

TENANT TALK

A NATIONAL LOW INCOME HOUSING COALITION PUBLICATION



inside:
THE LAWSUIT
FOR HOMES



tenanttalk@nlihc.org
202.662.1530 x246

NLIHC STAFF

Althea Arnold	Research Analyst
Megan Bolton	Research Director
Elina Bravve	Research Analyst
Sarah Brundage	Communications Director
Linda Couch	Senior Vice President of Policy and Research
Sheila Crowley	President and CEO
Ed Gramlich	Director of Regulatory Affairs
Mary Kolar	Outreach Associate
Joseph Lindstrom	Outreach Associate
Sham Manglik	Senior Policy Analyst
Khara Norris	Director of Administration
Melissa Quirk	Senior Policy Analyst
Christina Reyes	Executive Assistant
Bill Shields	Vice President of Operations
Christina Sin	Development Coordinator
La'Teashia Sykes	State Coalition Project Director
Chris White	Communications Associate

BOARD OF DIRECTORS

- Christine Allamanno**, Gulf Coast Legal Services, Saint Petersburg, FL
- Mark Allison, Chair**, New Mexico Wilderness Alliance, Albuquerque, NM
- William C. Apgar**, Joint Center for Housing Studies, Harvard University, Cambridge, MA
- David Bowers**, Enterprise Community Partners, Washington, DC
- Maria Cabildo**, East LA Community Corporation, Los Angeles, CA
- Delorise Calhoun**, Jurisdiction-Wide Resident Advisory Board, Cincinnati Housing Authority, Cincinnati, OH
- Brenda J. Clement**, Citizens' Housing and Planning Association, Inc., Boston, MA
- Emma "Pinky" Clifford**, Oglala Sioux Tribe Partnership for Housing, Pine Ridge, SD
- Marcie Cohen**, Community CoNexus, Washington, DC
- Lot Diaz**, National Council of La Raza, Washington, DC
- Chris Estes**, National Housing Conference, Washington, DC
- Bill Faith**, Coalition on Housing and Homelessness in Ohio, Columbus, OH
- Daisy Franklin**, Publically-Assisted Housing Residents Network, Norwalk, CT
- Matt Gerard**, Minneapolis Highrise Representative Council, Minneapolis, MN
- Deirdre "DeeDee" Gilmore**, Public Housing Association of Residents, Charlottesville, VA
- Lisa Hasegawa**, National Coalition for Asian Pacific American Community Development, Washington, DC
- Moises Loza**, Housing Assistance Council, Washington, DC
- Rachael Myers**, Washington Low Income Housing Alliance, Seattle, WA
- Marla Newman**, Louisiana Housing Alliance, Baton Rouge, LA
- Ann O'Hara**, Technical Assistance Collaborative, Boston, MA
- Bob Palmer**, Housing Action Illinois, Chicago, IL
- Greg Payne**, Maine Affordable Housing Coalition, Portland, ME
- Tara Rollins**, Utah Housing Coalition, Salt Lake City, UT
- Martha Weatherspoon**, Lincoln Home Resident Council, Clarksville, TN
- Paul Weech**, Housing Partnership Network, Washington, DC
- Leonard Williams**, Buffalo Municipal Housing Authority, Buffalo, NY

Tenant Talk is published by the National Low Income Housing Coalition. No portion of this publication may be reprinted without the permission of NLIHC except where otherwise noted.

727 15TH STREET NW, 6TH FLOOR
WASHINGTON, D.C. 20005
(Phone) 202.662.1530 // (Fax) 202.393.1973

CONTENTS

- 4 THE LAWSUIT FOR HOMES**
- 8 DECLINED: SOURCE OF INCOME DISCRIMINATION**
- 14 SAVE THE DATE: NLIHC'S 2014 HOUSING POLICY CONFERENCE**



NATIONAL LOW INCOME HOUSING COALITION

ABOUT NLIHC

The National Low Income Housing Coalition is a nonprofit organization in Washington, DC that works to achieve socially just public policy that secures affordable and decent homes for our country's poorest citizens. We believe a decent, affordable home is a right everyone has, and we are here to advance public policy that will serve those who need the help the most.

Part of the way we do that is through public education and engagement. NLIHC is committed to sharing resources and tools that help individual Americans become informed advocates. *Tenant Talk* is one of the many resources we provide the public.

NLIHC relies heavily on the support of our members to fund our work and guide our policy decisions. Hundreds of low income residents and resident organizations have joined the NLIHC community by becoming members. We suggest an annual membership rate of only \$3 for a low income individual membership, and \$10 for a low income resident organization. Please consider becoming a member of NLIHC today at www.nlihc.org/membership, or mail us the form in the back of this issue.

Cover photo credit: Right to the City

A LETTER FROM THE EDITORIAL BOARD

We all have a story to tell.

From day-to-day struggles to what can feel like never ending challenges, many of us have stories to tell as low income residents. Problems with housing authorities or irresponsible building management, a local fight to protect affordable housing, the hard search to find an affordable home. If we have not lived it, we have heard it.

That's because many of us share similar stories. The question is: what are YOU going to do with your story?

NLIHC aims to help residents use their stories to make real policy changes. *Tenant Talk* was created for that reason: to empower residents to become stronger advocates.

NLIHC also hosts an **Annual Housing Policy Conference** in Washington, DC. NLIHC's conference brings together residents and other advocates from across the country. Everyone has the opportunity to share stories and learn from each other. After gaining the right tools and resources, residents who attend NLIHC's conference are empowered to bring their stories to their Members of Congress.

Residents can benefit from the conference and other NLIHC resources by **becoming a member for just \$3**. Joining NLIHC's family is an easy, first step to becoming not just a storyteller, but an active, informed advocate.

Not all stories are bad or sad; many of us have stories of victory. We should always share positive stories where we started with a problem and ended with a solution. It is important to talk about the good, too, so that we can inspire others and remind one another that each of us can make a difference.

We encourage you to always tell your story. But do not just tell it, make it count! Use your story to connect with other residents, to inform policy makers, and to demand better policy that can help others with the same challenges.

We hope the next time you are sharing a story, it will be one of success and change.

Yours in advocacy,

Tenant Talk Editorial Board

Delorise Calhoun
Daisy Franklin
Matt Gerard
Martha Weatherspoon
Leonard Williams





THE LAWSUIT FOR HOMES



MANY VOICES, ONE LAWSUIT

For the first time ever, NLIHC has filed a lawsuit. After months of preparation and coordination with other advocates, NLIHC filed a lawsuit against Edward DeMarco, the Acting Director of the Federal Housing Finance Agency, on July 9, 2013.

THE CHARGE

NLIHC filed a lawsuit demanding that the National Housing Trust Fund (NHTF) begin receiving funding from Fannie Mae and Freddie Mac. Fannie Mae and Freddie Mac are required by law to help fund the NHTF. Fannie Mae and Freddie Mac have not had to follow that requirement because they were in economic trouble. However, they are now very profitable. In 2012, it was reported that Fannie Mae and Freddie Mac made around \$1.4 TRILLION in new business activity, yet neither contributed a single dollar to the NHTF!

Fannie Mae and Freddie Mac can now afford to support the NHTF, as required by law. In fact, approximately \$382 million should have gone to the NHTF in 2012. NLIHC and the other plaintiffs filed the lawsuit so that the NHTF can begin receiving funding.

THE PLAYERS

THE NATIONAL HOUSING TRUST FUND

This is what the lawsuit is all about. The NHTF was established in 2008 but has not received funding it needs to begin operating. Once funded, the NHTF will help states increase the supply of affordable, rental housing. The NHTF is different than other housing programs, because it will create rental housing that is targeted to the lowest income households.

NLIHC, Plaintiff

NLIHC has been leading the campaign to secure funding for the NHTF since it was enacted by law. NLIHC worked to build an accurate and powerful case against Mr. DeMarco, and remains the leading voice for the NHTF. NLIHC acted as a plaintiff for the lawsuit, representing low income residents who need the NHTF.

RIGHT TO THE CITY ALLIANCE, Plaintiff

The Right to the City Alliance partnered with NLIHC for the lawsuit and also acted as a plaintiff. RTC was instrumental in building grassroots support for the lawsuit, and empowering low income individuals to join the lawsuit.

ANGELA SAMUELS, ROSSANA TORRES, DANIELLE STELLUTO, Individual Plaintiffs

Angela, Rossana, and Danielle are low income residents who bravely agreed to act as individual plaintiffs in the lawsuit. They shared their personal stories with the world, and helped bring real life experience to the lawsuit.

CHARLES ELSESSER, JR, Attorney

The plaintiffs are represented by Attorney Charles Elsesser, Jr. of Florida Legal Services. Mr. Elsesser is a former board member of NLIHC, and a long time advocate for low income housing.

FANNIE MAE & FREDDIE MAC

Fannie Mae and Freddie Mac are government sponsored enterprises (GSEs). They are required by law to help fund the NHTF, but that requirement was put on hold in 2008 because of the economic crisis. Fannie Mae and Freddie Mac should be supporting affordable housing by funding the NHTF now that they are making profits.

EDWARD DEMARCO, FHFA Acting Director

The lawsuit was filed against Mr. DeMarco. The FHFA is the government agency responsible for Fannie Mae and Freddie Mac. As Acting Director, Mr. DeMarco has the authority to require Fannie Mae and Freddie Mac to start contributing to the NHTF, but he has declined to do so.

THE LAWSUIT FOR HOMES

The lawsuit made national news, but what brought it to life were the real stories of the individual plaintiffs. Here is Danielle Stelluto's story.

You think raising toddlers as a single mom is difficult? Try doing it without a home.

I have been going through the shelter system since 2010, stuck in a revolving door of shelters, city systems, federal systems, temporary jobs, odd jobs, different schools for my children, and more.



I have two small children—my son is five, and my daughter is three. The economy hit my family pretty hard, and I work every job I find to keep us afloat. Making \$10 per hour as an at-home care worker for an elderly woman just doesn't cover rent.

Despite the fact that three million Americans will experience homelessness this year, (the) Federal Housing and Finance Administration (FHFA) has refused to fund one of the best lifelines to affordable housing we have at the federal level: the National Housing Trust Fund.

I keep working, but my jobs don't pay the rent.

On July 9, I joined a national lawsuit against the FHFA and its acting director, Ed DeMarco, to demand these funds be restored. I joined to give voice to the millions of Americans like me left out of President Obama's economic recovery.

I never thought I would be homeless. I work hard for my family and I want a better life for them... I've been working irregular part-time jobs and, to the best of my ability, have been striving to get through. It has been extremely difficult—at times, I have felt ridiculed. Even living in a homeless shelter, I fear we could be given the boot at any moment.

I'm a hard worker, and I'm actually trying everything in my power to bring myself up for my two children. I want to prosper and make the best life for them. I need stability in my life. I need affordable housing.

I will keep working every day to give my children a bright future, but they deserve better... FHFA Acting Director Ed DeMarco needs to change course and fund the National Housing Trust Fund. No one should be homeless.

THIS IS AN EXCERPT FROM A FULL ARTICLE BY DANIELLE THAT WAS PUBLISHED IN THE RH REALITY CHECK ON JULY 10, 2013. YOU CAN READ THE FULL ARTICLE AT: [HTTP://BIT.LY/1BPF7C4](http://bit.ly/1BPF7C4)



RIGHT TO THE CITY DEMONSTRATES FOR THE LAWSUIT ON JULY 9 IN MIAMI

THE POWER OF STORY TELLING

By Rachel LaForest, Right to the City Alliance

No one understands affordable housing better than residents. That is why it is so important that you share your experiences with other advocates, policy makers, and elected officials. Facts and data are important, but your story can bring those numbers to life.

I have helped low income residents tell their stories for years. Right to the City has helped turn a resident, just like you, into a spokesperson for a community problem. And as you have read with Danielle's article, we helped turn one individual's story into an official legal testimony for a lawsuit.

How do you make your story powerful and meaningful? Here are some tips:

- 1. Be specific and personal.** Danielle's story talks about the difficulties she's had while trying to take care of her family. By sharing details, you believe her story is true. By sharing feelings, you feel compassion for her.
- 2. Make the connections.** It is also important to help people understand the bigger picture. Let them know that others share your story. Do you live with other residents who are experiencing the same problem? How many years has this been going on? Does this problem go beyond your housing and into your neighborhood or community or city?
- 3. Go for the shock effect.** People make assumptions. You can educate them by telling them the truth.
- 4. Keep a sense of urgency.** Use your story to show what will happen to you and your loved ones if people fail to act.
- 5. Name & shame.** Do not be afraid to call out specific public figures and their promises. Hold them accountable. Danielle and Angie did this when they spoke about their situations.
- 6. Make a demand.** You are not telling your story to a therapist. You are telling it to someone who has the power to do something about it! Once you have a thoughtful, smart solution, it is up to you to share it. Let them know what you deserve.

Your story helps decision-makers reconnect with the human component of their fight. It reminds them why they are engaged in the work and gives them inspiration to move others to take action around their values.

READY TO TELL YOUR STORY? RTC IS COLLECTING STORIES THAT WILL HELP PAINT A NATIONAL PICTURE OF THE HOUSING CRISIS. SHARE YOUR STORY AT: [HTTP://HOMESFORALL.TUMBLR.COM](http://HOMESFORALL.TUMBLR.COM)



What is “source of income” discrimination?

People might have good credit, a steady job, and great references but still be refused an apartment - just because they have a voucher to help pay the rent. “Source of income” discrimination is when a landlord refuses to rent to a household based on the type of income they use to pay the rent.

Examples of sources of income that landlords sometimes will not accept are:

- Housing Choice Vouchers (“Section 8”)
- SSI (Supplemental Security Income received by people with disabilities)
- Social Security
- Veterans benefits
- Alimony or child support payments from a missing spouse
- TANF (Temporary Assistance for Needy Families)

Source of income discrimination can be less direct. Landlords might simply try to discourage a household with a voucher from renting by demanding a much higher security deposit.

Source of income discrimination is sometimes just a stand-in for discrimination based on race, ethnicity, disability, age, a parent’s marital status, or whether a family has children – all of which are “protected classes” under the Fair Housing Act. While discrimination against protected classes is illegal, source of income is not a protected class under federal law.

I'm a Voucher Holder and Think a Landlord Is Discriminating

If you think a landlord is refusing to rent to you based on your use of a voucher, or some other source of income such as SSI, first check the list of states and localities that have some kind of source of income law to see what protections you have (see pages 10 and 11).

Who you go to for help will vary depending on where you live. For some of the states that do have some sort of source of income protection, there is often a state office with a name like Commission on Human Rights/Fair Housing/Civil Rights. There might also be local nonprofits with names such as: Fair Housing Center, or Equal Rights Center, or Disability Rights Center. In addition to contacting these offices, you might also find help from legal services or volunteer lawyers organized by the local Bar Association.

Federal Housing Programs That Prohibit Source of Income Discrimination

Owners of properties funded by the Low Income Housing Tax Credit (LIHTC) and the HOME program are prohibited from refusing to rent to a household with a voucher. The HOME program's regulations add that landlords cannot discriminate against someone using HOME's tenant-based rental assistance, which is similar to voucher assistance. The LIHTC and HOME laws and regulations, however, do not mention protections against other forms of source of income discrimination. Proposed regulations for the National Housing Trust Fund would also prohibit discrimination against renting to a household with a voucher.

Having a Source of Income Law Might Not Be Enough

Not all source of income laws are equal. Some laws specifically say that vouchers are not covered. Other laws are written in a way that makes it unclear whether vouchers are covered. In some states courts have ruled that vouchers are not covered.

Another problem might be that there is not an official place for residents to file a complaint if they think that they have been discriminated against because of their source of income. In some places, people worry that their source of income law is not carefully monitored or enforced. These are problems that can be overcome with renewed organizing and advocacy.

And, just because you have a law today, that does not mean you will always have one. For example, the ordinance in Champaign, Illinois was revoked. Residents and advocates have to be on the alert and organize against losing gains.

SOURCE OF INCOME DISCRIMINATION

Does Your State or Locality Have Source of Income Protection?

Twelve states and the District of Columbia have some sort of source of income law. But be aware: not all source of income laws are equal.

- **CT, DC, OR** explicitly include vouchers
- **MA, NJ** include vouchers as a result of court interpretations
- **ME, ND** use the terms “rental assistance” or “housing assistance”
- **OK, VT** use the term “public assistance,” which might not be specific enough to include vouchers
- **UT** simply uses the term “source of income”
- **CA, MN, WI** explicitly exclude vouchers

Source: This list is a summary based on a July 2013 publication by the Poverty & Race Research Action Council (PRRAC), updated by NLIHC to reflect recent actions in Oregon.

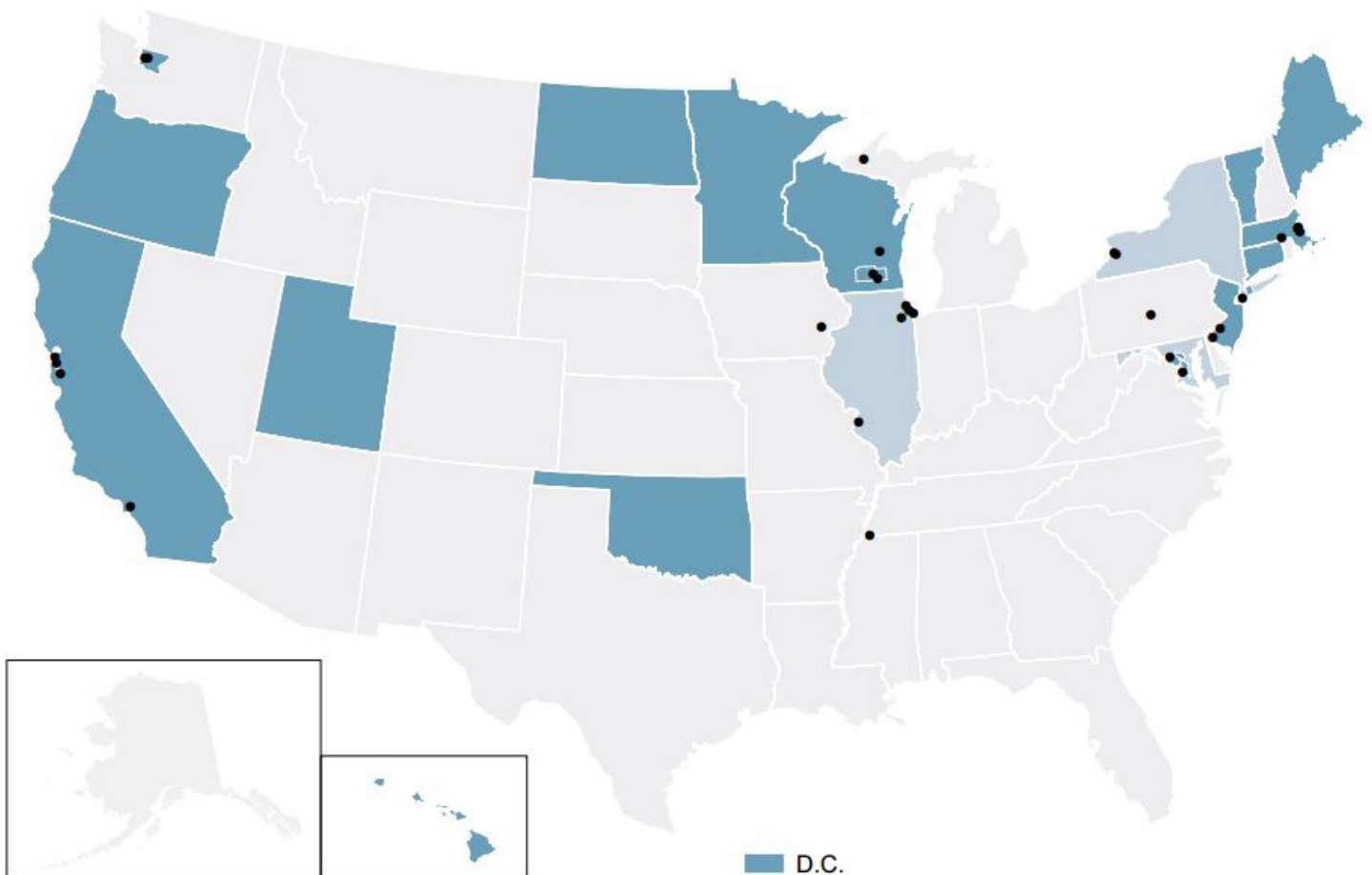
Jurisdictional Protections Against Source of Income Discrimination

States or Counties with SOI Discrimination Protections

Cities with SOI Discrimination Protections

State Legislation Pending

No Legislation in Effect



Source: Poverty and Race Research Action Council (April 2013) <http://www.prrac.org/pdf/AppendixB.pdf>

SOURCE OF INCOME DISCRIMINATION

In addition, 44 local jurisdictions have some sort of source of income protection. Next to the name of the jurisdiction is an indication of whether vouchers are explicitly mentioned or whether some other terms are used instead.

CALIFORNIA

- Corte Madera – vouchers
- East Palo Alto – rental assistance
- San Francisco – rental assistance

DELAWARE

- Wilmington – other fixed incomes

FLORIDA

- Miami-Dade – vouchers

ILLINOIS

- Chicago – source of income
- Cook County – vouchers are indirectly covered because the county removed language previously exempting vouchers from source of income protection
- Harwood – source of income
- Naperville – source of income
- Urbana – vouchers

IOWA

- Iowa City – public assistance

MARYLAND

- Annapolis – any lawful income*
- City of Frederick – rental assistance or rent supplement*
- Frederick County – rental assistance
- Howard County – government assistance
- Montgomery County – government assistance

MASSACHUSETTS

- Boston – source of income
- Cambridge – public assistance
- Quincy – public assistance
- Revere – source of income

MICHIGAN

- Ann Arbor – source of income
- Grand Rapids – vouchers
- Hamburg – source of income

MISSOURI

- St. Louis – source of income

NEW YORK

- Buffalo – vouchers
- Hamburg – source of income
- Nassau County – assistance or subsidy
- New York City – vouchers
- West Seneca – source of income

OHIO

- Wickliffe – source of income

PENNSYLVANIA

- Borough of State College – public assistance
- Philadelphia – housing assistance

TENNESSEE

- Memphis – vouchers

WASHINGTON

- Bellevue – vouchers
- King County – vouchers
- Redmond – vouchers
- Seattle – vouchers

WEST VIRGINIA

- Wheeling – source of income, but excludes vouchers

WISCONSIN

- Cambridge – ambiguous
- Dane County – vouchers
- Madison – vouchers
- Ripon – source of income
- Sun Prairie – source of income, but excludes vouchers
- Wauwatosa – source of income

*Annapolis and City of Frederick added based on information from Maryland advocate

Successful Advocacy Story: Cook County, Illinois

Cook County, the large suburban area surrounding the City of Chicago, has a Human Rights Ordinance that protected people from discrimination based on the source of their income. However, that ordinance specifically excluded protections for households with vouchers. Until recently...

On May 8, 2013 the Cook County Board of Commissioners changed its Human Rights Ordinance to protect voucher holders. Landlords are no longer able to legally refuse to rent to someone because he or she has a voucher. In addition, landlords cannot charge voucher holders a larger security deposit or impose other terms not applied to other tenants. The amended ordinance does not force landlords to accept all housing vouchers; it just requires them to screen households with vouchers using the same criteria used for residents without vouchers.

ORGANIZING STRATEGIES AND IDEAS

After two previous efforts to amend the ordinance proved unsuccessful, staff from Open Communities, a fair housing advocacy organization, and Metropolitan Tenants Organizations (MTO), a tenant organizing group, met and decided that the “third time’s the charm.”

MTO added organizing to the advocacy strategy. “Everything changed when MTO tenants started to tell their stories,” said Brendan Saunders of Open Communities. Here are some of the organizing strategies and ideas that led to successful change:

Organized teamwork. A broad coalition worked together, including labor, social service agencies, the NAACP, Citizen Action, women’s advocacy groups, public interest lawyers, clergy, and especially disability rights organizations such as Access Living, the Disability Rights Action Coalition for Housing, and the Progress Center for Independent Living.

Face-to-face meetings. Voucher holders joined advocates in face-to-face meetings with commissioners, explaining how landlords refused to rent to them. Some of the commissioners admitted that they had no idea that sort of discrimination happened and were moved by the problems this discrimination caused people.

Public testimonies and events. Tenants also testified at formal Board of Commissioner public hearings. Tenants were then front-and-center at every campaign activity. The coalition organized a variety of events that gave voucher holders the chance to describe the discrimination they encountered and highlight the need to include vouchers in the source of income ordinance.

Being passionate. As opponents started making overtly racist comments, tenant leaders framed voucher discrimination as a racial justice issue. These remarks got tenants more actively involved and, because of tenants’ stories at town hall meetings, the coalition swayed a key commissioner’s vote in favor of the amendment.

Demonstration. The coalition also organized a demonstration outside the office of the largest rental property owner in suburban Oak Park, a town which has long had a reputation as a liberal and open community. The management company in charge of more than 1,000 apartments suddenly decided not to renew the leases of tenants with vouchers. With so many tenants losing their apartments, the problem became more “real” for some commissioners and the broader public.

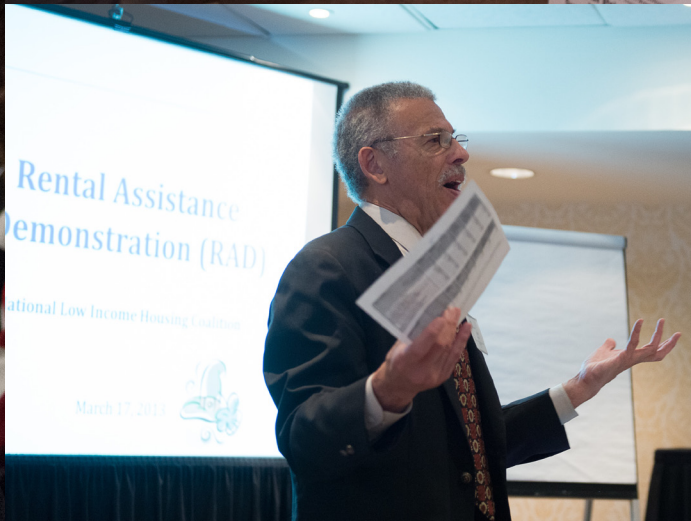
Educating others. Other tools and tactics used by tenants and advocates included developing and distributing fact sheets, getting signatures on a petition, and sending out quick action alerts by email.

Working with media. The coalition organized its offensive across all forms of media so more people could learn about the discrimination that tenants experienced. Getting tenants’ voices in the media helped to chip away at negative stereotypes. Advocates and tenants even had an active Twitter campaign, flooding the county commissioners with reminders of the problems faced by voucher holders.

Finding allies. The coalition was also aided in its campaign by the very supportive executive director of the Cook County Housing Authority (CCHA). He attended many of the meetings with commissioners, attended media events, and held outreach meetings with landlord groups. Several state senators and representatives, and three U.S. representatives, endorsed the campaign. A clergy prayer breakfast was also organized, which brought out more than 40 clergy and community leaders.

Call-in campaign. As a vote by the full Cook County Board of Commissioners approached, the coalition launched a call-in campaign to each commissioner, letting them know how much support the amendment had. The call-in also served to counter threats from opponents who warned commissioners that their seats on the County Board could be jeopardized if they went against the wishes of the realtors in their districts.

All of the organizing paid off, and on May 8, 2013, the commissioners decided to add vouchers to the source of income ordinance by a vote of 9 to 6. The collective effort of the coalition proved once again that, when organized, tenants can effectively move officials at all levels of government.



SAVE THE DATE!

NLIHC'S 2014 HOUSING POLICY CONFERENCE & LOBBY DAY APRIL 27-30, 2014

Join NLIHC and hundreds of residents and advocates in Washington, DC on Sunday, April 27 through Wednesday, April 30 to discuss the latest developments in affordable housing! The 2014 conference will be held at the Wardman Park Marriott. **Registration will open in January 2014.**

GET A DISCOUNT!

NLIHC members receive discounts on conference registration. If you or your neighbors and friends are not yet members, join today!

DOES YOUR COMMUNITY NEED MORE AFFORDABLE RENTAL HOUSING?

Then join the campaign to fund the National Housing Trust Fund!

“Too many people cannot find an affordable, decent place to call home. The problem gets worse every year. A necessary part of any **solution is the National Housing Trust Fund**, though it still needs funding in order to create more affordable rental housing. The United for Homes proposal to fund the NHTF will **directly help residents**, so more resident groups should join the campaign!”

- John Bartlett, Metropolitan Tenants Organization, Chicago, IL

Over 55 resident groups from across the country have joined the United for Homes campaign!



Learn more about United for Homes
and how to get involved
at www.unitedforhomes.org
or call **202-662-1530!**

Never doubt that a small group
of thoughtful committed citizens
can change the world. Indeed,
it's the only thing that ever has.

MARGARET MEAD