

September 21, 2021

The Honorable Marcia L. Fudge
Secretary
U.S. Department of Housing and Urban Development
451 7th Street SW
Washington, D.C. 20410

Dear Secretary Fudge,

As housing and voting rights advocates, we request a meeting to discuss our recommendations to assist HUD in devising a plan responsive to the charge laid out in President Biden's Executive Order on Promoting Access to Voting¹ (Exec. Order No. 14019). This executive order requires all agencies, including HUD, to submit a plan by the September 23rd deadline addressing how it will promote voter registration and participation. Our organizations represent low-income tenants, in addition to members of the voting rights community, and we have deep legal and technical expertise on the intersections of housing and voting rights. As such, we are well-placed to advise your efforts.

The National Low Income Housing Coalition is dedicated solely to achieving socially just public policy that ensures people with the lowest incomes in the United States have affordable and decent homes. NLIHC's members include state and local affordable housing coalitions, residents of public and assisted housing, nonprofit housing providers, homeless service providers, fair housing organizations, researchers, faith-based organizations, public housing agencies, private developers and property owners, local and state government agencies, and concerned citizens.

The National Housing Law Project (NHLP) is a legal advocacy center focused on increasing, preserving, and improving affordable housing; expanding and enforcing rights of low-income residents and homeowners; and increasing housing opportunities for underserved communities. Our organization provides technical assistance and policy support on a range of housing issues to legal services and other advocates nationwide. NHLP hosts the national Housing Justice Network (HJN), a vast field network of over 1,500 community-level housing advocates and resident leaders. HJN member organizations are committed to protecting affordable housing and residents' rights for low-income families.

Demos is a nonpartisan, nonprofit think tank that has worked on implementing and improving voter registration at public agencies for more than 15 years, with a demonstrated history of helping states implement the National Voter Registration Act (NVRA).

The American Civil Liberties Union is a nationwide organization that fights for the rights of every individual to be protected equally under the law—the ACLU has also worked for years on successful NVRA implementation.

There is a critical need to ensure that every voting-eligible person across the nation has equitable access to the ballot. The confusing, sometimes onerous, process of registering to vote

¹ Executive Order on Promoting Access to Voting, March 7, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/>.

keeps more people from voting than almost any other barrier. Throughout history and today, voter registration disproportionately blocks Black and brown people and low-income people from exercising their fundamental right to vote. During the November 2020 elections, 77% of white, non-Hispanic people reported being registered to vote, compared to 69% of Black people, 64% of Asian Americans, and 61% of Hispanic Americans.² That same election, 87% of people with an annual family income of \$100,000 or more reported being registered to vote, compared to just 63% of people whose annual family income is less than \$30,000.³

Many of the millions of Americans HUD serves each year are low-income, and many are Black and brown.⁴ As such, HUD is well-positioned to play a role in eliminating the barrier registration has long played and supporting its constituents to add their important voices to the democratic process. There is much HUD can do to promote voter registration among the millions of low-income people it serves. In developing the agency's voter registration plan, we urge you to:

- Integrate voter registration into all competitive funding programs, using the voter registration procedures set out in the National Voter Registration Act as a model, and consulting this detailed [guidance](#) on how to most effectively incorporate voter registration into agency transactions.⁵
- Begin consideration of how to incorporate voter registration requirements into any forthcoming competitive funding programs, including any resources enacted through the Build Back Better Act; our groups can be especially helpful on this point.
- Issue updated guidance to all state and local governments, plus 3rd party staff administering formula-funded programs, clarifying that they are not only allowed but encouraged to integrate voter registration services into their interactions with residents. Such guidance should strengthen guidance previously provided by HUD, detail the role civic participation can play in improving the quality of life of its residents and creating strong, sustainable, inclusive communities; describe permissible voter registration activities; and provide examples of effective voter registration services.⁶

Additionally, while the September 23rd deadline laid out in the Executive Order represents an important benchmark, we know it is not the end of the road for agency voter registration plans. After this week's important deadline, we urge you to share your current plans with the signatories of this letter—organizations that work to deepen and strengthen the rights of low-income tenants across the country and who are experts in housing law and voter registration—so that we may support you in strengthening your plan to best meet the voter registration needs

² Census Bureau, "Voting and Registration in the Election of November 2020," <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.

³ Census Bureau, "Voting and Registration in the Election of November 2020," <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.

⁴ Approximately 66% of the families served by HUD programs identify as a minority. Picture of Subsidized Households, HUD Office of Policy Development and Research (PD&R), <https://www.huduser.gov/portal/datasets/assthsg.html> (last visited Sept. 20, 2021).

⁵ "Best Practices for Agency Registration," Demos and ACLU, <https://www.demos.org/policy-briefs/best-practices-federal-agency-voter-registration>.

⁶ While HUD's guidance to PHAs from 1996 was a strong start, see [here](#), we learned anecdotally that it didn't reach many intended recipients, thereby failing to be as effective as it could have been. Any voter registration guidance created for future distribution, then, should come with a strong distribution plan. Again, we're happy to assist with both creating new guidance and devising an appropriate dissemination plan.

of the families HUD serves in compliance with the executive order. We additionally urge you to make these plans public so that residents themselves may weigh in on the matter.

Finally, we encourage you to call on Congress to enact federal legislation to require state and local entities to incorporate robust voter registration services into their federally-assisted housing programs.

President Biden's Executive Order Promoting Access to Voting presents a significant opportunity to reduce the barrier that registration poses to democratic participation by mobilizing our national government's existing programs and resources to reach voting-eligible people. This work is essential because the reduction of barriers to voting furthers the Administration's goal of redressing and combatting racial inequity, moving us closer towards a more perfect union. Through expansive and comprehensive implementation of President Biden's Executive Order throughout its many programs, HUD can help close voter registration gaps and help "build inclusive and sustainable communities free from discrimination," as set out in its [mission](#) statement.

Thank you in advance for your time and consideration. We look forward to connecting soon. To set up a meeting, feel free to contact NLIHC Vice President Sarah Saadian at ssaadian@nlihc.org, NHLP Director of Government Affairs Noëlle Porter at nporter@nhlp.org, Demos Senior Policy Analyst Laura Williamson at lwilliamson@demos.org, and ACLU Policy Analyst Kristen Lee at klee@aclu.org.

Sincerely,

American Civil Liberties Union
Demos
National Housing Law Project
National Low Income Housing Coalition