

# TENANT TALK

SPRING-SUMMER 2015 | VOLUME 6, ISSUE 1

SECTION 3 HIRING

# JUST AHEAD

## ALSO IN THIS ISSUE:

- NHTF IMPLEMENTATION
- FEDERAL BUDGET UPDATE
- PROTECTING TENANTS AT FORECLOSURE
- ORGANIZING AWARDS
- VOTERIZATION

A NATIONAL LOW INCOME HOUSING COALITION PUBLICATION

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## NATIONAL LOW INCOME HOUSING COALITION

### ABOUT NLIHC

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

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.

### BECOME A MEMBER

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 \$5 for a low income individual membership**, and \$15 for a low income resident organization. Please consider becoming a member of NLIHC today at [www.nlihc.org/membership](http://www.nlihc.org/membership), or mail us the enclosed form.

# Dear Readers,

A highlight of a busy spring for the National Low Income Housing Coalition was NLIHC's 2015 Housing Legislative Forum in Washington, DC March 1-3. We held our forum earlier in the year than previously in order to engage all of the newly sworn-in U.S. Senators and Representatives. A wide variety of NLIHC members and allies overcame difficult weather to hear from notable speakers and ask them questions, to educate themselves about NLIHC's policy priorities, and to go to Capitol Hill to tell lawmakers about their concerns.

Unlike previous NLIHC conferences, which featured a few plenary speakers and many workshops, this year's event consisted entirely of a series of panels attended by everyone. The goal of this new approach was to allow for better communication among attendees and panelists. As always, it was refreshing to hear from people who are working and mobilizing at the state, local, and federal levels. About 250 people from 37 states and the District of Columbia attended, ranging from tenant leaders to local, state, and national advocates.

Julián Castro, Secretary of the U.S. Department of Housing and Urban Development (HUD), was the keynote speaker. Secretary Castro emphasized HUD's values, calling HUD the "department of opportunities because housing shapes lives." He also announced that HUD is awarding \$150 million in rental assistance to 25 state housing agencies, including that of the District of Columbia. This assistance will provide permanent affordable rental housing and supportive services to 4,600 extremely low income households that include people with disabilities, many of whom seek to transition out of institutional settings back to the community.

For those of you who were able to attend, the success of the forum would not have been possible without your support, and for that, we thank you. Even if you were not able to attend, your activism and NLIHC membership make you the driver for real change. We hope that *Tenant Talk* continues to serve your interests and helps you become even more powerful advocates.

Yours in advocacy,

## **Tenant Talk Editorial Board**

*Delorise Calhoun, Daisy Franklin, Matt Gerard, Deirdre "DeeDee" Gilmore, Martha Weatherspoon, and Michael Steele*

## **A Heartfelt Thanks to Leonard Williams**

*Tenant Talk* says goodbye and thank you to Leonard Williams, a leader and participant on the editorial board since its creation. As a vocal advocate for residents of subsidized housing in Buffalo, New York for decades, Leonard brought a unique perspective to this publication.



Leonard first joined the NLIHC Board of Directors in 2009, and leaves having recently completed his second term. He is most proud to have been a part of NLIHC's work on resident choice and mobility. He will continue his advocacy leadership in Buffalo.

**Thank you, Leonard!**

## **Tenant Talk Editorial Board Welcomes Michael Steele**

Michael Steele recently joined the NLIHC Board of Directors, and now serves as *Tenant Talk's* newest editorial board member. Michael is a lifelong resident of the Lower East Side in the borough of Manhattan, New York City. He has been a resident of public housing for 54 years, living in two different housing developments. For the last 9 years, Michael has served as the president of the Rutgers Houses Resident Association.



In his other work, Michael provides substance abuse counseling to adolescents and adults. In addition, Michael has a great passion for music. He is the secretary of an organization called the Lower East Side Creative People In Action. Their mission is to bring families and friends together through song and dance, with free concerts, such as The Reunion Of The Bands, aimed at bringing back talented artists that grew up on the Lower East Side. Through the concerts, they hope to encourage youth to get in to the arts. Welcome, Michael!



## SECTION 3 PROPOSED RULE: SOME IMPROVEMENTS, SOME SHORTFALLS

*HUD proposed changes to the Section 3 regulations. The comment period closed on May 26. NLIHC welcomes HUD's effort to update and clarify the regulations.*

The purpose of Section 3 of the Housing and Urban Development Act of 1968 is to ensure that when HUD assists housing and community development projects, preference for some of the new jobs, training, and contracting opportunities created go to low income people and to the businesses owned by them or that hire them – “to the greatest extent feasible.”

### Three Good Provisions

#### ELIMINATES THE \$100,000 TRIGGER FOR CONTRACTORS

HUD proposes eliminating the \$100,000 “threshold” for triggering a contractor’s obligation to comply.

Under the current regulation, contractors do not have to comply if construction on a project costs less than \$100,000. Therefore, it is possible for contractors to avoid providing jobs or subcontracts to Section 3 residents and businesses. For example, if a city awards \$500,000

in HOME funds to a contractor to rehabilitate owner-occupied homes, the contractor probably would not have to meet any Section 3 obligations because most housing rehabilitation does not cost \$100,000 per home.

#### CHANGES THE “THRESHOLD” FOR SECTION 3 COMPLIANCE FOR CITIES, COUNTIES, AND STATES

HUD proposes changing the dollar “threshold” for cities, counties, and states that receive federal housing and community development funds, such as Community Development Block Grant (CDBG) and HOME funds. Under the current rule, once a government receives \$200,000 in CDBG, HOME, or some other HUD funds, Section 3 is triggered if any amount of any of these funds is used for housing rehabilitation or construction, or for other public construction (such as roads and parks).

The current rule is confusing, leading some to incorrectly apply the \$200,000 threshold on a per-project basis, rather than for the government as a whole. As a result, some governments and contractors could avoid Section 3 at projects because a project has less than \$200,000 of HUD assistance.

The proposed rule would have clearer wording but a \$400,000 threshold. Section 3 would apply to governments that plan to use at least \$400,000 of HUD funds on projects involving demolition, housing rehabilitation or construction, or other public construction. Once \$400,000 is reached, Section 3 would apply to any project receiving any amount of HUD funds, even if the project is partially assisted with HUD funds.

NLIHC prefers a lower threshold, but \$400,000 is an acceptable compromise. A \$400,000 threshold would exempt 37% of all governments, but they receive less than 5% of all the funds. NLIHC urged HUD to resist a \$1 million threshold requested by governments.

## REQUIRES OFFICIAL SECTION 3 POLICIES AND PROCEDURES PLAN

HUD proposes requiring all Public Housing Agencies (PHAs) and governments to create and use “official policies and procedures” to carry out Section 3. This document would have to describe eight actions a PHA or government will carry out, such as how it will notify Section 3 residents and businesses about economic opportunities, and how it will give priority to them.

## A Provision That Needs Improving

### ORDER OF PRIORITY FOR SELECTING SECTION 3 EMPLOYEES

The Section 3 law declares that the purpose of Section 3 is to ensure that employment and other economic opportunities be directed “**particularly [to] those who are recipients of government assistance for housing.**” The law also requires PHAs and local governments to give priority to Section 3 residents and businesses in order of priority sketched out in the law.

The order of priority in the current and proposed rules does not focus on public housing, voucher, or Project-based Section 8 residents. For example, they state that governments should give first priority

to people with income less than 80% of the area median income who live in a project’s neighborhood, followed by three other lesser priorities.

NLIHC recommended several changes that would give top priority to public housing, voucher, and Project-based Section 8 residents.

## Proposed Rule Fails to Address Two Employment Loopholes

The current rule sets a goal of having 30% of the “new hires” at a project to be “Section 3 residents,” but does not indicate how long a resident ought to remain employed. This allows contractors to hire Section 3 residents for a short time.

HUD’s proposed rule weakly addresses this loophole by revising the definition of “new hire” to be someone who works a minimum of 50% of the average number of hours worked for a job category for the entire time that such work is performed on the project. For example, if a typical painter works 40 hours per week, then a Section 3 new hire painter must work a minimum of 20 hours per week for as long as a typical, non-Section 3 painter works at the project.

The proposed 50% measure is weak because it could encourage hiring Section 3 residents for part-time work. Also, it can be an obstacle to skill-building because an employer could decide a Section 3 employee will not be around long enough. Therefore, the rule should increase from 50% to 100%, the average number of hours worked for a job category for which the Section 3 resident was hired.

However, HUD should not measure Section 3 compliance by counting the number of Section 3 workers who are “new hires” because that is another loophole allowing contractors to place any new hires on their non-Section 3 projects and evade Section 3. Instead, Section 3 should be assessed based on the number of hours worked by Section 3 residents as a percentage of total hours worked by all employees at each job category. In other words, to meet Section 3 goals, Section 3 residents at each job category should work at least 30% of the total number of hours worked by all employees in that job category.

*More about Section 3 can be found on page 7–22 of NLIHC’s 2015 Advocates’ Guide, [http://nlihc.org/sites/default/files/Sec7.07\\_Job-Training\\_2015.pdf](http://nlihc.org/sites/default/files/Sec7.07_Job-Training_2015.pdf) ■*

# AT LAST!

## National Housing Trust Fund Money Goes to States in 2016



# NATIONAL HOUSING TRUST FUND

The big news in the world of affordable housing at the end of 2014 was the announcement by Federal Housing Finance Agency Director Mel Watt that the National Housing Trust Fund (NHTF) will finally have funds to distribute to states and the District of Columbia. The NHTF is a permanent federal program with “dedicated” funding sources that are outside of the regular Congressional budget process.

The NHTF was created in 2008 after a long campaign, but no money has flowed into the fund because its funding sources—Fannie Mae and Freddie Mac, the government-charted bodies that buy mortgages from banks so that the banks can make more loans—were in severe financial trouble during the Great Recession. Now that funding is released, states will be able to use this new tool to build, preserve, rehabilitate, or operate rental housing for extremely low income people. Extremely low income (ELI) households are those who make less than 30% of the median income for their area.

“Ninety-percent of all NHTF dollars must be spent on **RENTAL HOUSING**, and **75%** must benefit those with **THE DEEPEST NEED.**”

Ninety-percent of all NHTF dollars must be spent on rental housing, and 75% must benefit those with the deepest need. The NHTF’s focus on rental housing and targeting to extremely low income people distinguishes it from all other housing production programs.

The initial year of funding is estimated to be pretty modest. Projections of money for the NHTF in 2016 range from \$120 up to \$350 million. Each state must now make plans for how to use their NHTF dollars in what is called an Allocation Plan.

State Allocation Plans require public input from the community. Low income renters and service providers should participate in their state, communicating the unique needs of their communities. To find out which agency will be making the Allocation Plan in your state, visit HUD’s NHTF website at <http://bit.ly/1Govcho>. ■



# FEDERAL BUDGET— Updates and Advocacy

Congress continues its work to decide how much funding housing programs will receive in the next fiscal year, FY16. In 2011, the House and Senate agreed to spending caps as part of the Budget Control Act. For FY16, housing supporters are asking Congress to raise these spending caps so housing programs can receive more funding. If the caps are not lifted, Congress cannot spend any more than it did last year for housing programs.

Because rents are rising in most places, housing assistance will cost more. If there is no increase in funding, some programs might not be able to provide assistance to new families on housing waiting lists. NLIHC and other national groups are asking Congress to increase the spending caps so housing programs can get the funding they need.

“ If there is **NO INCREASE IN FUNDING**, some programs might not be able to provide assistance to **NEW FAMILIES ON HOUSING WAITING LISTS.** ”

President Barack Obama has asked Congress to increase funding for many housing programs, including funds for Section 8 Project-based Rental Assistance, Housing Choice Vouchers, and Public Housing. If the spending caps are not lifted, it is unlikely that House and Senate appropriators will be able to increase spending on these programs.

One key request from President Obama is to increase funding for the housing choice voucher program. About 70,000 vouchers have not been provided to new families in recent years because public housing agencies (PHAs) do not have the money for these vouchers. President Obama is asking Congress to restore these funds so PHAs can provide new households with this rental assistance.

President Obama did not ask for any funds for the Resident Opportunity and Self-Sufficiency (ROSS)

program. The ROSS program helps fund resident programs at PHAs. NLIHC is asking Congress to increase ROSS funding to \$55 million for next year, up from this year's \$45 million.

President Obama has also asked for more funds for homeless assistance programs. The White House has a goal of ending homelessness for families, youth, and children over the next five years. The increased funds for FY16 are needed to make this goal a reality.

The House of Representatives has already passed its spending bill for HUD. The bill contains deep cuts to essential housing programs. Most important, the House bill cancels out all funding for the National Housing Trust Fund (NHTF). The bill uses NHTF dollars to fund a cut to the HOME program. NLIHC supports funding for both the NHTF and HOME programs.

The House of Representatives bill fails to provide enough money to maintain all Housing Choice Vouchers, and it cuts the Public Housing Capital Fund by \$194 million. The House bill also includes language to block HUD from enforcing fair housing laws.

Advocates are needed to make sure that the Senate produces a bill that is more in line with President Obama's funding requests. Please call or email your Senators about the importance of supporting affordable housing in the budget.

Congress is expected to make final HUD funding decisions late this year. So, there is still a lot of time to reach out to your Representative and Senators and ask them to:

- End the spending caps for programs like housing.
- Protect the National Housing Trust Fund from being raided in the budget.
- Give PHAs enough money to issue almost 70,000 new vouchers.
- Fund the ROSS program at \$55 million.
- Increase funding for homeless assistance programs.

*To contact your Congressional Representative or Senator call the Congressional Switchboard at 877-210-5351 or go to [www.nlihc.org](http://www.nlihc.org) and enter your zip code under "Contact Congress."* ■



## Protecting Tenants at Foreclosure

# UPDATE: There is No Current Federal Protection

The bad news is that all of the protections provided to renters by the Protecting Tenants at Foreclosure Act (PTFA) expired at the end of 2014. The good news is that members of the Senate and House are working to restore these rights and make them permanent.

The PTFA was in effect from 2009 through 2014. If the home a household was renting went into foreclosure, this Act gave renters the right to stay in their homes for at least 90 days, or until the end of their lease.

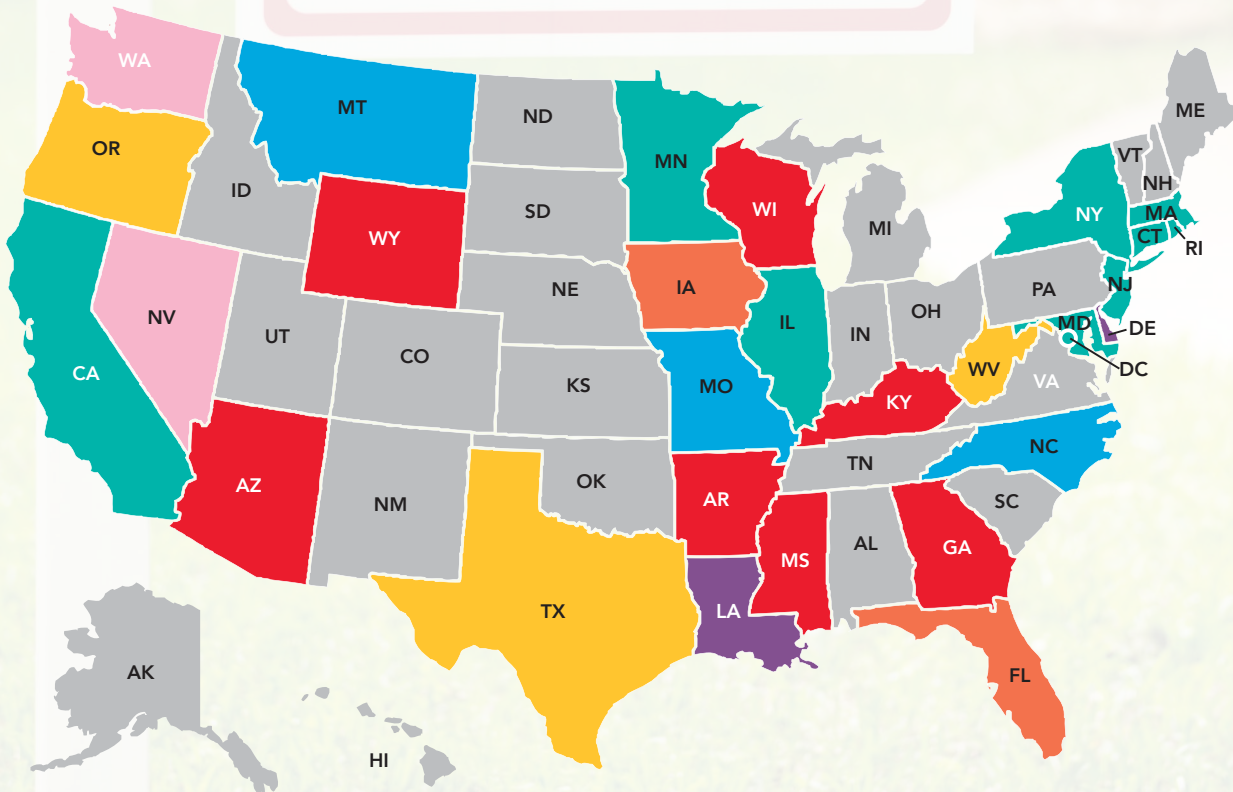
Thankfully, Senator Richard Blumenthal (D-CT) and Representative Keith Ellison (D-MN) want

these protections to start again. Senator Blumenthal introduced S. 730 and Representative Ellison introduced H.R. 1354. Each bill would bring back the PTFA's protections and make them permanent.

Without the PTFA's protections, renters in 33 states risk losing their homes if their landlord's property goes into foreclosure because their states have little or no state-level protections.

If there was a national PTFA law, like there was from 2009 to 2014, then all renters in all states would have at least 90 days' notice before they had to move because their rental home went into foreclosure. ■

## State Protections for Tenants at Foreclosure



Time given to tenants before they must vacate a foreclosed property



Data on state laws provided by the National Housing Law Project.



# Recognizing Local Victories

Each year NLIHC honors outstanding commitment to organizing on affordable housing and resident-driven community campaigns. Presenting organizations with national awards helps highlight the importance of community involvement as well as encourage continued advocacy. In addition, it allows award winners an opportunity to share successful community organizing techniques with like-minded advocates at NLIHC's annual forum.

## THE CAMPAIGN TO TAKE BACK VACANT LAND—PHILADELPHIA, PA

The 2015 State and Local Organizing Award (SLO) was presented to the Campaign to Take Back Vacant Land (TBVL) of Philadelphia, PA. The efforts of the TBVL campaign resulted in the creation of the nation's largest municipal land bank. Cities across the U.S. have adopted land banking as a best practice to efficiently manage, maintain, and transfer ownership of vacant land. The Philadelphia Land Bank includes and oversees more than 10,000 vacant properties. It distributes abandoned properties to

organizations and developers to be used for new affordable housing, urban agriculture projects, and neighborhood economic development.

Beginning in 2010, TBVL united 47 Philadelphia community groups dedicated to addressing issues such as abandoned properties, blight, crime, and resident displacement in gentrifying areas. Engaging a variety of community members and organizations was a priority. Led by the Women's Community Revitalization Project, TBVL trained grassroots advocates, planned and conducted media events, organized resident lobby days, and developed a clear legislative solution with city planners and staff.

Mayor Michael Nutter signed legislation authorizing the Philadelphia Land Bank on January of 2014. TBVL advocated for and secured regulations that will ensure transparency of Land Bank operations and community representation on the Land Bank's board.

## COMMUNITY HOUSING PARTNERSHIP—SAN FRANCISCO, CA

NLIHC also recognized the Community Housing Partnership (CHP) of San Francisco, CA as the 2015 recipient of the Resident Organizing (RO) Award. NLIHC honored CHP for their efforts on The Fair Chance Campaign, leading to passage of the Fair Chance Ordinance on February 4, 2014. The ordinance makes it illegal for any affordable housing provider or private employer in the city to ask about criminal



Leaders of the Fair Chance Campaign join San Francisco Mayor Ed Lee to celebrate the signing of the Fair Chance Ordinance.

history on someone's initial application for housing or a job.

The campaign was a collective community effort that included staff organizers and more than 50 formerly incarcerated residents working to reform the background check process for affordable housing and employment applications. CHP's Community Organizing and Resident Engagement (CORE) Program mobilizes the ongoing, issues-informed participation of more than 1,300 low income residents on a variety of policies that affect low income people citywide. CORE's organizing recruited a vocal group of leaders to participate in the Fair Chance Campaign.

The coalition to pass the ordinance was greatly aided by resident leaders participating in media discussions on the impact of housing and employment discrimination against ex-offenders. In addition, CHP organizers worked with resident leaders to hold four City Hall rallies and two community teach-in events. As a result of the campaign, ex-offenders will be considered for housing or jobs based on their merits instead of being immediately dismissed for past indiscretions. ■



TBVL organizes community advocates to show the potential of Philadelphia's vacant and abandoned properties.

# VOTERIZATION

While the 2014 elections have come and gone, it is never too early to start planning for the next elections. In order to ensure that their housing interests are represented by candidates in 2016, tenants must be engaged in the voting process.

To help you engage tenants in the upcoming elections, NLIHC has updated its *Voterization Narrative Guide and Plan*. This document will take you and your organization through the three-step process of Voterization: registration, education, and mobilization.

The *Voterization Narrative Guide and Plan* is in NLIHC's 2015 *Advocates' Guide* at [http://nlihc.org/sites/default/files/Sec2.14\\_Voterization\\_2015.pdf](http://nlihc.org/sites/default/files/Sec2.14_Voterization_2015.pdf)

For more information, you can also contact NLIHC's Field Team directly at 202-662-1530 or [outreach@nlihc.org](mailto:outreach@nlihc.org) (include "Voterization" in the subject line). We want to know you are taking part in this effort, and will help you with any questions you have along the way.



**VOTE  
HERE**

**POLLING PLACE**



# Membership Form



## MEMBERSHIP INFORMATION

- Joining NLIHC     Renewal

CATEGORY	Amount <i>(suggested)</i>
<input type="checkbox"/> Individual with low income, or student	\$5.00
<input type="checkbox"/> Individual	\$110.00
<input type="checkbox"/> Resident Association, or student group	\$15.00
<input type="checkbox"/> Organization, <\$250,000 operating budget	\$225.00
<input type="checkbox"/> Organization, \$250K – \$499,999	\$375.00
<input type="checkbox"/> Organization, \$500K – \$999,999	\$550.00
<input type="checkbox"/> Organization, \$1,000,000 – \$2,000,000	\$1,100.00
<input type="checkbox"/> Organization, \$2,000,000 – \$5,000,000	\$2,200.00
<input type="checkbox"/> Organization, > \$5,000,000	\$3,000.00
<input type="checkbox"/> Other Amount	\$ _____
<input type="checkbox"/> I would like to contribute to NLIHC's Scholarship Fund to support the participation of low income people.	\$ _____
<input type="checkbox"/> I do not have an email address and want to receive <i>Memo to Members</i> by mail.	

Organizations may list up to 10 additional people to receive *Memo to Members*. Please fill out the opposite side of this form or include an additional list.

## CONTACT INFORMATION

Mr.     Ms.     Other: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_ Twitter: @ \_\_\_\_\_

## PAYMENT INFORMATION

Check (please enclose)     Visa     Mastercard    Exp. Date: \_\_\_\_\_

Credit Card Number: \_\_\_\_\_ CVC\*: \_\_\_\_\_

Cardholder Name (printed): \_\_\_\_\_

Cardholder Signature: \_\_\_\_\_

*\*Three-digit code on back of card.*

NLIHC is a membership organization open to individuals, organizations, corporations, and government agencies. **EVERY MEMBERSHIP MAKES A DIFFERENCE.**

### BENEFITS OF MEMBERSHIP

**Memo to Members:** Receive the nation's most respected housing policy newsletter in your inbox each week.

**Calls To Action:** Members receive email notification of significant policy developments warranting constituent calls or letters to Congress.


**Discounted Conference Fees:** NLIHC hosts an annual policy conference and leadership reception in Washington, DC. The conference brings together advocates, researchers, academics, individuals with low incomes, and government experts to share expertise and insights on the latest federal housing policy initiatives.

**Free or Discounted Publications:** NLIHC produces numerous publications each year, including the *Advocates' Guide* and *Out of Reach*. Telephone resource referrals with linkages to state and regional networks participation in policy-setting decisions of NLIHC

**BECOME A MEMBER ONLINE AT [WWW.NLIHC.ORG/MEMBERSHIP](http://WWW.NLIHC.ORG/MEMBERSHIP)**

**Questions?** Call 202-662-1530 or e-mail outreach@nlihc.org

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A photograph of Julian Castro, U.S. Department of Housing and Urban Development Secretary, speaking at a podium. He is wearing a dark suit, a light blue checkered shirt, and a red tie. He is gesturing with his right hand while speaking into a microphone. The background is a blue banner with white icons of houses and people.

“ALL OF OUR WORK TO INCREASE ACCESS TO AFFORDABLE HOUSING, TO CREATE AND PRESERVE IT, AND TO CONNECT IT TO KNOWLEDGE AND JOBS IS REALLY ABOUT ONE SIMPLE THING: GIVING MORE FOLKS A CHANCE TO SHARE IN THE AMERICAN DREAM.”

— U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECRETARY JULIAN CASTRO ADDRESSES NLIHC MEMBERS AT THE 2015 LEGISLATIVE FORUM ON MARCH 2



**NATIONAL LOW INCOME  
HOUSING COALITION**

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