



NLIHC's HoUSed Campaign for
Long-Term Housing Solutions

July 5, 2022

Agenda



Welcome & Policy Updates

- Sarah Saadian, NLIHC

CFPB's New Rule on Tenant Screening

- Ariel Nelson, National Consumer Law Center

End Rental Arrears to Stop Evictions (ERASE) Project Updates

- Maritza Crossen, Citizens Housing and Planning Association

Field Updates

- Angelica Moran, Idaho Asset Building Network

Next Steps

Welcome & Policy Updates

Sarah Saadian

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Organizing*

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NATIONAL LOW INCOME
HOUSING COALITION

Capitol Hill Update July 5, 2022

Sarah Saadian, Senior VP
National Low Income Housing Coalition

Reconciliation



The HoUSed Campaign's top housing priorities:

- \$25B for rental assistance
- \$65 billion to preserve public housing
- \$15 billion in the national HTF

Take Action:

- Share news articles with members of Congress about inflation and rising housing costs:

Fiscal Year 2023 Appropriations



Timeframe: Congress may enact final spending bill in November or December.

Take Action:

- Sign onto the [national letter](#), urging Congress to provide the highest level of funding possible.
- Read NLIHC's full analysis [here](#).

Eviction Crisis Act



Eviction Crisis Act (S.2182) – introduced by Senators Bennet (D-CO), Portman (R-OH), Brown (D-OH), and Young (R-IN), and Representative Torres (D-NY) will introduce in the House.

Take Action:

- Sign onto a [national letter](#), urging Congress to enact the “Eviction Crisis Act.”
- Ask your Senators – especially Republican Senators – to cosponsor the bill. Use our [factsheet!](#)

Fair Housing Improvement Act



Fair Housing Improvement Act (S.4485, H.R.8213) – introduced by Senator Kaine (D-VA) and Reps. Peters (D-CA) to expand the Fair Housing Act to prohibit housing discrimination based on source of income or veteran status.

Take Action:

- Ask your Senators and Representatives to cosponsor the bill. Use our [factsheet!](#)

Questions?



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CFPB's New Rule on Tenant Screening

Ariel Nelson

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The CFPB's New Interpretive Rule: The Fair Credit Reporting Act's Limited Preemption of State Laws



Ariel Nelson, Staff Attorney,
National Consumer Law Center
July 5, 2022

Background

- The relevant federal statute: Fair Credit Reporting Act
 - Imposes requirements concerning creation and use of consumer reports
 - Tenant screening reports are consumer reports
- Key question the new interpretive rule answers: What is the preemptive scope of 15 U.S.C. § 1681t(b)?

Background Cont.

- Bottom line from rule:
 - Express preemption provisions have a **“narrow and targeted scope”**
 - **States have substantial flexibility to pass laws involving consumer reporting**
- Why this matters:
 - The credit reporting industry has been challenging bills and laws on the basis of FCRA preemption

General Preemption Rule

- CFPB on 15 U.S.C. § 1681t(a):
 - “State laws that are not ‘inconsistent’ with the FCRA—including State laws that are more protective of consumers than the FCRA—are generally not preempted.”

Express Preemption

- 15 U.S.C. § 1681t(b)(1) preempts only those State laws “with respect to any subject matter regulated under” certain sections or subsections
- 15 U.S.C. § 1681t(b)(5) preempts only those State laws “with respect to the conduct required by the specific provisions of” certain sections of subsections
- → “narrow and targeted scope”

Section 1681t(b)(1)

Key general takeaways:

- This section does *not* preempt all State laws relating to the content or info contained in consumer reports
- “State laws relating to what or when items generally may be initially included on a consumer report—or what or when certain types of information may initially be included on a consumer report—would generally not be preempted by section 1681t(b)(1)(E).”

Section 1681t(b)(1) Cont.

Key takeaways specific to tenant screening:

- “States may pass laws addressing the furnishing and reporting of rental information”
- “A State law prohibiting a consumer reporting agency from including information (or certain types of information) about a consumer’s eviction, rental arrears, or arrests on a consumer report would generally not be preempted under section 1681t(b)(1).”

Section 1681t(b)(1) Cont.

- Other helpful tidbits include:
 - Discussion of consumer complaints related to rental debt and inaccurate info on tenant screening reports and of other problems with tenant screening
 - **“There is little or no empirical research showing that tenant screening report content is reliably predictive of future tenant behavior.”**

Section 1681t(b)(5)

Key takeaway:

- If a State law required that a CRA provide info required by the FCRA at the consumer's requests in languages other than English, such a law would generally not be preempted

State Officials Encouraged to Consult with CFPB

- State officials should contact the CFPB when there's a challenge to a state law based on FCRA preemption

Questions?



Since 1969, the nonprofit **National Consumer Law Center®** (**NCLC®**) has worked for consumer justice and economic security for low-income and other disadvantaged people in the U.S. through its expertise in policy analysis and advocacy, publications, litigation, expert witness services, and training. www.nclc.org

End Rental Arrears to Stop Evictions (ERASE) Project Updates

Maritza Crossen

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CHAPA's Neighborhood Emergency Housing Support Program



About CHAPA:

Citizens' Housing and Planning Association (CHAPA)'s mission is to encourage the production and preservation of housing that is affordable to low and moderate-income families and individuals and to foster diverse and sustainable communities through planning and community development.

At the core of our work, we believe that every person in Massachusetts should have a safe, healthy, and affordable place to call home. CHAPA achieves this by advocating for opportunity, expanding access to housing, and developing the field.

Federal Emergency Rental Assistance Program (ERAP)

On March 22, 2021, Massachusetts launched the Federal Emergency Rental Assistance Program (ERAP), which provided expanded rental relief to eligible tenants, alongside the existing Residential Assistance for Families (RAFT) program. A total of \$457 million was awarded to Massachusetts.

Massachusetts provided nearly \$100 million in additional funding and streamlined the application process, allowing landlords with 20 or fewer units to apply with tenant consent. The maximum RAFT benefit is \$7,000.

The program is administered by **nine** regional Housing Consumer Education Centers (**HCECs**) located throughout Massachusetts. The HCECs had extensive experience with rental assistance programs as they also oversee the state's RAFT program.

Grant Overview



Grant Proposal:

A pilot program to support community-based organizations (CBOs) in our shared goal of preventing evictions and foreclosures due to the COVID-19 pandemic in low-income communities in Massachusetts.

Many households who need help may be unaware of the assistance, need help in applying, or have questions. Cognizant of the dire need to reach those households, CHAPA provided funds to support CBOs, who are trusted as reliable resources within their communities, in their efforts to help people apply for financial assistance to stay in their homes.

Program Goals:

To prevent unnecessary foreclosures, evictions, and homelessness the greatest extent possible in communities most impacted by the current health and economic crisis.

CHAPA's intention is to provide a program that directly leverages and supports the robust work of CBOs and their vital connections to homeowners and tenants at risk of losing their homes in coordination with and to supplement work being done by the HCECs.

Secondary Program Goals:

- Document outreach methods, nature of assistance, and time it takes to assist households.
- Document challenges that people face in applying for programs, including language access, living situations, clarity of application questions, and concerns of applicants in order to inform and shape current and future federal, state, and municipal programs.

Grantee Knowledge Sharing

- Meet monthly as a cohort for knowledge sharing, troubleshooting, best practices
- Meeting with HCECs to attend available trainings
- Provide ongoing dialogue of on the ground feedback for programs and policies



Partner Agencies



One of the nation's oldest and largest community foundations. TBF is a center of overlapping partnerships and networks—of talented, generous, thoughtful and dedicated people—working together to make life better for everyone in our region.



We **unite** to create positive, lasting change for people in need. We call it **harnessing the power of people working together**. And that means everyone — individuals, nonprofits, companies, and government agencies.

Grantee Cohort: 22 Members Across MA

- New England Wellness Foundation, **Hyannis**
- PACE, **New Bedford**
- Community Economic Development Center, **New Bedford**
- SER-Jobs for Progress, Inc., **Fall River**
- Cape Verdean Association of Brockton, **Brockton**
- Brockton Area Multi-Services, Inc. (BAMSI), **Brockton**
- HomeStart, **Boston**
- Hildebrand Family Self-Help Center, Inc., **Cambridge**
- Massachusetts Alliance of Portuguese Speakers, **Cambridge**
- La Colaborativa, **Chelsea**
- Lynn United for Change Empowerment Project, **Lynn**
- Everett Haitian Community Center, **Everett**
- Community Action Inc., **Haverhill**
- Lowell Alliance, **Lowell**
- Lawrence CommunityWorks, Inc., **Lawrence**
- Centro de Apoyo Familiar (CAF), **Lawrence**
- Centro Las Americas, Inc., **Worcester**
- Southeast Asian Coalition of Central Massachusetts, Inc., **Worcester**
- Making Opportunity Count, Inc, **Fitchburg**
- Amherst Community Connections, **Amherst**
- Quaboag Valley Community Development Corporation, **Ware**
- Central Berkshire Habitat for Humanity, **Pittsfield**

CBO Client Data & Research



Reporting Metrics:

- Demographics of client(s)
- Assistance requested – Type & Amount
- Total housing arrears
- How did they learn about this assistance?
- Client previously denied assistance? If yes, why
- Reasons client has not previously sought assistance (if applicable)
- Barriers client faced to receive assistance (if applicable)
- Total amount awarded & which ERA program
- Other resources/referrals needed to assist the client?
- Total hours spent to submit a COMPLETE applications
- Total hours working with the client
- Is client stably housed after receiving assistance?

Client Data: Dec 2021- April 2022

TYPE OF ASSISTANCE REQUESTED:

Total Clients Served – 1,587

Client Category:

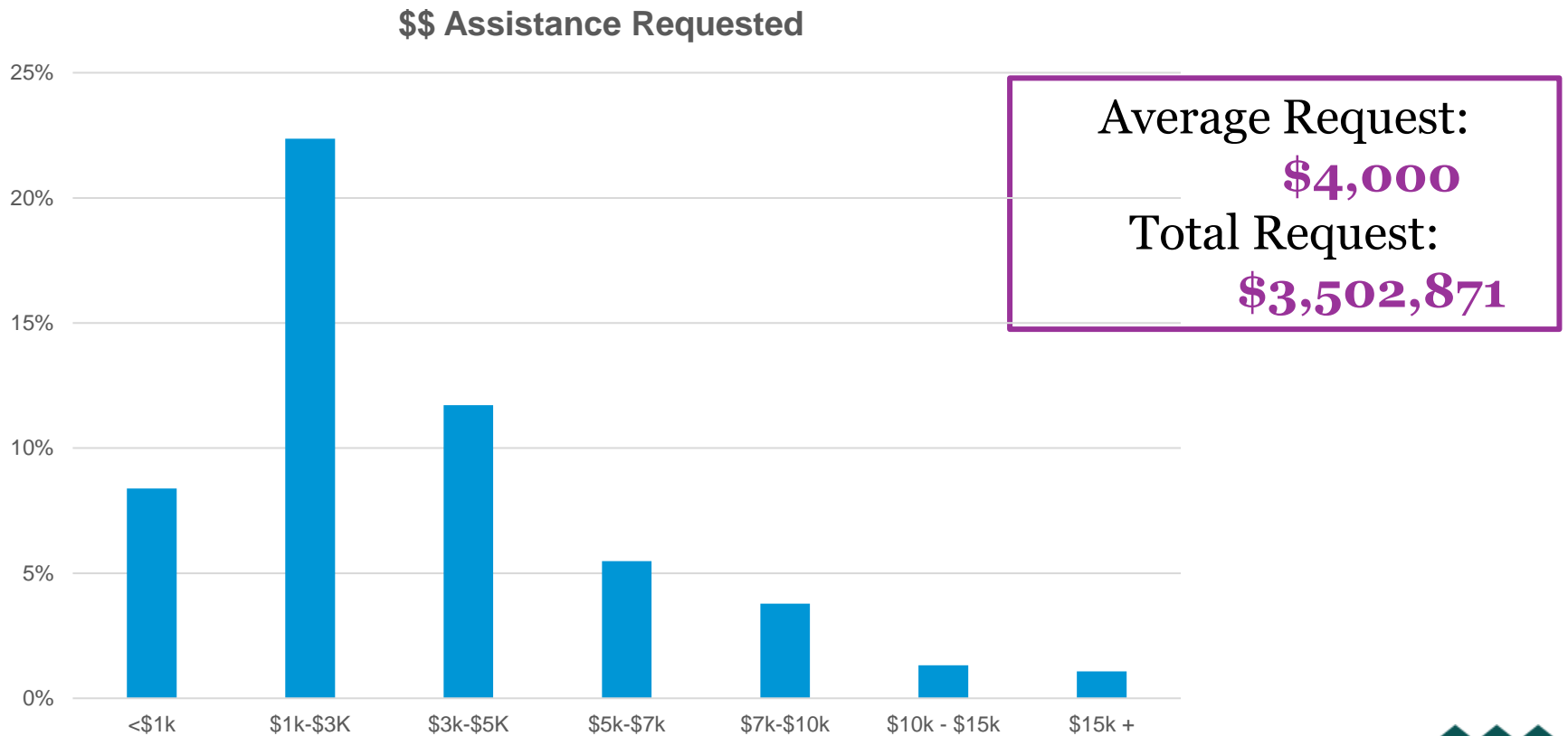
- Tenants – 79%
- Homeowners – 4%
- Homeless – 6%

Assistance:

- RAFT/ERAP – 76%
- Utilities – 19%
- HAF – 4%

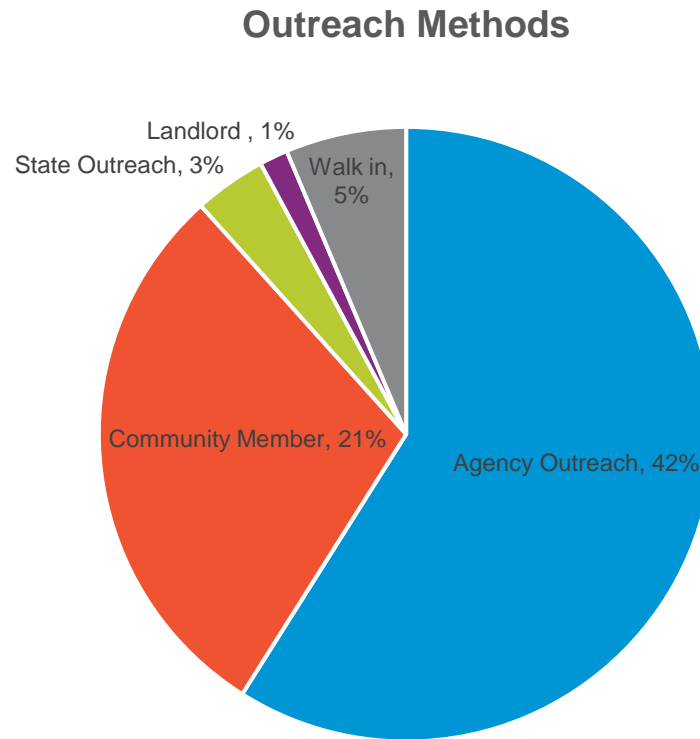
Client Data: Dec 2021- April 2022

AMOUNT OF ASSISTANCE REQUESTED:



Client Data: Dec 2021- April 2022

OUTREACH METHODS



63% of clients came to the CBO from a community member or direct agency outreach

■ Agency Outreach ■ Community Member ■ State Outreach ■ Landlord ■ Walk in

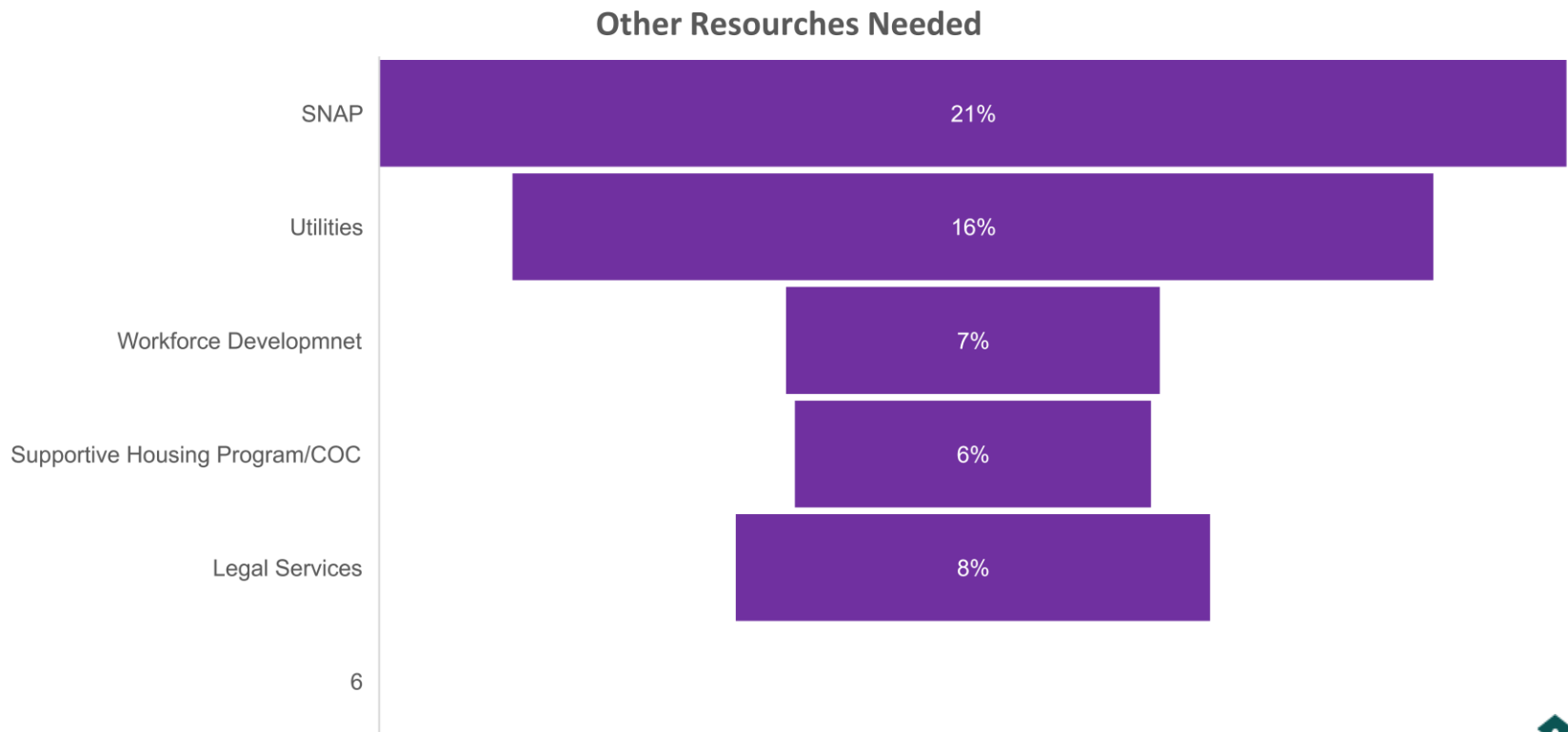
Client Data: Dec 2021- April 2022

TOP FIVE REASONS CLIENTS HAVE NOT APPLIED/BARRIERS

1. Needed help applying: 25%
2. Did not know about the assistance: 24%
3. Language Barriers: 21%
4. Immigration status: 11%
5. Technology barriers: 11%

Client Data: Dec 2021- April 2022

OTHER RESOURCES/REFERRALS NEEDED TO ASSIST CLIENT



Policy Research

Collect data, stories, best practices & experiences from grantees

Provide an analysis to better inform program and policy development

Advocate for future funding for CBOs from state and federal governments



Metropolitan Area Planning Council:

MAPC will be doing research to understand:

- The experiences of people in Massachusetts who did/do face housing Instability
- The work that community-based organizations did to support housing programs throughout COVID, including successes and challenges
- The Massachusetts housing context
- How to turn these experiences and ideas into a vision for housing policy in Massachusetts

We will center:

- The experiences of CBOs and residents, with a focus on the impacts on BIPOC, immigrant, and low-income household experiences

Research Stakeholder Group:

Working Group



Stakeholder Group

Up to ten members from the following groups:

- Community-based housing + homelessness prevention organizations
- Emergency rental assistance recipients
- Landlords
- Housing program and policy advocates
- Municipal officials
- State agency representatives

Thank you!

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Field Updates

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Next Steps

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Resources

NLIHC's HoUSed Campaign
(nlihc.org/housed): Campaign
Updates