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January 9, 2023

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Budget and Appropriations

New Congress Opens to Rocky First Week, Foreshadowing Funding Fights Ahead

Members of the U.S. House of Representatives and Senate returned to Capitol Hill on January 3 to begin the 118th Congress, with Democrats maintaining control of the Senate and Republicans taking control of the House. Vice President Kamala Harris, president of the Senate, presided over the swearing in of 35 newly elected or re-elected senators, while in the House disarray plagued the election of Speaker, delaying the official start of Congress.

Representative Kevin McCarthy (R-CA) was finally elected Speaker of the House and members were sworn in during the early morning hours of January 7, ending a four-day long standoff in which Representative McCarthy struggled to gain the 217 votes needed to secure his position. With a very narrow majority, Speaker McCarthy could only afford to lose four Republican votes, but a faction of approximately 20 far-right lawmakers refused to cast their votes for him to wield the Speaker's gavel, insisting on major concessions from McCarthy. Representative McCarthy acquiesced.

These concessions include measures that would make it easier to slash funding to vital federal programs and to add harmful amendments to appropriations bills that propose needless barriers to accessing assistance. One such concession includes an agreement to cap all discretionary spending at fiscal year (FY) 2022 levels – a move that would decrease HUD funding by \$8.1 billion, at a time when rents are rising at historic rates and more households are struggling to make ends meet.

In addition, Speaker McCarthy committed to moving all 12 FY24 appropriations individually through regular order and allowing an open amendments process on each bill. This change would make it easier for members to add amendments to appropriations bills, including potentially harmful proposals that would increase barriers to receiving federal housing assistance. Another agreement would bring back the “Holman rule,” allowing members to propose amendments to appropriations bills that would cut funding for specific programs to as little as \$1, essentially defunding them. The House is expected to vote today (January 9) on a rules package that would formalize these proposals.

The chaos in the House foreshadows what will likely be a very tumultuous year in Congress. With Republicans taking control of the House and Democrats maintaining their hold on the Senate, passing legislation through both chambers will require bipartisan cooperation. Moreover, House Freedom Caucus members are already threatening a potential shutdown later in the year, when Congress will be charged with enacting a new federal budget for FY24 and raising the debt ceiling to avoid a potential financial catastrophe.

Take Action!

While advocates and congressional champions in the previous congress were able to secure meaningful increases to HUD's vital affordable housing and homelessness programs in the final FY23 budget (see NLIHC's [full analysis](#) and our updated [budget chart](#)), far more resources are needed to address the nation's growing affordable housing and homelessness crises. There is a

national shortage of approximately 7 million affordable, available homes for people with the lowest incomes, and only one in four households who qualify for federal housing assistance receive the help they need. Without adequate federal funding for vital federal affordable housing and homeless assistance programs, households with the lowest incomes will continue to live precariously, only one missed paycheck or unexpected emergency away from housing instability, eviction, and, in the worst cases, homelessness.

Cutting funding to HUD's and USDA's affordable housing and homelessness programs or imposing needless barriers to decrease access to these programs is unacceptable. NLIHC and our members, partners, and allies will continue working to advance the policies needed to ensure everyone has a safe, affordable, accessible place to call home, and to guard against spending cuts and harmful proposals that would increase barriers to receiving housing assistance for people with the lowest incomes.

Visit our [Take Action](#) page to learn about ways you can get involved!

HUD

Proposed Affirmatively Furthering Fair Housing Rule Clears OMB; AFFH Data and Mapping Tool Video Series Now Available

A proposed Affirmatively Furthering Fair Housing (AFFH) rule providing “[a more effective means to affirmatively further the purposes and policies of the ‘Fair Housing Act’](#)” was [cleared](#) by the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) on December 27, 2022. HUD's Office of Fair Housing and Equal Opportunity (FHEO) will next submit the proposed rule for publication in the *Federal Register*, initiating a 60-day public comment period. NLIHC will notify advocates when the proposed rule is published and will analyze and summarize the rule, providing guidance regarding the submission of comments. Relatedly, FHEO announced on December 23, 2022, that it had posted a [video series](#) providing guidance regarding how to use its AFFH Data and Mapping Tool (AFFH-T), along with other local data sources, to analyze local conditions as part of a fair housing analysis and planning process. The three-part video series includes “Introduction to the AFFH-T,” “How to Use the AFFH-T for Fair Housing Planning,” and “How to Find and Use Local Data in Fair Housing Planning.” States, cities, and counties that are required to submit a Consolidated Plan, as well as public housing agencies (PHAs), are still required to undertake a fair housing planning process of their own design in order to comply with their obligation to affirmatively further fair housing. The AFFH-T video series is thus likely to be very helpful.

Brief Background

FHEO published an Interim Final Rule (IFR), “[Restoring Affirmatively Furthering Fair Housing Definitions and Certifications](#),” in the *Federal Register* on June 10, 2021, shortly after the Biden administration took office (see *Memo*, [6/14/21](#)). The IFR, which went into effect on July 31, 2021, did not reinstate the 2015 AFFH rule but merely required “program participants” (local and state governments as well as PHAs) to submit “certifications” (pledges) that they will

affirmatively further fair housing in connection with their Consolidated Plans (ConPlans), Annual Action Plans to their ConPlans, and annual PHA Plans. The IFR did not require a specific planning process such as the process detailed in the 2015 AFFH Rule; instead, the IFR created a voluntary fair housing planning process.

At that time, FHEO stated that it intended to undertake separate rulemaking to improve upon the [July 16, 2015, Affirmatively Furthering Fair Housing rule](#), which was suspended by the Trump administration in 2018. On August 7, 2020, the Trump administration abruptly and without public review and comment published the [“Preserving Neighborhood and Community Choice” rule](#). The Biden administration’s IFR rescinded that rule.

Title VIII of the “Civil Rights Act of 1968” (the “Fair Housing Act”) requires jurisdictions receiving federal funds for housing and urban development activities to affirmatively further fair housing. The Fair Housing Act not only makes it unlawful for jurisdictions to discriminate; the law also requires jurisdictions to take actions that can undo historic patterns of segregation and other types of discrimination, as well as actions to promote fair housing choice and to foster inclusive communities. The “protected classes” of the Fair Housing Act are determined by race, color, national origin, sex, disability, familial status, and religion. Although affirmatively furthering fair housing has been enshrined in law since the enactment of the Fair Housing Act of 1968, meaningful regulations to provide jurisdictions and PHAs with guidance on how to comply had not existed until the July 16, 2015, AFFH rule.

More information about AFFH is available on NLIHC’s AFFH webpage at <https://bit.ly/3WGqIEh> and on [page 7-14](#) of NLIHC’s *2022 Advocates’ Guide*.

FHEO’s Data and Fair Housing Planning AFFH-T video series is available at: <https://bit.ly/3GddQsV>

FHEO’s Affirmatively Furthering Fair Housing website is available at: <https://bit.ly/3GcIkeH>

Carbon Monoxide Detector and Alarm Requirement Takes Effect

HUD has issued reminders that, as of December 27, 2022, all HUD-assisted units must have carbon monoxide (CO) detectors or alarms installed. The reminders were sent to owners and operators of HUD-assisted Multifamily projects and to public housing agency (PHA) executive directors. In addition, on December 8, HUD’s Office of Community Planning and Development (CPD) issued [Notice CPD-22-15](#) informing Housing Opportunities for Persons With AIDS (HOPWA) grantees of their obligation to install CO devices in every assisted unit. The “Appropriations Act of 2021” is the source of the requirement.

On January 31, 2022, three offices of HUD issued joint [Notice PIH 2022-01/H 2022-01/OLHCHH 2022-01](#), clarifying that the department will enforce the requirement that HUD-assisted properties install CO alarms or detectors by December 27, 2022 (see *Memo*, [2/7/22](#)). That Notice applied to all Public Housing, Housing Choice Voucher (HCV), Project-Based Voucher (PBV), Project-Based Rental Assistance (PBRA), Section 202 Supportive Housing for the Elderly (Section 202), and Section 811 Supportive Housing for Persons with Disabilities

(Section 811) properties. Notice CPD-22-15 adds HOPWA-assisted housing to the list. The CO alarms or detectors must meet or exceed the standards described in Chapters 9 and 11 of the *2018 International Fire Code (IFC)*.

The new CPD HOPWA Notice differs slightly from the January 31, 2022, joint Notice by providing one set of guidance for housing activities subject to HOPWA Housing Quality Standards (HQS) and another set of guidance for housing activities not subject to HQS requirements (including short-term rent, utility payments, and mortgages (STRUM)).

Previously, HUD issued joint notice [PIH Notice 2019-06/H 2019-05/Office of Lead Hazard Control and Healthy Homes \(OLHCHH\) Notice 2019-01](#) reminding owners and operators of public housing, HCV, PBV, PBRA, Section 202, and Section 811 properties of their obligation to install working CO detectors where required by state or local law, code, or other regulation (see *Memo*, [4/22/19](#)).

Carbon monoxide is an odorless, colorless, non-visible, toxic gas produced by incomplete combustion of fuel burned in stoves, lanterns, grills, fireplaces, gas ranges, or furnaces, as well as in vehicles and small engines. CO can build up indoors, poisoning people and animals. The effects of CO exposure can vary from person to person depending on age, overall health, and the concentration and length of exposure. Exposure can cause permanent brain damage, life-threatening cardiac complications, fetal death or miscarriage, and death in a matter of minutes. People who are asleep or intoxicated can die from CO poisoning before experiencing any symptoms.

The Notices explain the difference between CO alarms and detectors and provide examples of sources of CO that can be found in homes and of activities to prevent CO intrusion.

An email sent by HUD's Office of Multifamily Housing Programs includes a link to a helpful "[decision tree](#)" to help owners place devices, as well as a [link](#) to help owners purchase devices through Lowe's.

Read Notice CPD-22-15 at: <https://bit.ly/3X2OOUd>

Read Notice PIH 2022-01/H 2022-01/OLHCHH 2022-01 at: <https://bit.ly/3GyyMvY>

Section 3 Compliance Reporting Still Not Required by HUD

HUD's Office of Public and Indian Housing (PIH) issued [Notice PIH 2022-38/FPM-19-2022](#) on December 20, 2022, informing public housing agencies (PHAs) that they are not required to report on Section 3 labor hours worked or other Section 3 compliance efforts until PIH has a new reporting system. However, PHAs must keep on-site records of their Section 3 activities, as well as records demonstrating compliance with Section 3 regulations.

HUD's [Office of Field Policy and Management](#) (FPN) issued final Section 3 rules on September 29, 2020 (see *Memo*, [10/2/20](#)), replacing the 1994 interim rule and introducing dramatic changes (see [NLIHC's summary](#)). Prior to the formulation of the new rule, PHAs reported Section 3

compliance through the Section 3 Performance Evaluation and Registration System (SPEARS), which cannot address the final rule’s switch from measuring Section 3 “new hires” to measuring Section 3 “labor hours worked.”

Notice PIH 2022-38/FPM-19-2022 indicates that PHAs can use forms [4737](#), [4737A](#), [4737B](#), [4737C](#), and [4737D](#) as aids to document Section 3 compliance activities. The Notice also states that PHAs must continue to follow recordkeeping requirements regarding the final Section 3 rule. PHAs can use forms [4736](#), [4736A](#), [4736B](#), [4736C](#), and [4736D](#) to aid recordkeeping requirement compliance. The Notice supplements guidance previously provided by [Notice PIH 2022-10](#) issued on April 18, 2022 (see *Memo*, [4/25/22](#)).

The purpose of Section 3 of the “Housing and Urban Development Act of 1968” is to ensure that when HUD funds are used to assist housing and community development projects, “to the greatest extent feasible” preference for some of the jobs and other economic opportunities created goes to low-income people, “particularly those who are recipients of government assistance for housing.” Another Section 3 obligation is to support businesses owned or controlled by low-income people or businesses that hire them. PHAs and jurisdictions using Community Development Block Grant (CDBG), HOME Investment Partnerships program, and other HUD funds must comply with Section 3 and ensure that contractors and subcontractors comply.

Notice PIH 2022-38/FPM-19-2022 is available at: <https://bit.ly/3GalamG>

HUD’s Section 3 website is available at: <https://bit.ly/3Cn0MQH>

Read more about Section 3 on [page 7-46](#) of NLIHC’s *2022 Advocates’ Guide* and on NLIHC’s [public housing website](#).

HUD Launches No-Cost Ordering Portal for COVID-19 Test Kits for Section 202 Providers

HUD has launched a new resource to make at-home COVID-19 testing kits available for free to older adults living in Section 202 Housing for the Elderly properties. The resource was launched in partnership with the U.S. Department of Health and Human Services (HHS) and the national nonprofit LeadingAge.

Section 202 providers that are [registered](#) with the Administration for Strategic Preparedness and Response (ASPR) can place weekly orders for between 45 and 90,000 test kits through the [Health Partner Order Portal](#) (HPOP). The kits will be delivered directly to any participating Section 202 property in seven to 10 days.

Regular testing is an important part of mitigating the spread of COVID-19 and protecting those most vulnerable to serious infection, including older adults and people with disabilities. This is particularly true in congregate living settings like nursing homes or assisted living communities, where airborne, communicable diseases can transmit quickly from person to person. The new program aims to promote community health and well-being by providing test kits to Section 202

providers that can be used to ensure residents, staff, and others are not infected with the virus or, if they are, to quickly identify, quarantine, and appropriately treat infected persons.

If you are a Section 202 provider, register with the ASPR and order your free COVID-19 test kits here: <https://bit.ly/3jUTi0Y>

HoUsed Campaign for Universal, Stable, Affordable Homes

Representative Andy Levin (D-MI) Introduces Tenants' Right to Organize Act

Representative Andy Levin (D-MI) introduced the “Tenants’ Right to Organize Act” ([H.R. 9587](#)) in the U.S. House of Representatives on December 19, 2022. The bill would protect the organizing rights of tenants with Housing Choice Vouchers (HCVs) and tenants living in Low-Income Housing Tax Credit (LIHTC) properties. Currently, only public housing tenants have a legally recognized right to organize. In extending the right to organize to HCV and LIHTC tenants, the bill recognizes that all tenants have the right to decent, safe, stable, and sanitary housing.

The bill has been endorsed by the National Housing Law Project, as well as several tenants’ rights organizations, including the Mass Alliance of HUD Tenants, Greater Syracuse Tenants Network, Coalition for Economic Survival, and Chicago Area Fair Housing Alliance.

“Affordable, stable, and accessible housing is the foundation upon which just and equitable communities are built, but too often the power imbalance between renters and landlords puts renters at greater risk of harassment, housing instability, and homelessness,” said Diane Yentel, president and CEO of NLIHC. “I applaud Congressman Levin for introducing the Tenants’ Right to Organize Act to ensure all renters living in federally assisted properties have the right to organize and make their voices heard, without fear of retaliation by landlords. Congress and the administration should use every opportunity to strengthen and enforce renter protections, including enacting Congressman Levin’s legislation to ensure renters have the right to organize.”

Because it was introduced in the 117th Congress, the bill will need to be re-introduced in the 118th Congress, which began on January 3. Even so, NLIHC applauds the introduction of the bill and will continue to work with our champions in Congress for its re-introduction and enactment.

Read a press release concerning the Tenants’ Right to Organize Act at: <https://bit.ly/3VJ0Fpe>

Learn more about the bill at: <https://bit.ly/3Z00HMq>

Homelessness and Housing First

Register Now for Today’s (1/9) NLIHC, NAEH, CBPP Webinar on Homelessness and Housing First

NLIHC, the National Alliance to End Homelessness (NAEH), and the Center on Budget and Policy Priorities (CBPP) invite advocates nationwide to [register](#) for our new webinar series on homelessness and Housing First. Join us for the second webinar in the new series, “A World without Housing First,” today (January 9) at 2:30 pm ET!

The webinar will examine what is at stake if anti-Housing First legislation is enacted. Our speakers will address what the situation for people without homes was like before [Housing First](#) and what it would mean for people experiencing homelessness and for homelessness programs if our efforts to defend Housing First are unsuccessful. Today’s webinar will feature NAEH Chief Executive Officer Ann Oliva; Incoming House Financial Services Committee Ranking Member Maxine Waters (D-CA); Incoming Senate Appropriations Vice Chair Susan Collins (R-ME); Kelly King Horne, executive director of Homeward in Richmond, Virginia; Dr. Sam Tsemberis, founder of the Housing First model and chief executive officer of the Pathways Housing First Institute; Crissy Canganelli, executive director of Shelter House in Iowa City, Iowa; Donald Whitehead, Jr., executive director of the National Coalition for the Homeless; and Steve Berg, chief policy officer at NAEH.

More than 7,000 people registered for the four-part webinar series held by NLIHC and our partners in August and September 2022. Given the tremendous interest among stakeholders and the increased risk of harmful measures to criminalize homelessness, we have decided to continue our national webinar series, with webinars being held monthly. We will share critical information about solutions to homelessness and amplify the work of advocates and people with lived expertise across the nation.

Did you miss the previous webinars on homelessness and Housing First? Check out the [webinar recaps](#), including links to the recordings and presentation slides.

The next webinar, “Housing First Promotes Health,” will be held on Tuesday, February 21, from 2:30 to 4 pm ET.

Register for the series at: <https://bit.ly/3vIbn5o>

Read more about Housing First at: <https://bit.ly/3vHf8YR>

Disaster Housing Recovery Updates

FEMA Releases 2022 National Preparedness Report Detailing Efforts to Improve Support for Underserved Communities

FEMA released its [2022 National Preparedness Report](#) on December 31. The report addresses the state of disaster preparedness and efforts to increase resilience in the U.S. during 2021. In particular, the report examines the likelihood of occurrence of different hazards, such as wildfires and floods, reported by state and local emergency management agencies, as well as efforts undertaken by FEMA to improve the country’s ability to respond to and recover from such threats.

The report includes a summary of collected Threat Hazard Identification and Risk Assessment (THIRA) data submitted by state and local emergency management officials. The data show that a large majority of communities cited cyberattack as the type of disaster incident most likely to occur and to stretch their ability to respond. Hurricanes, floods, earthquakes, and wildfires were also high on the list of disaster incidents cited as likely to occur by communities. The report includes a discussion of the impact of climate change-related events on the likelihood of such incidents occurring, as well as the relationship between social vulnerability – such as food and housing insecurity – and the severity of disaster impacts.

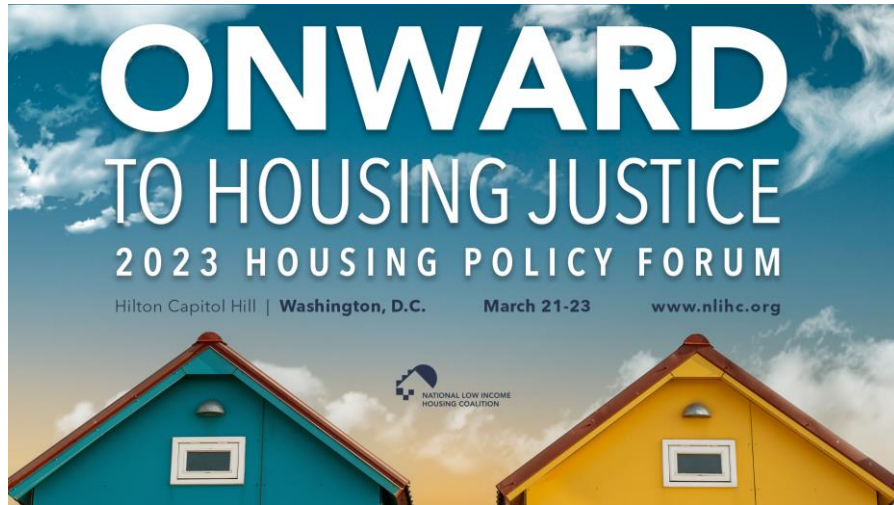
In addition to identifying threats, the report details opportunities to increase equity in individual and community preparedness. While the report cites progress made in providing greater access to disaster recovery assistance – the level of which has been [disputed](#) by disaster recovery reform advocates working on the ground in disaster-impacted areas – the report does acknowledge that further work must be done to increase equity when preparing communities for disasters. The report highlights opportunities for data-driven analysis of equity and disaster lists, the creation of greater dialogue between all levels of emergency management and government, and increasing access to disaster recovery resources. Most notably, the report calls on local emergency managers to directly consider the individual social vulnerability characteristics of their communities when designing updated community plans and engaging in preparedness activities.

Read the *2022 National Preparedness Report* at: <https://bit.ly/3X8tHzS>

Housing Policy Forum

Apply for a 2023 Housing Policy Forum Hotel Scholarship!

NLIHC's *Housing Policy Forum 2023: Onward to Housing Justice* will take place on March 21-23, 2023, at the Hilton Capitol Hill Hotel in Washington, D.C. Held annually, the forum offers participants an array of opportunities to engage with and learn from thought-leaders, tenant and community leaders, policy experts, researchers, affordable housing practitioners, and leaders from Capitol Hill and the Biden-Harris administration about the affordable housing crisis in America and its solutions. To help defray the costs of attending the forum, NLIHC is offering a limited number of shared-lodging scholarships that will cover three nights at the Hilton Capitol Hill Hotel. Learn more about the hotel scholarships [here](#), and don't forget to [register today](#) for the forum.



NLIHC believes in the active participation of low-income people in all areas of our work, and this year's hotel scholarships are meant to help people with low incomes attend the forum by reducing the costs associated with attendance. In addition to other terms listed on the application, hotel scholarship recipients must be current, dues-paying NLIHC members and must pay their own travel and Forum registration costs. Scholarships will generally be awarded on a first-come, first-served basis, with consideration being given to ensuring geographic diversity and supporting applicants who have not received scholarships in the past.

Click [here](#) to learn more about the 2023 NLIHC Housing Policy Forum Hotel Scholarship program.

If you have any questions, please reach out to Benja Reilly at breilly@nlihc.org

Events

Join Today's (1/9) Tenant Talk Live Webinar to Reset for Housing Justice Advocacy in 2023

NLIHC will host this year's first session of "Tenant Talk Live" – a webinar with and for renter and resident leaders – today (January 9) at 6 pm ET. During the webinar, NLIHC staff will facilitate a listening session with attendees to discuss the successes and setbacks experienced by tenants in their advocacy efforts during 2022, as well as what tenants are looking forward to in 2023. Register for today's Tenant Talk Live webinar at: <https://bit.ly/361rmy2>

2022 was a big year for tenant organizing, with tenant groups achieving major successes as well as facing challenges. In [Maryland](#), for example, advocates from Renters United Maryland (RUM) worked hard to ensure that funding was made available for the state's Access to Counsel in Evictions Program. On the other hand, advocates in Kingston, New York, faced setbacks when their rent reduction measure was met with a lawsuit that ended with a judge [ruling that the reduction was unconstitutional](#). Tonight's webinar will focus on the ups and downs of the tenant

movement in 2022 and provide participants with an opportunity to reflect on and reset for organizing in 2023.

Stay up to date on Tenant Talk Live events via the [Facebook group](#).

Opportunity Starts at Home

New Study Reveals Impacts of Evictions on College Students in Texas

A new study released by the [Child Poverty Action Lab](#) (CPAL) found that students at Dallas College in Texas who experienced eviction were more likely to drop out of college and less likely to re-enroll compared to students who were not evicted. The study, which examined the relationship between evictions and college persistence and retention rates, identified relatively high eviction rates among female students, students with children or other dependents, Black students, and American Indian and Alaska Native students. Moreover, the study found that enrolled students with eviction filings were far less likely to earn credentials. The study's findings support the need for housing solutions that help college students remain housed, especially given that evictions of students not only impact short-term housing security but also have long-lasting and negative impacts on educational outcomes, job opportunities, and earning potentials.

The study also suggested solutions for addressing evictions among students. "The CPAL study offered several steps forward for Dallas College, including providing legal representation for students and families, expanding on rent relief programs, and additional investments in staff members to support students at risk of an eviction," explained an article about the study published in the *Dallas Morning News*.

Learn more about the study [here](#).

Violence Against Women Act

NLIHC Joins Comment Letter to HUD on Implementation of VAWA Policies

NLIHC, along with 35 other national, state, and local organizations, joined a January 3 [comment letter](#) to HUD providing guidance on the implementation of the reauthorized "Violence Against Women Act" (VAWA). The letter, led by the National Housing Law Project and Housing Justice Network, was written in response to an Information Collection Notice issued by HUD requesting public comments on HUD's emergency transfer reporting and data collection policies for covered housing providers; model emergency transfer policies; family break-up and lease bifurcation policies; and lease addendums.

First enacted in 1994, VAWA creates and supports comprehensive resources to respond to the needs of survivors of sexual violence, domestic and dating violence, stalking, and human trafficking. The law is reauthorized every five years to update the legislative text with new best

practices and build on existing protections and programs to better meet the needs of survivors. Most recently, the “VAWA Reauthorization Act of 2022” was included in the fiscal year (FY) 2022 omnibus spending package enacted in March 2022.

Among other suggestions, the letter urges HUD to ensure all VAWA forms and information meet language access requirements for people with disabilities and for people with limited English proficiency. Comments also emphasized HUD’s need to ensure every VAWA implementation form provides consistent information to survivors on resources and services available in their communities. Moreover, the letter suggests HUD should provide clear directions for housing providers on connecting survivors of violence to victim service providers and culturally specific organizations. These organizations offer vital services to survivors, including safety planning, in which a service provider works with a survivor to develop a plan to exit an abusive situation in a way that reduces the survivor’s risk of harm.

Additionally, the letter emphasizes the necessity of confidentiality and safe communications between survivors and covered housing providers, including prohibiting the sharing of personally identifying information about survivors without the informed, time-limited, written consent of the survivor. Covered housing providers who violate the confidentiality rules should be penalized. The comments also provide suggestions for how HUD should revise its emergency transfer, lease bifurcation, and family break-up policies, which are essential for helping survivors leave an abusive situation without losing their housing assistance.

Read the comment letter at: <https://bit.ly/3WO3tmz>

Research

HUD 2022 Annual Homeless Assessment Report Finds Unsheltered Homelessness on the Rise

HUD has released the [2022 Annual Homeless Assessment Report \(AHAR\), Part 1](#), which provides estimates of homelessness in the U.S. The 2022 report estimates that approximately 582,500 people were experiencing homelessness on a single night in 2022, which represents a slight .3% increase from 2020. The increase was driven by a rise in unsheltered homelessness, or people living in places not meant for human habitation, such as streets, parks, vehicles, or abandoned buildings. According to the report, unsheltered homelessness increased by 3.4% (7,752 people) between 2020 and 2022. At the same time, sheltered homelessness fell by 1.6%. Among people experiencing homelessness, 60% were staying in sheltered locations, while 40% were staying in unsheltered locations.

The AHAR summarizes estimates of homelessness at the national, state, and Continuum of Care (CoC) levels based on data from the annual point-in-time (PIT) counts of sheltered and unsheltered people experiencing homelessness on a single night in 2022. CoCs are local planning bodies responsible for coordinating homelessness services. The PIT counts, conducted by local volunteers, are a “snapshot” of homelessness. Few CoCs conducted a PIT count of unsheltered

homelessness in 2021 due to challenges related to the pandemic, so this year's report compares changes in homelessness primarily between 2020 and 2022.

Most people experiencing homelessness were individuals, making up 72% (421,392) of people experiencing homelessness. This year marks the first time that the number of individuals experiencing homelessness exceeded the number from 2007, the first reporting year. In 2022, the increase in individuals experiencing homelessness was driven entirely by the number of adults over the age of 24 experiencing homelessness, which rose by more than 17,000 between 2020 and 2022. Twenty-eight percent of people experiencing homelessness (161,070) were in families composed of at least one adult and one child. The number of families experiencing homelessness decreased by more than 10,000 people between 2020 and 2022. Unaccompanied youth under age 18 make up 5% (30,090) of the total homeless population, and these youth are counted as individuals experiencing homelessness. Veterans made up 6.8% (33,129) of people experiencing homelessness and almost all (98%) veterans were experiencing homelessness as individuals rather than as part of a family.

People who identify as Black, Latino, American Indian, Alaska Native, Pacific Islander, or Native Hawaiian continue to be overrepresented among the homeless population compared to the U.S. population. Black people, for example, represent 12% of the U.S. population, but accounted for 37% of all people experiencing homelessness in 2022. People identifying as Latino account for 24% of the homeless population, and the number of Latino people experiencing homelessness increased considerably between 2020 and 2022, rising 8%. American Indian, Alaska Native, Pacific Islander, and Native Hawaiian people account for over 5% of the homeless population.

Trends in homelessness vary across CoCs, which are categorized based on the type of geographic area they serve. Major city CoCs are home to half of all people experiencing homelessness, and the rate of unsheltered homelessness is highest in these CoCs. Nearly 25% of people experiencing homelessness are served by largely suburban CoCs, followed by largely rural CoCs (18.4%), and other largely urban CoCs (6.7%). Though people experiencing homelessness predominantly reside in urban areas, rural and suburban areas have seen an uptick in their sheltered homeless populations over the last year. From 2021 to 2022, the share of sheltered people experiencing chronic homelessness increased 27% in rural CoCs and 12% in suburban CoCs. The share of sheltered families experiencing homeless increased 18% in rural CoCs and 27% in suburban CoCs.

The *2022 Annual Homeless Assessment Report (AHAR) to Congress, Part 1* is available at: <https://bit.ly/3ihPk1O>

GAO Report Examines Implementation of Treasury's ERA Program

[New research](#) published by the U.S. Government Accountability Office (GAO) examines factors that affected the timeliness of the U.S. Department of the Treasury's (Treasury) Emergency Rental Assistance (ERA) Program payments and grantee spending, as well as the impact of Treasury's reallocation of excess ERA funds and trends in demographic and payment data. The report finds that limited staff and technology resources, unclear program guidance, and several

other factors slowed the distribution of ERA. The report also finds that reallocations were unable to correct disparities in ERA1 allocated per low-income household. The report recommends that Treasury collect and publish complete and accurate ERA program data as quickly as possible.

Researchers at the GAO identified spending trends and factors that affected the timeliness of ERA payments based on Treasury ERA data, interviews with 21 ERA grantees, and in-depth analysis of 127 out of 140 program improvement plans. They also analyzed the impact of the reallocation of excess ERA funds based on agency documentation (including grantees' requests for reallocation), interviews with Treasury officials, and Treasury ERA reallocation data. Finally, they assessed Treasury's data collection efforts and trends in ERA recipients and grantees using program payment and demographic data.

The GAO identified seven factors that slowed the distribution of ERA. By the end of May 2021, nearly one-quarter of ERA grantees had not yet made any payments. Limited staff and technology resources, difficulty collecting documentation to determine eligibility, unclear program guidance and limited technical assistance, local legislative involvement, limited landlord participation, overlapping grantee jurisdictions, and mismatches between funding allocations and local needs were factors that slowed ERA distribution by grantees.

The report also found that the original ERA1 allocations did not align with the needs of low-income renters by state and that reallocation was insufficient to correct such state-by-state disparities. Due to Treasury's preference for reallocating excess funds within states rather than between states, disparities by state in the allocation per low-income renter persisted after reallocation: for example, approximately \$4,100 was available per low-income renter in Alaska after reallocation, compared to about \$740 in New York. Further, city- and county-level grantees were constrained by pools of excess funds available in their states. Requests for reallocation were fully funded when excess funds were available in the state pool, but only partially funded if funds were not available through the state pool. Thus, some cities and counties received additional ERA1 funds despite relatively low need compared to other localities across the country or despite having a relatively poor ability to spend.

The GAO recommends that Treasury improve its data collection and reporting processes by expediently collecting complete and accurate data and publishing complete ERA program data. Disaggregated demographic data for 44% to 55% of households served were missing in the first three quarters of 2021. Further, GAO also found inconsistencies in data necessary for calculating application-funding data and other data anomalies. The available data suggest that ERA reached very low-income and rent-burdened households. Eighty-five percent of households served in the last quarter of 2021 had very low incomes, and counties with greater median gross renters and shares of rent-burdened households were associated with greater number of ERA payments and higher average payments per household.

Read the research at: <https://www.gao.gov/assets/gao-23-105410.pdf>

Study Finds States with More Conservative or Less Professionalized Legislatures More Likely to Preempt Local Affordable Housing Policies

An article published in *Urban Studies*, "[State Preemption and Affordable Housing Policy](#)," explores the factors associated with the preemption by state legislatures of local affordable housing policies, including inclusionary zoning, rent control, short-term rental regulation, and source-of-income discrimination protections. The authors, Christopher Goodman and Megan Hatch, find that states with more ideologically conservative legislatures are more likely to preempt local affordable housing policies, while states with higher rentership rates and more professionalized legislatures are less likely to preempt such policies. According to the authors, these findings point to constraints on how local affordable housing agendas can be pursued, particularly in more conservative political contexts and where state legislatures are less professionalized.

Goodman and Hatch utilized data from the Local Solutions Support Center (LSSC) that tracked state laws preempting the implementation of inclusionary zoning policies, rent control rules, short-term rental regulations, and source-of-income discrimination protections at the local level between 1993 and 2018. They supplemented the LSSC data with other data on the characteristics of state legislatures and interest group power. State legislature characteristics encompassed legislative ideology; professionalism (measured relative to the U.S. Congress in terms of legislator salary, legislative staff per member, and total days in session); strength of one-party control; and electoral competition. Interest group power was measured at the state level in terms of the rentership rate, number of realtors and real estate brokers per capita, and per capita employment in the residential building industry.

The prevalence of affordable housing preemption laws varied by state and by region. Indiana was the only state to enact preemptions on all four policy areas, while Arizona, Idaho, Tennessee, Texas, and Wisconsin enacted preemptions on three policy areas. Forty states passed fewer than two of the preemption laws. The authors also observed broader regional patterns. States in the Upper Plains Region had no preemptions or only one, while northeastern states had no preemptions, with the exception of New Hampshire, which recently passed a short-term rental law preemption.

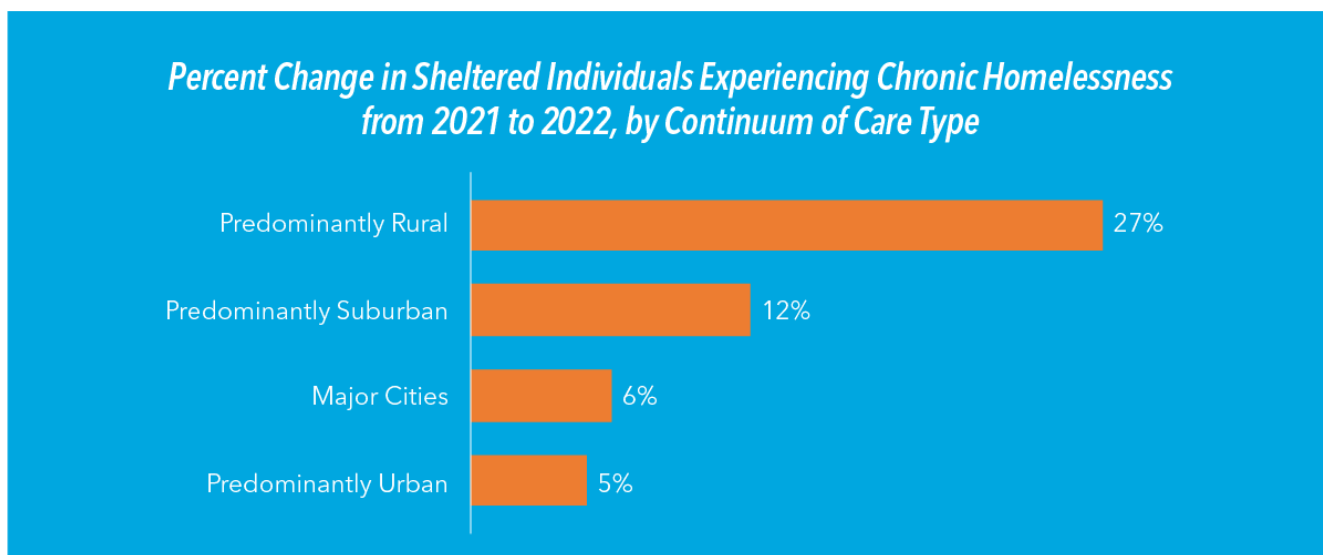
Goodman and Hatch found that ideologically conservative state legislatures were more likely to pass laws preempting inclusionary zoning, rent control, short-term rental regulation, and source-of-income discrimination protections at the local level. More professionalized state legislatures were less likely to pass laws preempting these local policies. On average, state legislatures were 20% as professionalized as the U.S. Congress, indicating an overall low level of professionalization. The passage of preemption laws in a state was not associated with the degree of one-party control or electoral competitiveness. The state rentership rate was the only measure of interest group power significantly associated with the passage of preemption laws. Goodman and Hatch found that a 1% increase in the state rentership rate predicted a one percentage point decline in the likelihood of a state passing preemption laws.

The authors conclude that there are significant limitations constraining attempts to further affordable housing policies at the local level, especially in conservative political contexts and in states where legislatures are not professionalized. They reason that local stakeholders should lobby their state legislatures to expand local power to develop and implement housing policies. Goodman and Hatch also suggest that responsibility for affordable housing may ultimately need to be returned to the federal government.

Read the article at: <https://bit.ly/3CmrJny>

Fact of the Week

Predominantly Rural and Suburban Continuums of Care Faced Largest Increases in Sheltered People Experiencing Chronic Homelessness between 2021 and 2022



Source: U.S. Department of Housing and Urban Development, "The 2022 Annual Homelessness Assessment Report Part 1: Point-In-Time Estimates of Homelessness," December 2022, bit.ly/3WNSErQ



Source: U.S. Department of Housing and Urban Development, "The 2022 Annual Homelessness Assessment Report Part 1: Point-In-Time Estimates of Homelessness," December 2022

From the Field

Massachusetts Advocates Publish Report on Right to Rental Assistance

A new [report](#) published by a partnership of housing groups finds that the State of Massachusetts could provide affordable housing for the estimated 240,000 eligible families not currently being served by other state and federal housing programs by investing in an expansion of its Massachusetts Rental Voucher Program (MRVP). The report, *A Right to Rental Assistance in Massachusetts*, explains how the expansion of MRVP might be carried out, how many households stand to benefit, what an expansion would cost, and how it could be implemented.

MRVP was the nation's first rental voucher program and remains the largest state-funded voucher program in the country. Yet the program serves fewer than 10,000 households at its current budget – a small percentage of the 585,000 individuals and families in Massachusetts estimated to be eligible for state and federal housing assistance.

The new report finds that expanding MRVP to all eligible households would:

- Bring the benefits of MRVP to a broader population of seniors, families, and other individuals with very low incomes, reducing poverty and homelessness while also increasing housing stability and family mobility.
- Eliminate the unfairness resulting from the current lottery and waitlist approach.
- Reduce property owner discrimination against voucher holders, since landlords who turn away eligible families would find themselves cut off from a large new market of renters.
- Create new incentives to construct housing for voucher-holders with the assurance of a guaranteed government payment for all units.
- Further racial equity in housing, as nearly half of Black families and 56% of Latino families would be eligible, while fewer than one in five White families would be eligible.
- Potentially save the state money in other areas, including homelessness assistance and emergency housing, which typically cost the state between \$300 and \$400 million per year.

The MRVP expansion would require a phased approach to allow new administrative methods to take root, adjustments based on data and best practices, and an integrated statewide approach to oversight and management. The expansion would also likely necessitate codification in the state's general laws to reduce year-to-year uncertainty regarding funding.

The report comes in the wake of work conducted by the state's Senate Committee on Reimagining Massachusetts's Post Pandemic Resiliency. A 2021 report released by the committee endorsed a comprehensive approach to rental assistance in which all eligible families would receive state subsidized rental vouchers. Inspired by this call for a universal housing assistance program in Massachusetts, [MetroHousing|Boston](#) (an NLIHC member) brought together the [Boston Foundation](#), [Citizens' Housing and Planning Association](#) (CHAPA, an NLIHC state partner), [Regional Housing Network of Massachusetts](#), and the [Massachusetts Chapter of the National Association of Housing & Redevelopment Officials](#) to fund and inform the new report. The [Center for State Policy Analysis at Tufts University](#) provided technical support.

“To bring rents in newly developed buildings to levels that people with low incomes can afford, rental assistance is vital in bridging the gap,” said Rachel Heller, chief executive officer of CHAPA. “In the open market, rental assistance helps make more homes affordable, too. It's an economical and social imperative when housing costs far outpace wages and there's an affordable housing shortage. Now is the time to build upon the legislature's investments in MRVP so that everyone can get the rental assistance they need.”

Chris Norris, executive director of Metro Housing|Boston, agreed. “The current mix of systems falls far short of what is needed to make affordable housing available to all people in Massachusetts,” explained Norris. “But research and experience show that filling that gap and creating a more cohesive system would reduce poverty and homelessness, improve children's health and education outcomes, and create needed stability in the housing market, with the greatest impact on those with the lowest incomes.”

The release of the report also serves as the initial launch of a campaign that brings together housing, business, and other groups to advocate for universal rental assistance in Massachusetts.

For more information about the report and the advocacy campaign for universal rental assistance in Massachusetts, please contact Jeff Landis, communications officer for Metro Housing|Boston, at Jeff.Landis@metrohousingboston.org.

Read the report [here](#).

NLIHC News

Where to Find Us – January 9

NLIHC staff will be speaking at the following events in the coming months:

- Los Angeles Business Council Housing and Transportation Committee Meeting – Virtual, January 18-19 (Sarah Saadian)
- [Ohio Association of Community Action Agencies Winter Legislative Conference](#) – Columbus, OH, January 26 (Lindsay Duvall)
- [Prosperity Indiana Summit and Statehouse Day](#) – Indianapolis, IN, February 1 and 2 (Diane Yentel)

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