated to special needs populations, environmental improvement, or the performing arts; improving conditions at their public housing development; and participating on resident councils or the Resident Advisory Board. A PHA may not substitute community service for work ordinarily performed by a PHA employee.

Examples of eligible self-sufficiency activities include job readiness or training, higher education, apprenticeships, substance abuse counseling, literacy classes, English proficiency classes, and budgeting counseling.

The Notice provides examples of public housing residents who are exempt from the requirements, including people 62 years old or older, people with disabilities, and people engaged in work activities. The Notice provides a list of work activities, including employment, vocational education, on-the-job-training, and education directly related to employment. PHAs are encouraged to use 30 hours per week as the minimum number of hours for a work activity to be eligible.

PHAs must develop a policy for administering the CSSR and include the policy in the PHA's Admissions and Continued Occupancy Policies (ACOP) document. The ACOP must describe the PHA's responsibility for administering the CSSR, eligible and non-eligible activities, exemptions from the requirement, and compliance review standards.

PHAs may not evict a family due to an adult's failure to comply with CSSR. However, if a tenant does not comply, the PHA must provide the tenant written notice indicating that the PHA will not renew the household's lease at the end of the current 12-month lease, unless the tenant enters into a work-out agreement. The Notice details tenant procedural rights such as the right to request a grievance hearing and to be represented by counsel.

Notice PIH-2015-12 is at <http://portal.hud.gov/hudportal/documents/huddoc?id=pih2015-12.pdf>

## USICH

### **USICH Provides Guidance to Help Homeless in Encampments, DOJ Challenges Criminalization of Homelessness**

The U.S. Interagency Council on Homelessness (USICH) released a report providing guidance to help communities develop local action plans that connect unsheltered homeless people with permanent housing. In addition, the U.S. Department of Justice is challenging the constitutionality of local ordinances that criminalize sleeping or camping in public places.

The USICH report, *Ending Homelessness for People Living in Encampments*, states “To end homelessness for everyone, we must link people experiencing unsheltered homelessness, including people sleeping and living in encampments, with permanent housing opportunities matched with the right level of services to ensure that those housing opportunities are stable and successful.”

The report provides details pertaining to four elements communities should include in their action plans in order to provide lasting housing solutions for people living in encampments. The elements are to: allow adequate time to implement an action plan, collaborate across sectors and systems, perform intensive and persistent outreach and engagement, and provide low-barrier pathways to permanent housing.

According to USICH, “the information and ideas contained within [the guidance] have been developed by USICH based upon conversations and problem-solving discussions with advocates, housing and services providers, and government officials across the country regarding what they have learned, and are still learning, about the most effective approaches and strategies.”

The report follows up on a previous USICH report, *Searching out Solutions: Constructive Alternatives to the Criminalization of Homelessness*.

The U.S. Department of Justice (DOJ) addressed a negative action that some communities take regarding unsheltered homeless people, i.e., criminalizing homelessness. On August 6, DOJ filed a statement of interest in federal district court in Idaho, arguing that banning homeless people from sleeping in public places was unconstitutional when there is inadequate shelter space. The statement of interest was filed in response to the case *Bell v. City of Boise et al.*, a case brought by homeless plaintiffs who were convicted under local ordinances that criminalized sleeping or camping in public.

The DOJ brief stated, “[i]t should be uncontroversial that punishing conduct that is a universal and unavoidable consequence of being human violates the Eighth Amendment. Sleeping is a life-sustaining activity – i.e., it must occur at some time in some place. If a person literally has nowhere else to go, then enforcement of the anti-camping ordinance against that person criminalizes her for being homeless.”

The USICH report is at [http://usich.gov/resources/uploads/asset\\_library/Ending\\_Homelessness\\_for\\_People\\_Living\\_in\\_Encampments\\_Aug2015.pdf](http://usich.gov/resources/uploads/asset_library/Ending_Homelessness_for_People_Living_in_Encampments_Aug2015.pdf)

The DOJ statement of interest is at <http://www.ju.gov/opa/file/643766/download>

## **FROM THE FIELD**

### **Kentucky Advocates Campaign for Statewide Landlord-Tenant Law**

The Homeless and Housing Coalition of Kentucky (HHCK), an NLIHC State Coalition Partner, is leading the Healthy Homes Coalition, which is working to pass legislation that would extend Kentucky's Uniform Residential Landlord Tenant Act (URLTA) to apply on a statewide basis.

First enacted by the Kentucky State Legislature in 1974, and based on a 1972 model bill drafted by the National Conference of Commissioners on State Laws, the Uniform Residential Landlord Tenant Act (URLTA) serves to “encourage landlords and tenants to maintain and improve the quality of housing” and clarify the “rights and obligations of landlords and tenants.”

URLTA provides important protections for tenants and landlords. The most important of these protections is a standard of habitability, which provides tenants legal recourse to remedy unsafe and unsanitary housing conditions. URLTA also protects tenants by requiring landlords to give 48 hours notice before entering a property and to provide documentation of damages before retaining security deposits. Moreover, the law protects tenants from retaliatory evictions.

For landlords, URLTA codifies industry best practices and provides a uniform and expedited eviction process. More generally, URLTA requires tenants to pay rent on time, maintain their unit, and abide by basic health, safety, and behavioral guidelines.

The original statute enacted in 1974 included a provision that limited the scope of URLTA to the cities of Louisville and Lexington, which fall into a category in Kentucky known as First Class Cities. In 1983, the Kentucky State Supreme Court struck down URLTA on the basis that it applied a general provision to specific jurisdictions. In 1984, the Kentucky State Legislature readopted URLTA with a provision that gave jurisdictions the choice to opt in to implementing the legislation.

To date four of the state's 120 counties have implemented URLTA, and another six counties have some portion of the county applying URLTA. There are 110 counties in Kentucky where no part of the county has any specific landlord-tenant law. In jurisdictions without URLTA or local laws establishing a standard of habitability, there is no legal recourse for tenants to address unsafe and unsanitary housing conditions. According to Curtis Stauffer, Executive Director of HHCK, “Tenants in many of these communities could literally have an open sewer flowing through their apartment and no legal protection.”

In order to expand the benefits of URLTA to all tenants and landlords in Kentucky, HHCK is undertaking a campaign known as the Healthy Homes Coalition to build support and pass legislation that will implement URLTA on a statewide basis. The Healthy Homes Coalition includes key statewide organizations such as the Kentucky Equal Justice Center, leading grassroots community organizers Kentuckians for the Commonwealth, and many other state and local organizations.

This spring, HHCK and the Healthy Homes Coalition worked with legislators to introduce a bill (HB 368) that would implement URLTA on a statewide basis and prevent localities from enacting or retaining any ordinances related to the subjects encompassed by the bill. The bill was sponsored by Representatives Johnny Bell (D), Mary Lou Marzian (D), and Jim Wayne (D). Although the bill did not receive a hearing due to time constraints after being referred to committee, a hearing about the issue is scheduled for this fall. The Coalition hopes the legislation will be reintroduced in the next session.



In addition to receiving support from legislators, statewide implementation of URLTA was recommended by the Kentucky Housing Corporation in its *Analysis of Impediments to Fair Housing Choice, Our Right to Choose Where We Live*. The AI identifies the limited footprint of URLTA as a barrier to fair housing choice and emphasizes the need to “have URLTA passed as the law in all jurisdictions across Kentucky.” Furthermore, the Kentucky Commission on Human Rights issued a resolution supporting statewide implementation of URLTA on the basis that it is necessary to combat housing discrimination.

In the coming months, HHCK and the Healthy Homes Coalition plan to build their base of support and educate legislators about URLTA. They expect little or no opposition from major landlords, but they do anticipate resistance from landlords that have small portfolios. HHCK and the Healthy Homes Coalition hope to pass legislation for statewide implementation of URLTA in the spring 2016 session of the Kentucky State Legislature.

For more information contact Curtis Stauffer, Executive Director of HHCK, at [cstauffer@hhck.org](mailto:cstauffer@hhck.org).

## RESEARCH

### Population Living in High-Poverty Neighborhoods Almost Doubles Since 2000

A report from The Century Foundation estimates that the number of people living in high-poverty neighborhoods has increased from 7.2 million to 13.8 million since 2000. This 91% increase reverses a trend in the 1990’s, a decade that experienced a 25% decrease. A component of the increase is reflected in the percentage of poor people living in high-poverty neighborhoods, which grew from 10.3% in 2000 to 14.4% today. Although the majority of poor people do not live in high-poverty neighborhoods, those that do face a “double disadvantage” of low family income while also living in a poor neighborhood. A high-poverty neighborhood is defined as a census tract where at least 40% of residents live below the federal poverty threshold.

The concentration of poverty is most significant for black people. Twenty-five percent of poor blacks live in high-poverty neighborhoods, compared to 17.4% of poor Hispanics and 7.5% of poor whites. A higher percentage of non-poor blacks (9.0%) live in high-poverty neighborhoods than poor whites (7.5%).

Poor children, particularly black and Hispanic poor children, are more likely to live in high-poverty neighborhoods than poor adults. Twenty-eight percent of poor black children under the age of six live in high-poverty neighborhoods, compared to 24.2% of poor black adults. Among Hispanics, 18.1% of poor children and 16.9% of poor adults live in high-poverty neighborhoods. For white non-Hispanics, 6.2% of poor children live in high-poverty neighborhoods, compared to 8.2% of poor adults.

The concentration of poverty has grown faster in small and mid-size metropolitan areas than in large areas. Since 2000, the percentage of poor living in high-poverty neighborhoods grew by less than two percentage points in the thirteen metropolitan areas with more than 3,000,000, and grew by only one-half percentage point for black households. In contrast, the percentage of poor living in high-poverty neighborhoods grew by 6.1 percentage points overall in metropolitan areas of less than 250,000 residents, and by 9.4 percentage points for poor black households.

In addition to the recent recession, the author identified factors related to the distribution of housing that contribute to concentrated poverty, including:

- Suburbs that “have grown so fast that their growth was cannibalistic: it came at the expense of the central city and older suburbs... suburban rings grew much faster than needed to accommodate metropolitan population growth, so that the central cities and inner-ring suburbs saw massive

population declines. The recent trend toward gentrification is barely a ripple compared to the massive surge to the suburbs since about 1970.”

- Exclusionary zoning and discrimination in the housing market, leaving the poor behind.
- Spatial distribution of public and assisted housing.

The author asserts that two changes need to occur, both of which are hard to achieve:

- Federal and state governments should begin to control suburban development so that it is in line with metropolitan population growth.
- Municipalities in a metropolitan area should be required to ensure that new housing reflects the income distribution of the metropolitan area as a whole.

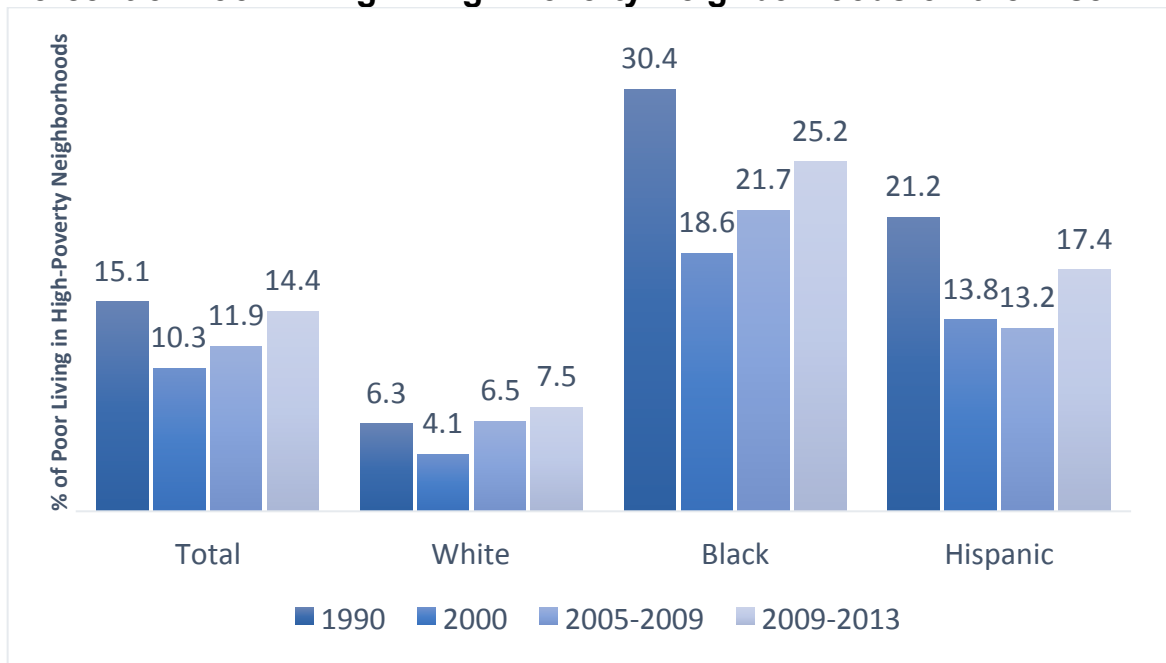
The author expresses hope that HUD’s new “affirmatively furthering affordable housing” rules will bring renewed attention to the concentration of poverty.

The study draws on data from the 1990 and 2000 U.S. Census and the 2009-2013 American Community Survey (ACS).

*Architecture of Segregation: Civil Unrest, the Concentration of Poverty, and Public Policy* is available at <http://apps.tcf.org/architecture-of-segregation>.

## FACT OF THE WEEK

### Percent of Poor Living in High-Poverty Neighborhoods on the Rise



Note: A high-poverty neighborhood is defined as a census tract with a poverty rate of at least 40%.

Source: Jargowsky, P. (2015). *Architecture of Segregation: Civil Unrest, the Concentration of Poverty, and Public Policy*. New York City, NY: The Century Foundation. Retrieved from: <http://apps.tcf.org/architecture-of-segregation>

## RESOURCE

### PRRAC Highlights Fair Housing Best Practices in State LIHTC Policies

The Policy & Race Research Action Council (PRRAC) issued a report highlighting features of state Low Income Housing Tax Credit (LIHTC) policies that have the potential to reverse segregated housing patterns and expand housing opportunities for low income households and households of color.

*Building Opportunity II: Civil Rights Best Practices in the Low Income Housing Tax Credit Program (2015 update)* analyzes the Qualified Allocation Plans (QAPs) of each state and New York City and Chicago as of December 31, 2014. The federal LIHTC program requires each state agency that allocates tax credits, generally housing finance agencies, to have a QAP. The QAP sets out the state's eligibility priorities and criteria for awarding LIHTCs to housing projects. In some states, the QAP also sets out threshold criteria for noncompetitive 4% tax credits and any state LIHTCs.

One major category of analysis considered QAP provisions that related to racial and/or economic concentration or deconcentration. A few states explicitly mention the role of LIHTC development to reduce racial segregation or to emphasize development in opportunity areas. For instance, Massachusetts has QAP threshold requirements and a point scoring system emphasizing housing in opportunity areas, and Pennsylvania awards up to 20 points for developments in low poverty areas. Some states have multiple provisions pertaining to deconcentration. For example, except for preservation-oriented projects, New Jersey will not approve a project proposed for a census tract that already has 30% or more of its units assisted with LIHTC, unless the project meets the definition of redevelopment and includes relocation options to higher opportunity areas and mobility counseling. In addition, New Jersey and Pennsylvania set aside LIHTC for suburban and rural areas.

Another category of analysis considered QAP provisions that avoid detrimental community features or provide incentives for positive community features. An example of the former include a North Carolina provision which awards points for projects at least one-half mile away from airports and hazardous material sites. An example of the latter is an Indiana provision which awards up to eight points for projects in close proximity to high-performing schools. Another example is a Georgia provision that awards two points for every positive factor within two-miles, factors such as a town square that is a hub for civic activity (such as city hall) and commercial activity (such as a grocery store). Twenty-three of the 52 QAPs include some scoring preferences for siting near transit. For example, an Arizona provision awards up to 20 points to projects located in close proximity to a high-capacity transit station.

Some states have set-asides for projects in Qualified Census Tracts (QCTs), but only if a project contributes to a concerted community revitalization plan. QCTs are census tracts with a poverty rate of 25%, or in which 50% of the households have incomes less than 60% of the area median income. For instance, Nebraska sets aside up to 33% of its LIHTCs for such projects.

PRRAC also identifies QAP provisions that address affirmative marketing, tenant selection, and outreach to low income populations. In Michigan, in order to receive any bonus points, one of several requirements a project developer must agree to is to have a continuous outreach program in order to maintain a well-balanced waiting list that will ensure the project meets its affirmative marketing goals at all times. All applicants for LIHTCs in Massachusetts must have a detailed plan indicating how the owner intends to attract underserved populations,

including people with disabilities and minority households. The Rhode Island QAP is the only one that offers scoring incentives for affirmative marketing to non-English speaking populations.

More than half of the states include scoring incentives and/or requirements to promote access to LIHTC projects by Section 8 voucher households and public housing residents. Delaware specifies that applicants must market their developments to people on the local public housing agency's waiting lists.

*Building Opportunity II: Civil Rights Best Practices in the Low Income Housing Tax Credit Program (2015 update)* is at [http://www.prrac.org/full\\_text.php?item\\_id=14901&newsletter\\_id=0&header=Current%20Projects](http://www.prrac.org/full_text.php?item_id=14901&newsletter_id=0&header=Current%20Projects)

More information about QAPs is on page 7-20 of NLIHC's *2015 Advocates' Guide*, [http://nlihc.org/sites/default/files/Sec7.06\\_Qualified-Allocation-Plan\\_2015.pdf](http://nlihc.org/sites/default/files/Sec7.06_Qualified-Allocation-Plan_2015.pdf)

More information about LIHTC is on page 5-32 of NLIHC's *2015 Advocates' Guide*, [http://nlihc.org/sites/default/files/Sec5.10\\_LIHTC\\_2015.pdf](http://nlihc.org/sites/default/files/Sec5.10_LIHTC_2015.pdf)

## NLIHC NEWS

### NLIHC Is Looking For Interns for the Fall 2015 Semester

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, updating collateral print material such as brochures, flyers, factsheets and a variety of other projects using the Adobe Creative Suite. The intern will also update content on the NLIHC website and will help update the Coalition's Social Media sites and blog. *Please provide 3-5 design samples and/or link to online portfolio for consideration.*

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 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)

## **NLIHC STAFF**

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Elina Bravve, Senior Research Analyst, x244  
Linda Couch, Senior Vice President for Policy, x228  
Sheila Crowley, President and CEO, x226  
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