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Budget and Appropriations

Senate Approves Topline Funding Allocations for Fiscal Year 2020

The Senate Appropriations Committee approved on September 12 the topline funding numbers, known as 302(b) allocations, for each of the twelve spending bills for fiscal year (FY) 2020. The Transportation and Housing and Urban Development (THUD) bill received \$74.3 billion, about \$1.5 billion less than the House spending proposal. The committee vote on the allocations was along party lines. Ranking Member Patrick Leahy (D-VT) offered alternative allocations that would move funds for Homeland Security to other nondefense priorities, including more than a billion additional dollars for the THUD spending bill.

The Senate THUD Subcommittee is expected to consider their spending bill this week. Congress needs to pass all twelve funding bills or a stopgap funding measure before the start of the new fiscal year on October 1.

Congress

House of Representatives Passes Bill Requiring Carbon Monoxide Detectors in Federally Subsidized Housing

The “[Carbon Monoxide Alarms Leading Every Resident To Safety Act \(CO ALERTS Act\)](#)” (H.R. 1690) introduced by Representative Jesus “Chuy” Garcia (D-IL) unanimously passed the House on September 10. Senators Tim Scott (R-SC) and Bob Menendez (D-NJ) introduced the original Senate bill (S. 2120) on July 18 (see [Memo](#), 7/22) in response to the deaths of 14 public housing residents from the toxic gas since 2003.

If enacted, the bill would require carbon monoxide alarms in federally assisted homes that have potential carbon monoxide sources, such as gas-fired appliances, fireplaces, forced-air furnaces, and attached garages. The bill directs HUD to provide guidance to public housing agencies on how to educate tenants on health hazards in the home, including carbon monoxide and lead poisoning, and instructs the agency to consult with the Consumer Product Safety Commission to conduct a public study on requiring carbon monoxide alarms in housing not covered by the International Fire Code.

In a press release, Senator Menendez urged Senate Majority Leader Mitch McConnell (R-KY) to bring the bill to the Senate floor for a vote as soon as possible.

Read the CO ALERTS Act of 2019 at: <https://bit.ly/2lR6SnQ> and <https://bit.ly/2lPEVgv>

Read Senator Scott’s press release at: <https://bit.ly/2mfh9uB>

Read Senator Menendez’s press release at: <https://bit.ly/2kHWyyu>

Trump Administration Officials Testify on Housing Finance Reform Before Senate Committee

Three Trump administration officials testified before the Senate Banking Committee on September 10 about the White House’s plan for housing finance reform. Treasury Secretary Steven Mnuchin, HUD Secretary Ben Carson, and Federal Housing Finance Agency Director Mark Calabria emphasized the need for administrative reforms to Fannie Mae and Freddie Mac, while citing their preference for Congress to enact comprehensive changes.

In his [opening statement](#), Chairman Mike Crapo (R-ID) called housing finance reform the “last unfinished business of the financial crisis.” He urged his colleagues to work together to advance bipartisan reform

legislation but noted that “it is important for the administration to begin moving forward with incremental steps that move the system in the right direction.”

Ranking Member Sherrod Brown (D-OH) focused his [opening statement](#) on the risks posed by the Trump proposal. “Rather than create a system that addresses the needs of working families, the Trump administration has put out half-baked proposals that will make mortgages more expensive and harder to get.”

Senators Mike Rounds (R-SD), Jon Tester (D-MT), Tina Smith (D-MN), Catherine Cortez Masto (D-NV), and others focused much of their questioning on the impact of housing finance reform on rural and tribal communities. Under the White House proposal, Fannie Mae and Freddie Mac would no longer be required to uphold a “duty to serve” rural communities.

Senators Bob Menendez (D-NJ), Mark Warner (D-VA), Jack Reed (D-RI), and Catherine Cortez Masto (D-NV) voiced concerns about the impacts of the proposed changes on the rental housing market. Senator Cortez Masto asked the witnesses direct questions about the administration’s support for the national Housing Trust Fund (HTF). In past bipartisan reform bills, funding to the HTF would have been expanded to \$3.5 billion annually. Director Calabria responded that he would continue to fund the HTF in accordance with the federal statute. Secretary Carson suggested he might seek changes to the HTF, though he declined to identify any specific concerns he has with the program.

Senators Doug Jones (D-AL) and Chris Van Hollen (D-MD) questioned Secretary Carson about HUD’s efforts to roll back fair housing and civil rights protections, including the administration’s proposals on disparate impact and affirmatively furthering fair housing.

“Achieving comprehensive housing finance reform requires moving the conversation forward, not back - but the administration recycles old, tired proposals that have been refuted and rebuked,” NLIHC said in a [press statement](#) about the administration’s proposal.

Read Senator Crapo’s opening statement at: <https://tinyurl.com/yyvy6czx>

Read Senator Brown’s opening statement at: <https://tinyurl.com/yyngoabg>

Read Treasury Secretary Mnuchin’s testimony at: <https://tinyurl.com/yycw2r2p>

Read HUD Secretary Carson’s testimony at: <https://tinyurl.com/y2fzetsr>

Read FHFA Director Mark Calabria’s testimony at: <https://tinyurl.com/y5l8s6p8>

Read NLIHC’s press statement at: <https://bit.ly/2IKIBks>

House of Representatives Passes Bill to Preserve Affordable Rental Housing in Rural Areas

The House of Representatives passed by voice vote on September 10 the “[Strategy and Investment in Rural Housing Preservation Act of 2019](#)” (H.R. 3620), which aims to preserve affordable homes and avoid displacement in rural areas. The bill, introduced by Representative Lacy Clay (D-MO), would permanently authorize the Multifamily Housing Preservation and Revitalization program, expand the use of U.S. Department of Agriculture (USDA) vouchers, and create an advisory committee to help the agency develop a comprehensive strategy to maintain the agency’s rental housing portfolio, which provides more than 415,000 affordable homes to low-income people living in rural areas. NLIHC supports this legislation.

Many of USDA’s properties financed through the Section 515 and 514 programs are projected to lose their affordability provisions in the coming years, and no new properties have been financed in several years. Section

515 direct loans are an important source of funding for affordable housing in rural areas but the properties funding by Section 515 often lose their affordability protections once the loans mature or are prepaid. A [report](#) published by the Housing Assistance Council (HAC) in September 2018 estimates that 892 properties with 21,452 rental homes are projected to leave the program because of maturing mortgages in the next ten years. The loss of homes will increase dramatically in 2028, with more than 80,000 homes projected to leave the program in the following five years.

The annual average household income of the tenants in Section 515-financed properties is only \$13,600, and the majority of residents are seniors and people with disabilities. Because the USDA Section 521 Rental Assistance subsidy is tied to the Section 515 loan and often provides the only housing option for the lowest-income people in rural areas, preserving this source of affordable housing is crucial.

This bill would help address the crisis by permanently authorizing the Multifamily Housing Preservation and Revitalization program – currently a demonstration – which allows USDA to restructure Section 515 loans, extend incentives for owners to stay in the program, and provide properties with additional resources to repair and restore homes. As a last resort, the Section 521 Rental Assistance could be decoupled from the Section 515-financed mortgage, allowing the rental subsidy to continue.

The bill provides additional resources for tenants by expanding the use of the Section 542 vouchers, which function similarly to HUD’s Housing Choice Vouchers, to provide continued rental assistance for tenants displaced from Section 515 properties due to prepayment, foreclosure, or mortgage maturation. The proposal also includes an authorization of \$1 billion over 5 years and requires USDA to develop a comprehensive plan to preserve multifamily housing with these new resources and tools. An advisory board with stakeholders from various sectors, including low-income tenants, would help guide USDA’s implementation of their preservation and revitalization plan.

Learn more about the bill at: <https://tinyurl.com/y66fucwk>

Representative Dean Reintroduces Bill Expanding Housing Opportunities for Youth Aging Out of Foster Care

Representative Madeline Dean (D-PA) reintroduced on September 12 a substantially improved version of the “[Fostering Stable Housing Opportunities Act](#)” (H.R. 4300) to expand the availability of Family Unification Program (FUP) vouchers for youth aging out of foster care.

Previous versions of the bill included harmful work requirements that would have imposed cumbersome burdens on voucher recipients (see *Memo*, [5/21](#)). The new version does not impose work requirements; instead, it would provide voucher recipients who are engaged education, training, or work-related activities the opportunity to extend the use of their vouchers from the standard 36 months to up to 60 months.

If enacted, the bill would expand HUD’s allocation of FUP vouchers beyond the approximately 230 state and local housing agencies that currently administer them, improving accessibility and allowing vouchers to be administered when needed to foster youth at risk of homelessness. The bill would require HUD to consult with the Department of Health and Human Services to encourage coordination between child welfare agencies and state and local housing agencies to help connect at-risk youth to vouchers, and the legislation would require state and local housing agencies administering FUP vouchers to develop a plan to connect youth to supportive services.

Read more about the bill at: <https://bit.ly/2mfLwku>

Our Homes, Our Votes: 2020

Third Thursdays at Three! Register Today for September 19 Webinar on *Our Homes, Our Votes: 2020*

Registration is open for the first webinar in NLIHC's 15-month webinar and podcast series on nonpartisan voter and candidate engagement, *Our Homes, Our Votes: 2020*. The first webinar is Thursday, September 19 at 3:00 p.m. ET. The *Our Homes, Our Votes: Legal Considerations for Election Engagement for 501(c)(3) Organizations* webinar will discuss legal considerations for nonprofit organizations to consider when developing their strategies. Tim Mooney from Alliance for Justice will join us as part of this in-depth discussion. Register for the webinar at: <https://tinyurl.com/y3t9gfr2>

The second webinar will be held on Thursday, October 17 at 3:00 p.m. ET focusing on the planning process to develop a strong voter-engagement campaign for 2020. This webinar will include discussions about staff capacity, partnerships with election officials, and funding to develop an effective campaign.

NLIHC is committed to providing high-quality resources, tools, and training on increasing voter registration and turnout rates among low-income renters and on engaging candidates leading up to the 2020 elections. These webinars and podcasts will cover the many facets of voter and candidate engagement, featuring experts and advocates with frontline experience.

The presentations will take place at 3:00 p.m. ET on the third Thursday of each month. All sessions will be recorded and posted to the [Our Homes, Our Votes: 2020 website](#) for those who cannot attend the live broadcasts. The full list of webinar topics:

- Session 1: Legal Considerations for Election Engagement for 501(c)(3) Organizations, September 19
- Session 2: Developing an Effective Plan for Voter Engagement Work, October 17
- Session 3: Helpful Tools and Partners for Election Engagement, November 21
- Session 4: Voter Registration Part 1 – Messaging, Events, and Canvassing, December 19
- Session 5: Voter Registration Part 2 – Finding and Registering Residents of Subsidized Housing, January 16
- Session 6: The Role of Housing Providers in Registering and Mobilizing Voters, February 20
- Session 7: Getting Candidates on the Record, March 19
- Session 8: Educating Voters, April 16
- Session 9: Housing Issues and Ballot Initiatives, May 21
- Session 10: Overcoming Common Obstacles to Voting, June 18
- Session 11: The Challenge of Voting While Homeless, July 16
- Session 12: Voter Mobilization Part 1 – Early Voting and Vote-by-Mail, August 20
- Session 13: Voter Mobilization Part 2 – Protecting Low Income People from Voter Intimidation and Voter Caging Tactics, September 17
- Session 14: Election Day! Getting Out The Vote, October 15
- Session 15: After the Vote—Holding Candidates to their Promises, November 19

Register once for all webinars and receive reminders at: <https://tinyurl.com/y3t9gfr2>

Presidential Debate Moderators Again Fail to Ask about Affordable Housing

News of the Trump administration's potential plans to address California's homeless crisis in a harmful and unjust manner made headlines last week, and yet the Democratic presidential debate moderators once again missed the opportunity to ask the candidates how they would deal with the affordable housing and homelessness crisis afflicting the nation. While a number of the candidates briefly mentioned housing affordability,

homelessness, and housing segregation when responding to other questions, the opportunity for a robust debate on these issues was lost.

Our country is in the grips of a severe housing and homelessness crisis that impacts millions of people each day. Voters and housing advocates alike want to hear what candidates would do to address the lack of affordable homes across the country. According to a [national poll](#), eighty-five percent of people in America believe that ensuring everyone has a safe, accessible and affordable home should be a top national priority, and eight out of ten believe the president and Congress should take major action.

Eleven presidential candidates have issued significant affordable housing plans or proposals, and more are expected soon. Voters are demanding they address the issue on the campaign trail, and the candidates are responding as never before – in town halls, meet-and-greets and other settings. In an [op-ed](#) published in *CityLab* on September 13, the day after last week’s debate, NLIHC President and CEO Diane Yentel wrote: “If debate moderators won’t ask candidates the housing question, we will. Because affordable homes—and the political will to produce them—are built with ballots.”

Read Diane’s full op-ed at: <https://tinyurl.com/y6k9a23j>

See what all the candidates have said and proposed related to affordable housing and homelessness – and get involved in nonpartisan voter and candidate engagement in your own communities—at the *Our Homes, Our Votes 2020* website: <https://www.ourhomes-ourvotes.org/>

Mark your Calendars: September 24 is National Voter Registration Day

Affordable homes are built with ballots every bit as much as they are built with bricks and drywall. To elevate affordable rental housing as a top priority for policymakers, it is critical to increase voter registration, turnout, and education among low-income renters and their allies. Every year, however, millions of people are unable to vote because they have not registered, missed the registration deadline, or forgotten to update their registration with their current address.

Join organizations and volunteers across the country on Tuesday, September 24 to increase awareness about voter registration. [National Voter Registration Day](#) is a great opportunity to kick off your organization’s nonpartisan voter-registration work to ensure everyone has the opportunity to vote.

Visit the National Voter Registration Day [website](#) for information on a broad array of September 24 activities.

[Nonprofit Vote](#) has materials about how to get started with voter engagement and voter registration activities, including a [checklist](#) to help you decide on your organization’s approach.

NLIHC’s nonpartisan voter and candidate engagement project, [Our Homes, Our Votes: 2020](#) has materials and resources to support your voter registration efforts—including our [new toolkit](#) with tips for voter registration with a focus on best practices for registering low-income renters.

Disaster Housing Recovery

HUD Ignores Deadline for the Release of Disaster Funds; FEMA Officials and Contractor Indicted for Fraud

HUD continues to delay the release of disaster mitigation funding for Puerto Rico even after the expiration of a statutory September 4 deadline set by Congress. Congress approved \$16.5 billion in mitigation funding for Puerto Rico and other disaster-impacted states in February 2018. Due to excessive delays, in early June Congress gave the agency 90 days to release funding for recovery of disaster-affected states and territories.

HUD has since released funding for all recipients except Puerto Rico and has provided no indication when it will do so. Meanwhile, two FEMA officials and a contractor involved in disaster recovery efforts in Puerto Rico were indicted for fraud.

HUD's non-compliance with the congressionally mandated deadline drew [strong rebukes](#) from members of Congress. David Price (D-NC), chair of the House Transportation, Housing and Urban Development Appropriations Subcommittee stated, "If anything, Puerto Rico should [receive] a special urgency. The delay is not acceptable, and it's certainly not acceptable to single out Puerto Rico." The House Appropriations Committee has promised to [hold a hearing](#) on HUD's failure to meet the statutory deadline. HUD Secretary Ben Carson has just recently stated that HUD will be [seeking a financial probe](#) of Puerto Rico's housing department before the agency provides the recovery funding. This appears to be another in a long line of delays; it is unclear why Secretary Carson did not request this probe nineteen months ago when the funds were first appropriated.

The NLIHC-led Disaster Housing Recovery Coalition (DHRC) of more than 800 local, state, and national organizations issued a [press release](#) calling on Congress to hold the Trump administration accountable. "Hurricane Dorian's recent near-miss of Puerto Rico underscores the importance of this mitigation funding," stated Diane Yentel, NLIHC president and CEO. "The Trump administration's continued efforts to withhold mitigation funds is directly interfering with Puerto Rico's ability to prepare for future storms as they continue their recovery from the 2017 hurricane season."

Also last week, [two FEMA employees and the CEO of a FEMA contractor](#) who worked on disaster recovery in Puerto Rico were indicted on charges of fraud. Among the accusations, the CEO of COBRA Acquisitions was charged with showering a FEMA regional deputy administrator with luxury gifts in exchange for the selection of his company to repair Puerto Rico's power system. The DHRC issued a [press statement](#) calling on Congress to hold accountable the federal agencies in charge of disaster recovery, including FEMA and HUD, for failing to ensure scarce recovery funds reach those in need of assistance.

Read about congressional reaction to the delay of funding for Puerto Rico at: <https://bit.ly/2meX73f>

Read the DHRC press statement on the delay of funding for Puerto Rico at: <https://bit.ly/2IGFetF>

Read the DHRC press statement calling on Congress to hold FEMA and HUD accountable in light of the fraud indictments at: <https://bit.ly/2mfjc1B>

Additional Disaster Housing Recovery Updates - September 16, 2019

The following is a review of additional disaster housing recovery developments since the last edition of *Memo to Members and Partners* (for the article in the previous *Memo*, see [9/09](#)).

Federal Action & National News

As of September 2019, the federal government has [only spent one third](#) of the \$107 billion provided by Congress following the 2017 and 2018 disasters.

Fannie Mae and Freddie Mac have released [policy guidance](#) surrounding Hurricane Dorian.

Small cities continue to have a [rocky road to recovery](#) after natural disasters, facing barriers unlikely to faze larger metro areas.

California Wildfires

Some construction regulations and building codes are [being debated](#) as affordable housing is slowly being built to replace homes lost in the Camp Fire.

The California Commission on Access to Justice has released a new report looking at disasters' effect on an [individual's access to counsel](#) in rural areas.

California Governor Gavin Newsom (D) [signed a law](#) exempting wildfire survivors from the state's solar-panel requirements.

Hurricane Michael & Hurricane Dorian

Florida

Florida Governor Ron DeSantis (R) [applauded the efforts of Floridians](#) to provide assistance for the Bahamas as the country deals with catastrophic damage from Hurricane Dorian.

While Panama City officials worked with FEMA in the aftermath of Hurricane Michael to facilitate quicker execution of relief strategies, the recovery has [continued to be slow](#).

An affordable, workforce-housing project in Lakelands has been given the [green light by the city council](#). The project will be paid for with Community Development Block Grant–Disaster Recovery (CDBG-DR) funding.

Georgia

Georgia's farmers are [finally receiving some relief](#) as federal funds begin to flow to those impacted by Hurricane Florence.

Hurricane Florence & Hurricane Dorian

North Carolina

North Carolina Governor Roy Cooper (D) [called for federal disaster reform](#) in an op-ed. The governor called on Congress to take action to improve the speed and efficiency of the disaster recovery process, including permanently authorizing the CDBG-DR program.

[North Carolina disaster recovery officials](#) called on the Trump Administration to release disaster recovery funds more quickly, saying it would make the state safer as peak hurricane season arrives.

Damage from Hurricane Florence is making North Carolina's [affordable housing crisis](#) worse.

South Carolina

Charleston is [digging itself out](#) from under debris after Hurricane Dorian. The storm brought substantial flooding and a storm surge to the area.

An [op-ed](#) in *The Charleston Post & Courier* called for the state to prioritize flood abatement.

2017 Disasters

Louisiana Flooding: Instead of leaving flood-prone areas, Louisiana residents are choosing to move to [higher buildings](#), lessening the chance of future flood damage.

Hurricane Harvey:

- [Money is running out](#) for a General Land Office program meant to aid victims of Hurricane Harvey in Southeast Texas. Officials say that even if funds do run out, individuals should still apply to gain a spot on the waiting list.
- The City of Houston okayed a [\\$4.6 million contract](#) with a private firm to conduct Hurricane Harvey damage inspections.
- The displacement of residents in cities like Beaumont and Port Arthur, TX, will likely have a [substantial impact on the 2020 census](#), resulting in fewer resources for these historically low-income communities.

Hurricane Maria:

- Puerto Rico mayors [made their anger known](#) about the slow pace and inadequacy of the Puerto Rico recovery so far.
- The release of a [new land-use map](#) sparked anger amongst Puerto Ricans. The map would permit greater development in culturally sensitive, historic and environmental areas.

HUD

NLIHC Responds to Reports of Trump’s Possible Proposals to Criminalize or Otherwise Harm People Experiencing Homelessness

The Trump administration [may be considering](#) taking measures to further criminalize or otherwise punish poor people for their poverty, including possibly sweeping unhoused people into increasingly unsafe areas or warehousing people in untenable and unsustainable conditions. The solution to homelessness is simple – affordable and accessible homes, which the Trump administration has consistently tried to undermine in the past two and a half years. The one thing that all people experiencing homelessness have in common is a lack of access to affordable homes, but the White House’s latest effort does not appear to include investing in affordable, accessible homes, opting instead to demonize those with low incomes. A delegation of Trump administration officials travelled to Los Angeles last week to develop plans to address homelessness in the city.

Homelessness in California is indeed a crisis, as it is in many parts of the country, but the Trump administration has repeatedly proposed actions that would increase homelessness, not reduce it. President Trump and HUD Secretary Ben Carson have proposed drastically shrinking or eliminating federal programs that keep the lowest-income people affordably housed; tripling rents for the lowest-income subsidized residents and raising rents for all others; evicting more than 25,000 immigrant families, including 55,000 children, from subsidized housing; and allowing homeless shelters to discriminate and refuse shelter to transgender and other LGBTQ people.

NLIHC will closely monitor any White House initiatives on homelessness and will alert advocates and provide needed tools to push back against any harmful proposals.

Read NLIHC’s press statement about the Trump administration’s actions at: <https://tinyurl.com/y2oukurx>

NLIHC Provides Sample Comment Letter Opposing HUD’s Proposed Disparate Impact Rule

NLIHC has prepared a [sample comment letter](#) for advocates to use to respond to the drastic changes HUD is proposing to the 2013 fair housing “Disparate Impact” rule. HUD’s changes would make it far more difficult for

people experiencing various forms of discrimination to challenge the policies or practices of housing providers, governments, and businesses. Comments are due October 18.

HUD proposes placing virtually all of the burden of proving discrimination on people who are in “protected classes” as defined by the Fair Housing Act – people of color, women, immigrants, families with children, people with disabilities, LGBTQ persons, and people of faith. The changes are designed to make it much more difficult, if not impossible, for people in protected classes to challenge and overcome discriminatory effects in housing policies or practices.

The proposed rule would tip the scale in favor of defendants (housing providers, governments, and businesses) accused of discrimination. It would shift the burden of proof entirely to the plaintiffs; victims of discrimination would be asked to try to guess what justifications a defendant might invoke and to preemptively counter those justifications. HUD further proposes making a profitable policy or practice immune from challenge of disparate impact unless the victims of discrimination can prove that a company could make at least as much money without discriminating. In other words, according to HUD, profit justifies discrimination.

NLIHC’s sample comment letter is at: <https://tinyurl.com/y3c543td> For advocates’ own comments to be most effective, you should tailor the sample comment letter to reflect your organization, locality, and residents; HUD gives far less weight to letters that appear to be mass-produced.

Background

For more than 45 years, HUD has interpreted the Fair Housing Act to prohibit housing policies or practices that have a discriminatory effect, even if there was no apparent intent to discriminate. There are 13 U.S. Courts of Appeals, 11 of which have had disparate impact cases before them and all have upheld disparate impact and applied a “burden shifting standard.” Because there were minor variations in how the courts and HUD applied the concept of discriminatory effects over the years, a proposed rule in 2011 offered a standard for comment, culminating in a final Disparate Impact rule on February 15, 2013. That final regulation established uniform standards for determining when a housing policy or practice with a discriminatory effect violates the Fair Housing Act. It is the February 15, 2013 final rule that the present HUD is proposing to drastically overhaul. As proposed, the current three-part “burden shifting” standard to show disparate impact would be radically changed to a five-component set of tests.

The three-step burden shifting standard in the current rule is simple:

1. The plaintiff (the party alleging disparate impact) has the burden of proving that a policy or practice caused or predictably will cause a discriminatory effect.
2. If the plaintiff satisfies that burden of proof, the burden shifts to the defendant (the business, government, or other entity) to prove that the challenged policy or practice is necessary to achieve one or more of the defendant’s substantial, legitimate, nondiscriminatory interests.
3. If the defendant satisfies the above burden of proof, then the burden shifts again to the plaintiff to prove that the defendant’s substantial, legitimate, nondiscriminatory interests could be served by another policy or practice that has a less discriminatory effect.

The U.S. Supreme Court upheld the use of disparate impact theory to establish liability under the Fair Housing Act on June 25, 2015 in *Texas Department of Housing and Community Affairs v. Inclusive Communities (ICP)*. The current HUD administration issued an advance notice of proposed rulemaking (ANPR) in the *Federal Register* on June 20, 2018 (see *Memo*, [6/25/18](#)). HUD acknowledged then that the Supreme Court upheld the use of disparate impact theory, but HUD asserted that the Court “did not directly rule upon it [the disparate impact rule].” Advocates and attorneys argue, however, that the Court implicitly endorsed the rule by not questioning it or challenging it. Since *Inclusive Communities*, courts have found the rule is consistent with the Supreme Court’s decision.

NLIHC prepared a [summary of key features](#) of the proposed rule. NLIHC also prepared a [side-by-side comparison](#) of a key section (§100.500) of the current rule and proposed changes to it.

NLIHC's sample comment letter is at: <https://tinyurl.com/y54dqyqq>

If you are not sure how to submit a comment letter via <https://www.regulations.gov/>, here are step-by-step instructions: <https://bit.ly/2ILGiNa>

A number of civil rights organizations, led by the National Fair Housing Alliance, formed the [Defend Civil Rights campaign and website](#) to mobilize responses against HUD's proposed changes to the current Disparate Impact regulation.

In addition, the National Housing Law Project, the Western Center on Law and Poverty, and the Shriver Center on Poverty and Law launched the [Fight for Housing Justice](#) website to similarly mobilize opposition to the proposed changes to the Disparate Impact rule.

An easy-to-read version of the proposed rule is at: <https://bit.ly/2yxRy2F>

The formal Federal Register version of the proposed rule is at: <https://bit.ly/2ZalOvj>

NLIHC's Summary of Key Features is at: <https://bit.ly/2MALi2r>

NLIHC's Side-by-Side of §100.500 is at: <https://bit.ly/2yzdevq>

The *Defend Civil Rights* campaign website is at: <https://www.defendcivilrights.org/>

The *Fight for Housing Justice* campaign website is at: <https://www.fightforhousingjustice.org/>

More about disparate impact is on [page 7-8](#) of NLIHC's *2019 Advocates' Guide*.

HUD REAC Posts NSPIRE Health and Safety Risks

HUD's Real Estate Assessment Center (REAC) has [posted lists of health and safety items](#) for each inspectable area to be inspected as part of REAC's National Standards for the Physical Inspection of Real Estate (NSPIRE) Demonstration. The three inspectable areas are individual units, common areas inside buildings, and outside areas such as the site, building envelope, and building systems outside of a building or unit. There are two levels of health and safety severity:

1. Severe health and safety risks, also known as exigent or life-threatening risks. These require immediate corrective action.
2. Standard health and safety risks, also known as non-life-threatening risks. These require correction within 30 days.

According to a [Federal Register Notice](#) on August 21, over the course of two years HUD will inspect 4,500 properties whose public housing agencies and owners of private HUD-assisted multifamily properties are willing to voluntarily adopt HUD's new NSPIRE model (see *Memo*, [8/26](#)).

The NSPIRE health and safety risks postings are at: <https://bit.ly/2mh8rMj>

The NSPIRE homepage is at: <https://bit.ly/2mh8rMj>

NLIHC Submits Comment Letter Opposing Proposed Rule Ending Broad-Based Categorical Eligibility for SNAP

NLIHC voiced opposition to a proposed rule published in the *Federal Register* on July 23 that would end “broad-based categorical eligibility” for the Supplemental Nutrition Assistance Program (SNAP; see *Memo*, [7/29](#)). If implemented, as many as 3 million low-income people would be kicked off the program, and 500,000 children would no longer qualify for free school meals.

Under current regulatory guidance, states may adopt broad-based categorical eligibility (BBCE) standards to allow SNAP-administering agencies to consider expenses, including rent and utilities, that consume a large share of their income when determining benefit eligibility and amounts. Children in families receiving SNAP benefits automatically qualify for free school lunches, ensuring that children in low-income families can receive nutritious meals throughout the school day.

The proposed rule would end BBCE for SNAP, which would eliminate food assistance for approximately 3 million people and disqualify 500,000 children from receiving free school meals. SNAP plays a critical role in ensuring those most severely impacted by America’s affordable rental housing crisis are food secure. More than 71% of extremely low-income households spend more than half of their incomes on rent and utilities (severely housing cost-burdened), leaving an inadequate amount to sufficiently cover food expenses every month. In fact, severely housing cost-burdened households with children spend 35% less on food per month than low-income households that are not housing-cost burdened.

The Food Research and Action Council (FRAC) is leading a comment campaign encouraging organizations and individuals to write in opposition to the proposal. NLIHC stands united with our partners against the proposed revisions to BBCE for SNAP and urges advocates to submit comments against the proposed rule by September 23.

Read NLIHC’s comment letter at: <https://bit.ly/2kcfXRq>

Participate in FRAC’s comment campaign at: <https://bit.ly/30R1va4>

Opportunity Starts at Home

Stable, Affordable Homes are Critical For Baby and Toddler Development

The [*Opportunity Starts at Home*](#) multi-sector affordable homes campaign published a new blog on September 12 written by Mollyrose Schaffner, policy writer and editor for ZERO TO THREE. [ZERO TO THREE](#), an organization that works to ensure all babies and toddlers have a strong start in life, participates on the campaign’s [Roundtable](#). In the blog, Ms. Schaffner writes about how access to safe, stable, and affordable housing helps lay a strong foundation for child development and about the importance of robust federal affordable housing policies.

“Safeguarding access to safe, stable, affordable homes is a critical policy ingredient for healthy child development,” writes Ms. Schaffner. “This is a problem we can solve, with proven supports to help families get in and stay in safe homes. Housing assistance programs, such as housing vouchers, public housing, and the national Housing Trust Fund reduce the likelihood that families live in overcrowded housing, experience homelessness, or move frequently.” Read the full blog [here](#).

The *Opportunity Starts at Home* campaign will host a congressional briefing on Wednesday, September 18 from 1:30 to 2:30 p.m. ET at the U.S. Capitol Visitor Center, Room SVC 215. The briefing will feature presentations from three of the campaign’s multi-sector Steering Committee members – Children’s

HealthWatch, Children’s Defense Fund, and the National League of Cities – on their organizations’ recent research on how affordable homes impact health, child poverty, and local economies. Register for the event [here](#).

Research

Household Income Stagnated, Poverty Decreased, and Uninsured Rate Increased in 2018

A set of three reports from the United States Census Bureau—[Income and Poverty in the United States: 2018](#), [Health Insurance Coverage in the United States: 2018](#), and [The Supplemental Poverty Measure: 2018](#)—found that median household income held steady at \$63,179 between 2017 and 2018. Social Security, refundable tax credits, housing subsidies, and other federal aid kept nearly 47.8 million people out of poverty. The number of people in poverty decreased by 1.4 million, representing a 0.5 percentage point decrease to a rate of 11.8%. Despite the decline in poverty, the percentage of Americans without health coverage increased for the first time in a decade from 7.9% to 8.5%. A total of 27.5 million people had no health insurance.

All three reports rely on data from the *Current Population Survey Annual Social and Economic Supplements* and the *American Community Survey*. The first report, which focuses on trends in income, earnings, income inequality, and poverty, found that median income was \$63,179 in 2018, which is not statistically different from the median income in 2017. The stagnation of median income follows three consecutive years of increases. Real median earnings of all workers, however, increased 3.4% to \$40,247, and it rose at about the same rate for both men and women. Finally, the report found that the official poverty rate in 2018 was 11.8%, down a half of a percentage point from the previous year. There were approximately 38.1 million people in poverty in 2018, about 1.4 million fewer than in 2017. Non-Hispanic whites experienced most of this decrease, as 2018 poverty rates among African Americans, Hispanics, and Asians were not statistically different from 2017. The poverty rates among African Americans, Hispanics, and Asians were 20.8%, 17.6%, and 10.1%, respectively, compared to 8.1% for non-Hispanic whites.

The second report finds that 8.5% of Americans, or 27.5 million people, did not have health insurance at any point in 2018, up from an uninsured rate of 7.9% in 2017. This increase of nearly one million Americans without insurance coverage is the first year-to-year increase in the uninsured rate since the passage of the Affordable Care Act. A 0.7 percentage point drop in those with Medicaid coverage is a critical component of the increase in the uninsured rate.

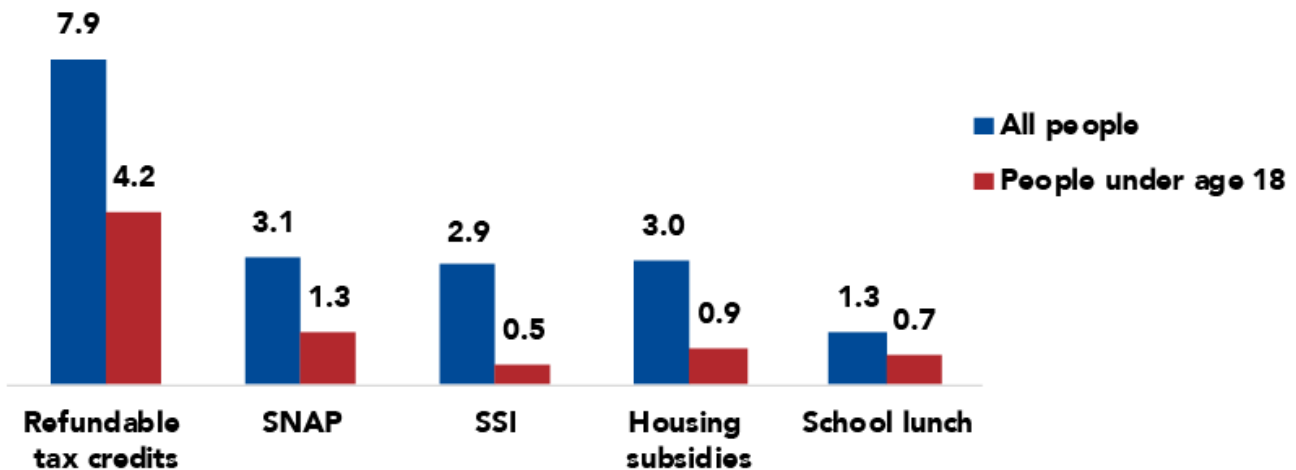
The third and final report finds the Supplemental Poverty Measure (SPM) rate, which extends the official poverty measure by accounting for government assistance to low-income households and expenses for critical goods and services, was 13.1% in 2018, not statistically different from the 2017 SPM rate. The report finds that Social Security and refundable tax credits were the two most important forms of anti-poverty federal assistance in 2018, keeping 27.3 million and 7.9 million individuals out of poverty, respectively. Housing subsidies also prevented 3.0 million individuals from falling into poverty, tying with SNAP and Supplemental Security Income (SSI) benefits as the third most effective forms of anti-poverty assistance.

All three reports are available at: <https://bit.ly/2ksJgWC>

Fact of the Week

Housing Assistance and Other Federal Aid Lift Millions Out of Poverty

People Lifted Out of Poverty Through Federal Aid (Supplemental Poverty Measure in Millions)



Source: US Census Bureau Supplemental Poverty Measure Report, 2019

Source: U.S. Census Bureau Supplemental Poverty Measure Report, 2019

Membership Month

September is NLIHC Membership Month - Join the Movement to End Homelessness and Housing Poverty Today!

We are halfway into NLIHC's annual Membership Month, and 52 new members have already committed to [Join the Movement](#) to end homelessness and housing poverty in America! Thank you to all our new members.

Membership Month provides an opportunity to celebrate our members across the country and to grow our collective strength. Through the rest of the month, NLIHC will provide opportunities to listen in on NLIHC staff joining members at local events across the country to share the latest data and legislative updates through social media livestreams.

NLIHC members play a critical role in this movement by opening the door to collaboration. NLIHC President and CEO Diane Yentel and other NLIHC staff regularly partner with members at local events. Upcoming events in September that NLIHC staff will be joining and livestreaming include:

- The Vital Services Conference in Jamestown, North Dakota, put on by the Great Plains Housing Authority;

- The Non-Profit Housing Association of Northern California’s 40th Annual Housing Conference in San Francisco, California;
- The Urban Land Institute Fall Meeting Panel in Washington, DC; and
- The National Alliance of Resident Services in Affordable and Assisted Housing Conference in New Orleans, Louisiana.

Be sure to follow NLIHC on social media at @NLIHC on Twitter and @NLIHCDC on Facebook to watch livestream videos of these events.

Join the Movement and [become a member today](#) and help strengthen the movement by [recruiting others to join you!](#) All new members and existing members who recruit new members will be entered into a raffle to win a free registration and hotel stay at NLIHC’s Annual Housing Policy Forum in Washington, DC, March 25-27, 2020.

Have questions about Membership Month or want to check the status of your membership? Please contact NLIHC’s Field Team at: outreach@nlihc.org

From the Field

Indiana Advocates Join Roundtable with Author Matt Desmond and Senator Todd Young

NLIHC state partner Prosperity Indiana participated on August 7 in a roundtable discussion in Fort Wayne, IN, on the city’s affordable housing crisis and high rate of evictions—the thirteenth highest among the nation’s large cities. The roundtable featured local housing affordability stakeholders; Prosperity Indiana Executive Director Jessica Love; Dr. Matthew Desmond, author of the *New York Times*-bestselling and Pulitzer Prize-winning book *Evicted: Poverty and Profit in the American City*; and U.S. Senator Todd Young (R-IN).

Senator Young spoke about legislation he has introduced to form a bipartisan task force to address the intersectional nature of the nation’s housing affordability crisis, and he noted the return on investment that is achieved by providing affordable housing. “Getting people into safe and stable housing saves on health care and education expenses and public safety and corrections,” he said.

Matt Desmond talked about the nature of the eviction epidemic across the country. “There are more eviction filings in America every single year than there were foreclosure filings at the height of the [financial] crisis [in 2007 and 2008],” Dr. Desmond said. He noted that reducing evictions would lead to greater stability not just for the families involved but also for communities and our nation as a whole.

Ms. Love emphasized the need for much greater public and private investments for deeply affordable housing and increased collaboration among stakeholders.

Resources

Ivory Innovations Seeks Nominations for ‘Ivory Prize for Housing Affordability’

Ivory Innovations, an organization that “brings together stakeholders of public and private organizations to support solutions to the national housing affordability crisis,” inaugurated an [Ivory Prize for Housing Affordability](#) in 2018 to recognize the most innovative ideas to address the complex challenge of housing affordability. The Prize was designed to advance projects and reward innovators for their efforts to develop adoptable solutions to tackle housing affordability. Solutions are sought in three key award component areas:

construction/design; finance; and regulatory reform. Nominations are now open for this year's Ivory Prize; the details are outlined at the Ivory Innovations' website: <https://ivory-innovations.org>

The first year of the Ivory Prize resulted in 126 nominations and applications, 10 finalists who were announced on February 7, and four Prize honorees were recognized at the National Press Club in Washington, DC on April 10. Watch a video about the 2019 Prize winners [here](#).

The Ivory Prize process demonstrated that a great deal of innovation related to housing affordability is happening at the grassroots level around the country. By looking at all the participants in the Ivory Prize, including the honorees, it is possible not only to appreciate the many innovations underway around the county, but also to identify new directions for improving housing affordability. Ivory Innovations shares a [paper](#) outlining five directions that emerge from the innovators that applied for the 2019 Ivory Prize.

Applications and nominations for the 2020 Ivory Price can be made at: <https://ivory-innovations.org>

NLIHC in the News

NLIHC in the News for the Week of September 8

The following are some of the news stories that NLIHC contributed to during the week of September 8:

- “The Question the Presidential Candidates Don’t Get Asked,” *CityLab*, September 13 at: <https://tinyurl.com/y6k9a23j>
 - “Candidates, it’s time to talk about housing,” *Curbed*, September 12 at: <https://tinyurl.com/yxgr87et>
 - “As America Mourns the 18th Anniversary of 9/11, Are We Focused on the Right Things?,” *The Critical Hour* (Diane Yentel interview starts at 15:00), September 12 at: <https://tinyurl.com/y3g6su6c>
 - “Vouchers, tax credits, zoning—can a president do anything to fix the housing crisis?,” *Mother Jones*, September 11 at: <https://tinyurl.com/y5ggwae8>
 - “Internment Camps for the Homeless!: Housing Advocates Horrified by Trump Push for 'Crackdown' on California Homelessness,” *Common Dreams*, September 11 at: <https://tinyurl.com/y2q6wfc8>
 - “Trump pushing for major crackdown on homeless camps in California, with aides discussing moving residents to government-backed facilities,” *The Washington Post*, September 10 at: <https://tinyurl.com/y27qur9x>
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NLIHC News

NLIHC Welcomes New Communications/Graphic Design Intern Eddie Stephens

NLIHC is pleased to welcome Eddie Stephens as a communications/graphic design intern for the fall and winter/spring semesters.

Eddie recently completed his Certificate in Graphic Design at George Mason University. As a student at Mason, Eddie gained design experience and learned creative problem-solving. He earned his Bachelor of Science in Natural Science from the University of Pittsburgh. Eddie is pleased to join the NLIHC communications team's efforts to mobilize supporters for equitable solutions to homelessness and housing poverty in the U.S.

Please join us in welcoming Eddie to the NLIHC team!

NLIHC Welcomes New Research Intern Alex Mears

NLIHC is pleased to welcome Alex Mears as a research intern for the fall semester.

Alex is a second-year graduate student at Georgetown University pursuing a Master of Public Policy with a focus on community development and energy policy. Before his time at Georgetown, he completed an AmeriCorps VISTA term at the New York City Human Resources Administration where he worked on financial counseling and workforce development services for cash-welfare recipients and youth in underprivileged communities. Alex has also completed internships in TV media and government relations. Recent coursework at Georgetown ignited his interest in affordable housing, and after graduate school he hopes to work on sustainable community development that simultaneously addresses the lack of affordable housing and reduces communities' carbon footprint. At NLIHC Alex will be working on updating the Coalition's Rental Housing Programs Database.

Alex is pleased to join NLIHC in its efforts to achieve fair, equitable, and affordable housing.

Please join us in welcoming Alex to the NLIHC team.

Where to Find Us – September 16

NLIHC President and CEO Diane Yentel and other NLIHC staff will be speaking at the following events in the coming months:

- [Vital Services Conference](#), Jamestown, ND, September 18-19
 - [Non-Profit Housing Association of Northern California's 40th Annual Housing Conference](#), San Francisco, CA, September 20
 - Urban Land Institute Fall Meeting Panel, Washington, DC, September 20
 - [National Alliance of Resident Services in Affordable and Assisted Housing Conference](#), New Orleans, LA, September 25-26
 - [2nd Annual Children's HealthWatch Champion Award Ceremony](#), Boston, MA, October 10
 - [Inspire Luncheon](#), Connections for the Homeless, Chicago, IL, October 11
 - [Housing & Community Development Network of NJ Annual Conference](#), New Brunswick, NJ, October 18
 - [AHIC's 2019 Fall Affordable Housing Summit](#), Nashville, TN, October 23.
 - [New Mexico Coalition to End Homelessness Conference](#), Albuquerque, NM, October 24
 - [Housing Action Illinois '2019 Housing Matters!' Conference](#), Bloomington, IL, October 24-25
 - [Southern California Association of Non-Profit Housing 2019 Annual Conference](#), Los Angeles, CA, October 25
 - [Rural Housing Summit](#), San Jose, CA, November 7
-

NLIHC Staff

Sonya Acosta, Policy Analyst, x231

Kyle Arbuckle, Housing Advocacy Organizer, x227

Andrew Aurand, Vice President for Research, x245

Victoria Bourret, Housing Advocacy Organizer, x244

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