Memo To Members & Partners
A weekly newsletter from the National Low Income Housing Coalition

Volume 28, Issue 11
March 20, 2023

Due to this week's 2023 Housing Policy Forum, Memo to Members & Partners will not be published on Monday, March 27. The next Memo will be published on Monday, April 3.

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Housing Policy Forum

Last Day of Virtual Registration for NLIHC's 2023 Housing Policy Forum!

In-person tickets for NLIHC's upcoming 2023 Housing Policy Forum: Onward to Housing Justice have sold out, but you can still attend this year's Forum virtually. Register here for your virtual ticket to the Forum, which runs from tomorrow, March 21, to Thursday, March 23. Register now – virtual registration closes today!

Those attending the 2023 Housing Policy Forum virtually will be able to access the Forum's plenary sessions, including two keynote addresses – one by renowned scholar and social activist Rev. Dr. William J. Barber II and the other by acclaimed sociologist and author Matthew Desmond – as well as discussions with HUD Secretary Marcia L. Fudge, Representative Maxine Waters (D-CA), Congresswoman and Chair of the Congressional Progressive Caucus Pramila Jayapal (D-WA), U.S. Department of the Treasury Deputy Secretary Wally Adeyemo, and Federal Housing Finance Agency Director Sandra Thompson about the path forward for ensuring tenant protections and affordable housing for those most in need in America.

*Please note: **virtual attendees will be able to attend plenary sessions only**. Virtual attendees will not be able to attend breakout sessions, workshops, and other non-plenary events.* Learn more about the plenary sessions at the 2023 Forum by exploring the agenda, and then register to attend the 2023 Housing Policy Forum virtually!

Illinois Coalition for Fair Housing and Miami Workers Center to Receive NLIHC Statewide and Local Organizing Awards at Housing Policy Forum 2023!

The Illinois Coalition for Fair Housing and the Miami Workers Center will receive Organizing Awards from NLIHC at this week's Housing Policy Forum 2023: Onward to Housing Justice. NLIHC's Organizing Awards recognize outstanding achievements in statewide, local, or residential organizing that advance NLIHC's mission, prioritize racial equity, and elevate the leadership of directly impacted residents. The Illinois Coalition for Fair Housing will be recognized with the 2023 Statewide Organizing Award for its successful campaign to enact source-of-income protections. Miami Workers Center will be recognized with the 2023 Local Organizing Award for its leadership in the campaign for the Miami-Dade Tenant's Bill of Rights.

For nearly two decades, Illinois advocates have pushed to enact statewide source-of-income protections, which outlaw discrimination against voucher holders and other renters with housing subsidies. Source-of-income discrimination disproportionately affects renters of color, especially Black renters, and people with disabilities. The pandemic underscored the need for source-of-income protections, and the Illinois Coalition for Fair Housing entered the 2022 legislative season with a renewed sense of urgency. After months of persistent advocacy with legislators, negotiations that ultimately flipped one of the bill's chief opponents into a supporter, and testimony from directly impacted renters, the legislature passed source-of-income protections in May 2022.

Miami Workers Center's campaign for the Tenant's Bill of Rights emerged from a series of listening sessions in late 2020 and early 2021, during which tenants shared stories of unaccountable landlords, dangerous conditions, and fears of retaliation if they pressed for safe and dignified living environments. Tenants' stories and ideas were synthesized into a set of demands for the Miami-Dade County Tenant's Bill of Rights. Miami Workers Center recruited two county commissioners to co-sponsor and champion the package. Organizers prepared dozens of tenants to speak at rallies and testify to county commissioners, kept the issue in the media through public events, and spent all day at the County Commission's office on the day the vote was scheduled. Months of persistent, creative advocacy demonstrated the strength of the movement for housing justice, and the County Commission voted unanimously to adopt the Tenant's Bill of Rights in May 2022.

Representatives from the winning campaigns reflected on the transformative impact of their victories. "Housing is a human right, and all individuals have the right to choose the area in which they want to raise their family," said Sharon Norwood, housing justice organizer at the Chicago Area Fair Housing Alliance and steering committee member for the Illinois Coalition for Fair Housing. "Home is where a family should feel secure. The new source-of-income protections bring hope to individuals who are looking to find the perfect community for their family or for those who would like to stay in the place they already love."

"Miami is the epicenter of the U.S. housing crisis, with tenants experiencing illegal evictions, substandard housing, and landlord price gouging, with little to no protections and nowhere safe and affordable to go," said Santra Denis, executive director of the Miami Workers Center. "That's why the Miami Workers Center remains committed to building the base, canvassing, and speaking to as many renters as possible to educate, inform, and invite them to join the movement for housing justice in Miami. We know and have seen what is possible when we organize. Our members, working-class tenants, stood up, fought back, and won a Miami Tenant's Bill of Rights and a $2.9 million budget allocation for increased legal assistance. We're just getting started!"

Representatives from the Illinois Coalition for Fair Housing and Miami Workers Center will share the stories behind their successful campaigns at a panel during NLIHC's 2023 Housing Policy Forum, which will be held in Washington, D.C., from tomorrow, March 21, to Thursday, March 23. The panel will feature Illinois Coalition for Fair Housing steering committee members Sharon Norwood and Michael Chavarria and Miami Workers Center tenant organizers Devetria Stratford and Vanny Veras, who will discuss the concrete lessons learned from their campaigns, the obstacles they overcame, and key takeaways that will inform and inspire organizers across the country.

To read more about the achievements of the 2023 Organizing Award winners and nominees, visit NLIHC's blog, *On the Home Front*.

Homelessness and Housing First

Senator Jack Reed Introduces Legislation to Strengthen U.S. Interagency Council on Homelessness

Senator Jack Reed (D-RI), along with Senators Susan Collins (R-ME), Chris Van Hollen (D-MD), Catherine Cortez Masto (D-NV), and Amy Klobuchar (D-MN), introduced a bill to permanently authorize the U.S. Interagency Council on Homelessness (USICH) on March 9.

In his introductory statement, Senator Reed noted USICH was created during former President Reagan's administration after the "McKinney-Vento Homelessness Assistance Act" was passed in 1987. Throughout their tenure, Senators Reed and Collins have both worked to expand the Council's role in supporting nonprofits, including by sponsoring the "Homeless Emergency Assistance and Rapid Transition to Housing Act" (or HEARTH Act), which helped guide stakeholders at all governmental levels to deploy their resources effectively.

Despite the work of USICH, homelessness is still a persistent problem in the U.S. and has only been exacerbated by the COVID-19 pandemic. HUD's 2022 Annual Homelessness Assessment Report found that more than 500,000 people were unhoused on any given night in 2022. USICH manages collaborations between 19 federal agencies to deploy and leverage resources with nonfederal partners to effectively address homelessness. Such a coordinated approach can save taxpayer dollars by providing permanent housing and needed services to those experiencing chronic homelessness.

The bill was introduced previously in the 116th Congress and received the support of NLIHC, among other advocacy organizations. Senator Reed has also advocated in the past to end USICH's sunset date of October 2028.

Learn more about the bill here.

Join Today's (3/20) 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 the fourth webinar in our series on homelessness and Housing First. Join us for the webinar, "Housing First Serves Veterans and Promotes Recovery," today (March 20) at 2:30 pm ET!

The webinar will examine how Housing First is being used to end veteran homelessness and explore how the evidence-based approach supports Recovery Housing. Today's webinar will feature Ann Oliva, chief executive officer of NAEH; recorded remarks from Senate Committee on Veterans' Affairs Chairman Jon Tester (D-MT), House Committee on Veterans' Affairs Chairman Mike Bost (R-IL), and House Committee on Veterans' Affairs Ranking Member Mark Takano (D-CA); Monica Diaz, executive director of the U.S. Department of Veterans' Affairs (VA) Veterans Health Administration (VHA) Homeless Programs Office; Shawn Liu, director of communications of the VA's VHA Homeless Programs Office; Williams E. Higgins, Jr., executive director of Homeless Advocacy for All, at-large officer with lived experience on the Maine Continuum of Care (CoC) board, and board member of the National Coalition for the Homeless; Dr. LaMont Green, director of diversity, equity, and inclusion at the Technical Assistance Collaborative; and Steve Berg, chief policy officer of NAEH.

Please note that this webinar is not a training, and webinar attendees will not receive a certificate of completion.

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 will be held on Monday, April 17, 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

HoUSed Campaign for Universal, Stable, Affordable Homes

Recap of 3/13 National HoUSed Campaign Call

On the most recent (March 13) National HoUSed Campaign Call, we discussed President Biden's fiscal year (FY) 2024 budget; research detailing the relationship between housing supply and homelessness; an advocacy campaign to support affordable housing through opinion pieces; and ongoing litigation that could end the rental protections program in New York.

NLIHC Vice President of Policy and Field Organizing Sarah Saadian led the call with an in-depth overview of President Biden's and HUD Secretary Marcia L. Fudge's proposed budget for FY2024. The budget calls for an increase in funding for affordable housing, as well as major housing investments through mandatory spending. If enacted, the budget would provide increased funding for rental assistance programs for veterans, youths aging out of foster care, and extremely low-income households and would expand resources for the Low-Income Housing Tax Credit (LIHTC), among other things.

However, House Republicans remain dedicated to limiting government spending in FY2024. While no numbers have been released yet, House Speaker Kevin McCarthy (R-CA) has discussed capping funding at FY2022 levels, which could mean a $130 billion cut from domestic programs. If defense and veteran health programs are exempt from cuts, as the House Speaker has promised they would be, affordable housing programs could face cuts of up to 24%. Advocates must tell their members of Congress that such cuts are unacceptable and will only worsen the nation's affordable housing crisis. Stakeholders can use NLIHC's advocacy toolkit, complete with sample opinion pieces and social media messages, to send a message to congressional representatives. Local, state, tribal, territorial, and national organizations are also invited to sign on to a national 302(b) letter for the Campaign for Housing and Community

Development Funding (CHCDF) that urges Congress to provide the highest funding possible for affordable housing, homelessness, and community development programs in FY2024 and to reject any spending cuts.

Casey Dawkins, a professor of urban studies and planning at the University of Maryland, discussed his recent research examining the relationship between housing supply and homelessness. The research finds that cities with political preferences for restricting land use also tend to favor other restrictive measures, like homelessness criminalization and the defunding of housing programs, that have greater impacts on adult homelessness than restrictive land use alone. Importantly, the number of adults experiencing homelessness also declines with new construction and a more elastic housing supply. With data connecting homelessness and the availability of housing stock, advocates can effectively use this research to steer policymakers toward funding essential affordable housing programs.

Anne Sosin of the Vermont Affordable Housing Coalition highlighted a new initiative to teach tenants and other advocates to write opinion pieces in support of affordable housing. Coalition members held workshops using evidence and best practices from other states and created writing groups to support op-ed writers. Advocates can utilize this method to engage with the public by sharing their success stories and amplifying the need for expanding affordable housing.

Staff attorney Ellen Davidson of the Legal Aid Society of New York informed the audience of a threat to New York's 1974 rent control protections. In 2019, loopholes created by landlords to minimize tenants' rights were deemed illegal by the Second Circuit Court of New York. In response, the real estate industry created four cases, against both the 1974 law and the 2019 amendments, despite the Supreme Court's clear stance on the matter. In the *Chip v. NYC* case, the Second Circuit Court judges carefully outlined their reasoning to justify the legislature's authority and why such protections are necessary. Despite this, the real estate industry is attempting to appeal to the U.S. Supreme Court to overturn the law. The New York rental protection law is the basis for good cause laws across the country, so overturning it could be detrimental for tenants nationwide.

National HoUSed campaign calls take place every other week. Our next call will be held on March 27 at 2:30 pm ET. Register for the call at: https://tinyurl.com/ru73qan

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Budget and Appropriations

House Freedom Caucus Proposes Funding Caps and Work Requirements

Members of the U.S. House of Representatives' Freedom Caucus – a group of ultra-conservative Republicans in the House, led by Representative Scott Perry (R-PA) – released a broad outline of the concessions they are demanding of House leadership in order to secure the votes of Freedom Caucus members to raise the debt ceiling.

While scant on details, the outline calls for "[capping] future spending by setting topline discretionary spending at the [fiscal year] 2022 level for 10 years," and "restoring Clinton-era work requirements on welfare programs," despite the fact that programs like the Supplemental Nutrition Assistance Program (SNAP), which helps low-income families keep food on the table, already have work requirements in place. Capping fiscal year (FY) 2024 spending at FY2022 levels would result in at least $130 billion in cuts from non-defense discretionary programs, including HUD's and USDA's vital affordable housing and homelessness programs.

The outline's release follows the publication of President Biden's FY24 budget request (see *Memo*, 3/13), which calls for funding HUD programs at $73.3 billion, a 1.6% increase over FY2023-enacted funding, as well as billions of dollars in additional housing investments through mandatory funding. The House Freedom Caucus' outline, while far from a consensus document among House Republicans, is an important marker for the appropriations proposals that may come out of the House. House Republicans are expected to release a more detailed budget proposal sometime in April.

Under the leadership of House Speaker Kevin McCarthy (R-CA), House Republicans are threatening to refuse to agree to raise the debt ceiling unless major funding concessions are made in FY2024. Economists warn that failing to raise the debt ceiling and allowing the U.S. to default on its debt obligations would be "catastrophic," not only for the nation's economy but the global economy as well.

"Let me be clear for the sake of the House Republican colleagues: threatening economic catastrophe to cut programs is not the political winner you think it is," said U.S. Senate Appropriations Chair Patty Murray (D-WA) at a Senate Committee on the Budget hearing on March 15. According to an analysis from the Senate Democratic Policy and Communications Committee (DPCC), House Republicans' proposal to cap FY2024 spending at FY2022 levels would result in a funding decrease of between 12% and 30%, depending on how cuts are made. These cuts could reduce funding for programs like HUD's rental assistance and homelessness assistance programs by an estimated $6.6 billion, putting the hundreds of thousands of people who rely on this assistance at risk of housing instability, eviction, and homelessness.

Cuts to housing benefits – through the imposition of work requirements or time limits for receiving assistance – increase hardship among individuals and families with low incomes. Meeting basic, life-sustaining needs, like safe, stable housing, should not be contingent upon meeting arbitrary work requirements, and removing assistance from households already struggling does little to improve long-term employment and economic stability, according to a recent paper from the Center on Budget and Policy Priorities.

Take Action

It is unacceptable to balance the federal budget by demanding cuts to programs that help the lowest-income households survive. 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 receives the help it needs. Without adequate 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.

- Sign your organization on to the Campaign for Housing and Community Development Funding's (CHCDF) annual budget letter, calling on Congress to reject spending cuts and instead provide the highest possible allocation for HUD's and USDA's affordable housing, homelessness, and community development programs in FY24.
- Email your members of Congress today and urge them to increase – not cut – resources for affordable housing and homelessness in FY24 and to support NLIHC's top appropriations priorities:
    - $32.7 billion for the TBRA program to renew existing vouchers and to expand the program to an additional 200,000 households.
    - $5.4 billion for public housing operations and $5 billion for public housing repairs.
    - $3.8 billion for HUD's Homeless Assistance Grants program.
    - $100 million for legal assistance to prevent evictions.
    - $3 billion for a permanent Emergency Rental Assistance program.
    - $300 million for the competitive tribal housing grants, targeted to tribes with the greatest needs.
- Check out NLIHC's advocacy toolkit, "Oppose Dramatic Cuts to Federal Investments in Affordable Housing," for talking points, sample social media messages, and more!

Representative Maxine Waters Calls on Democratic Colleagues to Protect Affordable Housing and Homelessness Investments in FY2024 Budget

The U.S. House of Representatives' Committee on Financial Services Ranking Member Maxine Waters (D-CA) released a statement on March 15 urging her Democratic colleagues to work together to oppose funding cuts to HUD's vital affordable housing and homelessness programs and to ensure these programs receive the highest possible allocation in fiscal year (FY) 2024.

"The investments [in President Biden's budget] in fair and affordable housing reflect the need for robust investments to address our nation's growing homelessness and affordable housing crises," said Ranking Member Waters in the statement. "I urge the Biden Administration and my Democratic colleagues in the Senate to commit to ensuring that the President's housing budget is fulfilled and does not experience a single cut in the negotiation process."

President Biden's budget request, released on March 9 (see *Memo*, 3/13), includes a $1.1 billion increase over FY2023 enacted levels, as well as $34 billion in proposed mandatory funding to expand the availability of housing assistance, fund the construction of affordable rental units, and provide additional resources for people experiencing homelessness.

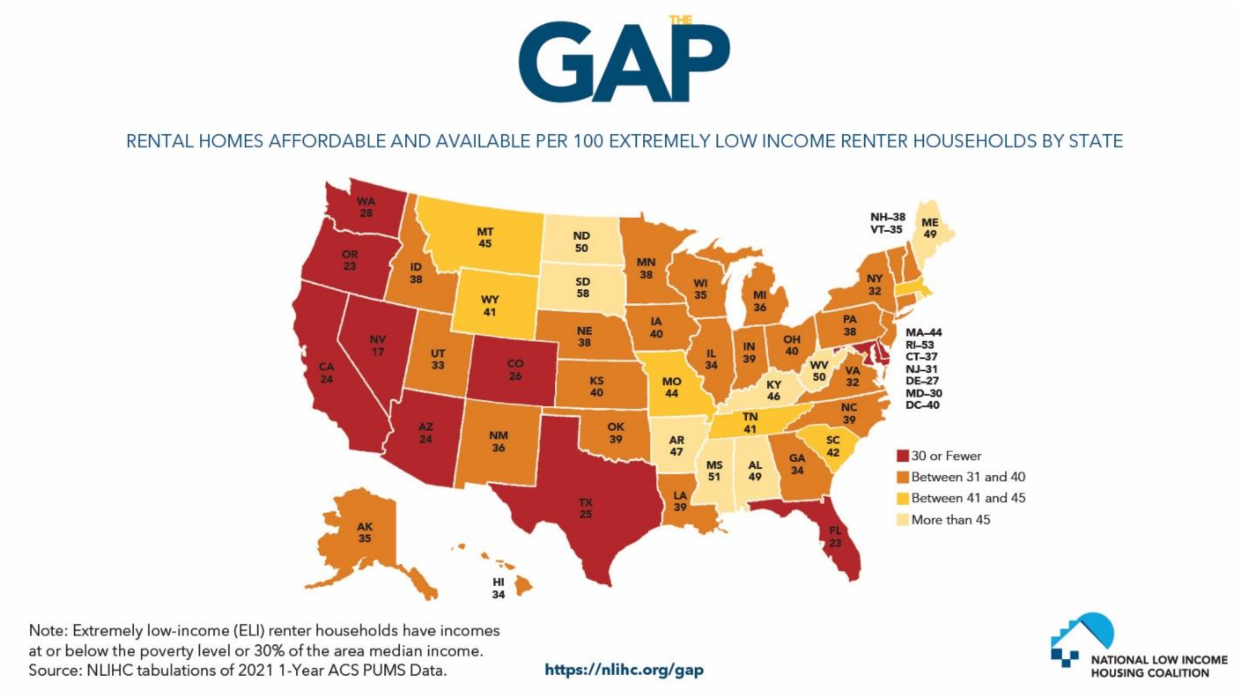
"As we all know, housing costs remain a key driver of rising inflation," emphasized Ranking Member Waters. "The only way to relieve families of the crushing weight of inflation is to make the increased investments in fair and affordable housing that families across the country so urgently need."

Read the statement at: https://bit.ly/3n4RLHm

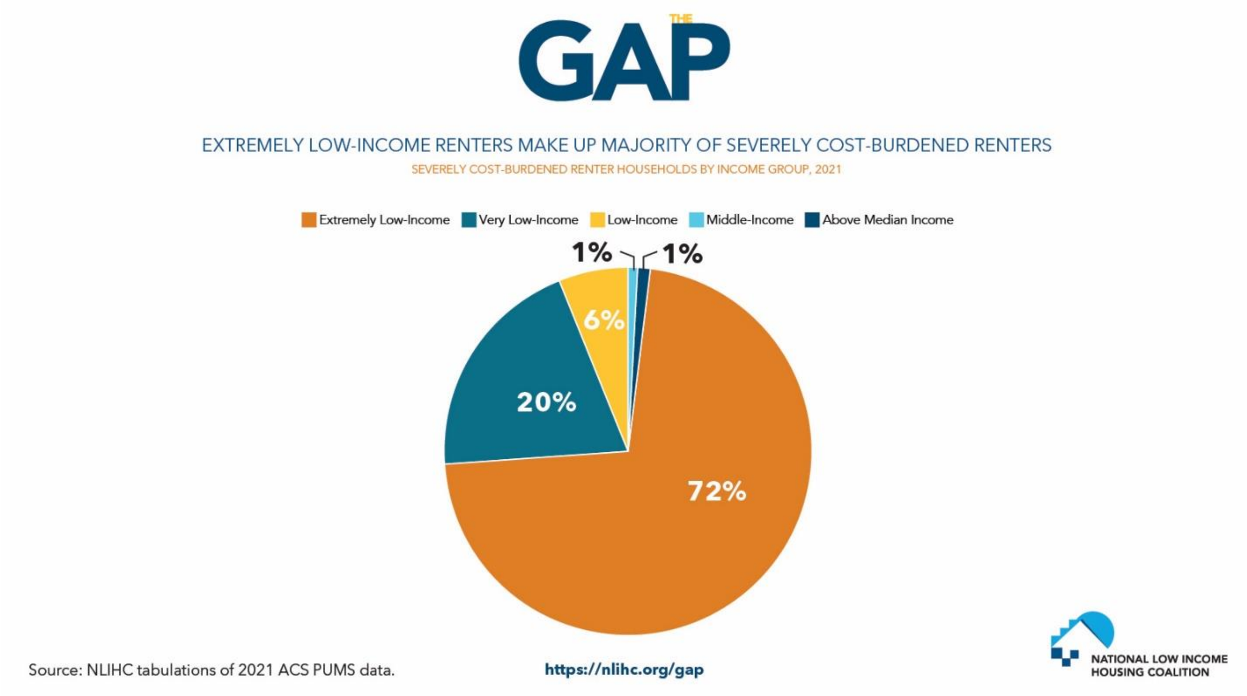
Publications

NLIHC Releases The Gap 2023

NLIHC released its annual report, *The Gap: A Shortage of Affordable Homes*, on March 16. This year’s report finds that the lowest-income renters in the U.S. face a shortage of 7.3 million affordable and available rental homes. Between 2019 and 2021, this shortage increased by more than 500,000 rental homes, as the number of renters with extremely low incomes increased while the supply of housing affordable to them declined. The report calls for greater federal investment in the preservation and expansion of the affordable housing stock, more Housing Choice Vouchers, a national housing stabilization fund for renters who experience an unexpected short-term financial shock, and federal tenant protections. Read the report here.



Just 33 affordable and available homes exist for every 100 renter households with extremely low incomes. This shortage impacts every state and the District of Columbia, resulting in widespread housing cost burdens. As a result of this shortage of affordable homes, 73% of extremely low-income renter households are severely housing cost-burdened, spending more than half of their limited incomes on housing. They account for more than seven of every 10 severely housing cost-burdened renters in the U.S.



The report discusses the necessity of local zoning and land use reform to address the shortage of affordable rental housing. However, these efforts on their own, and without significant federal investments in housing assistance, are insufficient to correct the problem. Congress must make sustained investments in deeply income-targeted programs such as the national Housing Trust Fund, Housing Choice Vouchers, and public housing.

The full *Gap* report and interactive map are available at: https://nlihc.org/gap

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Now Available: Spanish Language Edition of Tenant Talk: Advancing Tenant Protections (Avanzar en la Proteccion de los Inquilinos)

The Spanish edition of NLIHC's Winter 2023 *Tenant Talk* – a semi-annual newsletter created by NLIHC to engage renters and residents in housing advocacy – is now available online! Each issue of *Tenant Talk* features innovative approaches to housing advocacy and highlights recent victories in housing justice around the U.S. The new winter issue, *Tenant Talk: Advancing Tenant Protections: Building Tenant Power to Achieve Renter Equity* (*Avanzar en la Proteccion de los Inquilinos: Aumentar el poder de los inquilinos para lograr la justicia en materia de vivienda*), highlights the rapid growth of tenant protections in the U.S. and the role played by tenants in the movement for tenants' rights.

The new issue of *Tenant Talk* provides an overview of the latest developments regarding key tenant protections, such as the right to counsel, source-of-income protections, rent stabilization measures, "just cause" eviction legislation, and tenants' right to organize. The publication includes articles by renters and tenant advocates, including members of NLIHC's Tenant and Community Leader Cohort, as well as by people with lived expertise who have been impacted by tenant protection legislation. As always, the issue also gives updates on policy, racial equity, and research news. We hope this issue of *Tenant Talk* will be useful in the ongoing fight for equitable and permanent tenant protections.

All editions of *Tenant Talk* are available to NLIHC members and partners – as well as members of the general public – for downloading from (or reading on) NLIHC's website. You can support future editions of *Tenant Talk* by becoming a member of NLIHC.

Emergency Rental Assistance

Treasury Releases Report in Recognition of Second Anniversary of American Rescue Plan Act

In recognition of the second anniversary of the "American Rescue Plan Act of 2021" (ARPA), the U.S. Department of the Treasury (Treasury) released a report identifying positive impacts of the law over the past two years. The report highlights ARPA's success in addressing the health and housing needs of America's lowest-income and most marginalized households and providing communities nationwide with the resources needed to build stronger housing safety nets.

Thanks to the strong leadership of Congress and the Biden-Harris administration and the significant housing resources enacted in ARPA:

- More than 99% of all available State and Local Fiscal Recovery Funds (SLFRF) have been delivered into the hands of nearly every state, local, tribal, and territorial government to support their responses to the pandemic. To date, recipients have budgeted $15.9 billion for housing-related purposes.
- As of December 2022, the Emergency Rental Assistance (ERA) program had delivered more than 10.3 million assistance payments to families at risk of eviction. While eviction diversion programs were uncommon before the pandemic, at least 180 jurisdictions across 36 states have launched or strengthened eviction diversion programs with ERA, and these programs have significantly limited eviction rates.
- The expanded Child Tax Credit was the leading driver of a 46% decline in child poverty in 2021, which resulted in the annual child poverty rate reaching its lowest-ever recorded level.

In addition to the report, Treasury has released a new interactive map that shows how State and Local Fiscal Recovery Funds are being spent in states across the country and that contains the latest program data through December 31, 2022. Further, Treasury published a new program reporting analysis that demonstrates how recovery funds are being spent to improve communities. The White House has also highlighted the achievements of the American Rescue Plan Act over the past two years and produced state-by-state reports on the impact of ARPA in every state across the country.

Despite the tremendous success of the American Rescue Plan Act, the legislation was not intended to solve the longstanding causes of housing affordability. Even before the pandemic, the U.S had an affordable housing crisis. There is a national shortage of over 7 million homes that are affordable and available to America's lowest-income renters. Without affordable housing options, 10 million of the lowest-income renter households pay at least half of their income on rent, putting them at higher risk of eviction and homelessness.

As emergency resources are being depleted and pandemic-era renter protections expire, renters are faced with record-high rents, eviction filing rates that are reaching or surpassing pre-pandemic averages, and, in many communities, increasing homelessness.

To fully address the housing and homelessness crisis that existed prior to the pandemic and to fix our nation's housing safety net, Congress and the Biden-Harris administration must invest in long-term solutions to the underlying shortage of affordable, accessible homes and improve renter protections for the lowest-income people.

See NLIHC's press release celebrating the two-year anniversary of ARPA here.

From the Field

Wisconsin Governor Proposes Biennial Budget with Emphasis on Housing and Homelessness Initiatives

Wisconsin Governor Tony Evers released a 2023-2025 biennial budget proposal that contains significant resources to expand legal aid for renters facing eviction, strengthen tenant protections, prevent homelessness, improve the safety of rental homes, and rehabilitate affordable homes. In total, the budget would allocate nearly $200 million to affordable housing initiatives.

Wisconsin affordable housing advocates celebrated the release of the budget proposal. "Governor Evers understands the critical need that housing, affordable housing, plays in healthy communities. His comprehensive proposals lay the groundwork for addressing Wisconsin's housing crisis," said Andy Heidt, housing policy and programs manager at Wisconsin Community Action Program Association, Inc. (WISCAP). However, he lamented the uphill battle to enact Governor Evers's proposals in the conservative state legislature. "It is sad these solid proposals are dead on arrival with the gerrymandered majority."

The budget proposal includes $60 million to expand civil legal aid, including a new program dedicated to providing no-cost legal representation for individuals facing eviction. This new fund would pave the way for Wisconsin to establish a statewide right to counsel in eviction court. In addition, the budget would allocate $1 million to expand the Department of Children and Families' existing legal aid services for families facing eviction.

Governor Evers's budget outlines amendments to statewide landlord-tenant law. Over the past decade, the Wisconsin legislature made more than 100 changes to landlord-tenant law that shifted the balance of power towards landlords. These preemption laws curb the authority of local governments to strengthen tenant protections and hold landlords accountable. Under Governor Evers's proposed budget, municipalities would be authorized to pass ordinances that limit the types of information a landlord may obtain from tenants in the rental application process, impose inspection requirements and strengthen enforcement of code violations, require landlords to disclose certain information to tenants and report information to municipalities, impose certain requirements and fees related to the inspection of rental homes, and establish eviction moratoriums.

The budget also proposes a $5 million Housing Safety Grant Pilot Program for the city of Milwaukee. This program would improve access to safe rental homes for Milwaukee residents. Proposed uses of the pilot grant funds include (1) developing a searchable database for renters that discloses the history of rental properties, (2) strengthening property inspection programs, and (3) providing resources for municipalities to assist landlords with small home repairs to remedy minor violations detected during inspections. In addition, the budget includes a $7.25 million pilot program to fund whole-home upgrades in Milwaukee. These upgrades would aim to reduce energy cost-burdens and create healthier living environments for low-income Milwaukee households.

To increase the supply of affordable homes, the budget would allocate $100 million to establish a Municipal Home Rehabilitation program, which would provide grant funding for municipalities to renovate and restore blighted residential properties. The budget also increases the annual limit on the total amount of state housing tax credits from $42 million to $100 million.

Finally, the budget recommends increased funding for the homelessness prevention programs outlined in the U.S. Interagency Council on Homelessness' (USICH) statewide action plan (see *Memo*, 3/7/22). The statewide action plan proposes robust resources for housing and homelessness programs that have been underfunded for more than a decade, the investment of federal funds into homelessness prevention and supportive services, and the creation of a permanent veteran rental assistance program and a new homelessness diversion program. The recommendations in Governor Evers's budget proposal echo those of USICH, proposing more than $24 million to fund the initiatives outlined in the statewide action plan.

Governor Evers's release of the budget proposal on February 15 marked the official start to the biennial budget process. The Wisconsin state legislature must approve and the Governor must sign the budget by July 1, 2023. If the new budget is not approved by this date, the government will operate under the 2021-2023 funding levels until the new budget is enacted.

For more information on the proposed budget, view the budget proposal here and the Governor's press release here.

HUD

HUD Office of Inspector General Continues to Prioritize Eliminating Lead and Other Safety Hazards in HUD-Assisted Housing

The HUD Office of the Inspector General's (OIG) *Top Management Challenges Facing the U.S. Department of Housing and Urban Development for 2023* again prioritizes eliminating lead-based and radon hazards from HUD-assisted housing, as well as addressing ongoing concerns regarding inferior conditions at some HUD-assisted properties. The document states that "HUD OIG has identified lead as a priority, coordinating efforts in all of its oversight components to ensure that lead regulations are followed and HUD beneficiaries are protected from lead." The emphasis on lead-based hazards is part of an "Environmental Justice Initiative" announced by OIG in a media release on March 9. These health and safety concerns were also included in OIG's 2022 Top Management Challenges.

According to the media release, to advance environmental justice in HUD housing OIG is prioritizing the oversight objectives of:

- Ensuring public housing agencies (PHAs), landlords, contractors, and inspectors properly identify lead hazards and use safe work practices to reduce and prevent lead exposure and poisoning in HUD housing.
- Ensuring landlords fulfill their obligations to provide housing units that are decent, safe, and sanitary, and to make necessary repairs to units in a timely and safe manner.

OIG writes, "To its credit, HUD has recognized these challenges and highlighted them in its 2022-2026 Strategic Plan, charging its Office of Lead Hazard Control and Healthy Homes with the priority goal: 'By September 30, 2023, protect families from lead-based paint and other health hazards by making an additional 20,000 units of at-risk housing units healthy and lead-safe.'" OIG continues, "Further, HUD has set forth multiple planned strategies in this area, to include:

- Align and enforce HUD-assisted housing inspections and mitigation measures to consistently address lead-based paint hazards across HUD-assisted housing programs.
- Continue to prioritize comprehensive reductions in Americans' exposure to lead in their homes by addressing lead contamination in soil, water, and paint."

Read *Top Management Challenges Facing the U.S. Department of Housing and Urban Development for 2023* at: https://bit.ly/3mMJgAz

Read OIG's "Environmental Justice Initiative" media release at: https://bit.ly/3yARD4K

Read more about Lead Hazard Control and Heathy Homes on page 6-1 of NLIHC's *2023 Advocates' Guide*.

HUD's Office of the Inspector General website is at: https://www.hudoig.gov

HUD's Office of Lead Hazard Control and Healthy Homes website is at: https://bit.ly/2Kk1uox

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HUD PIH Issues Guidance Implementing HOTMA's Section 103 Public Housing Over-Income Rule

HUD's Office of Public and Indian Housing (PIH) issued Notice PIH-2023-03, which provides guidance on the implementation of Section 103, the "over-income" provision of the "Housing

Opportunity Through Modernization Act of 2016" (HOTMA). Section 103 established new limits regarding whether a public housing household can continue living in public housing if its income exceeds a maximum set by the final rule. A final rule implementing Section 103, as well as two other HOTMA provisions, were published in the *Federal Register* on February 14 (see *Memo*, 2/27). The over-income provisions are included in a new section of the public housing regulations at 24 CFR 960.507.

According to the statute, after a household's income has exceeded the over-income limit for 24 consecutive months (the "grace period"), a public housing agency (PHA) must either terminate the household's public housing tenancy within six months or charge the household an alternative non-public housing rent ("alternative rent"). The alternative rent must equal the greater of the Fair Market Rent (FMR) or the amount of monthly subsidy provided for the unit as determined by the amount of Operating and Capital Funds apportioned to a unit. Section 103 applies to all PHAs with 250 or more public housing units, including so-called Moving to Work (MTW) PHAs. However, for MTW PHAs, the "grace period" is three years, which can be further extended if HUD approves.

The over-income limit ("OI limit") is determined by applying a factor of 2.4 to the income limit for a "very low-income" (VLI) household. VLI varies by jurisdiction and by household size, so each PHA must calculate the OI limit for households of each size occupying their units. The OI limit must then be compared to a household's *annual* income during an annual or interim income examination. If the household's annual income is greater than the OI limit, then it exceeds the OI limit for the program. This is a change from the guidance provided in Notice PIH 2019-11, which instructed PHAs to compare the OI limit to the family's adjusted income. A PHA must update OI limits in its Admissions and Continued Occupancy Policies (ACOP) no later than 60 days after HUD publishes new income limits each year.

Once a family is determined to be over-income, a PHA must notify the household. Notice PIH 2023-03 requires three written notices, while Notice PIH-2019-11 only required two.

- A PHA must provide written notice to an OI household no later than 30 days after a household's annual income or an interim reexamination indicates that the household is OI. The notice must inform the household that its income exceeds the over-income limit, and that if it continues to exceed the OI limit for 24 consecutive months, either the household's public housing lease will be terminated, or the household can remain in its unit but has to pay the alternate, non-public housing rent – depending on which approach is established in the PHA's ACOP.
- If a household's income annual reexamination 12 months later shows that it has continued to exceed the OI limit for 12 consecutive months, a PHA must again notify the household in writing no later than 30 days. The notice must inform the household that its income still exceeds the OI limit, and that if the household's income continues to exceed the OI limit for another 12 consecutive months, the household's tenancy will either be terminated or the household will have to pay the higher alternative rent, depending on the PHA's continued occupancy policy in its ACOP. This notice should include an estimated alternative rent if applicable.
- If a household's income annual reexamination shows that it continues to exceed the over-income limit for 24 consecutive months after the initial OI determination, then a PHA must

once more provide written notice to the household no later than 30 days. The notice must inform the household that its income has exceeded the over-income limit for 24 consecutive months, and that the PHA will either terminate the household's tenancy (in no more than six months) or charge the household the alternative rent (at the next lease renewal or in no more than 60 days after the date of the final notice, whichever is sooner), depending on the PHA's continued occupancy policies.

If as a result of an annual or interim income reexamination during the 24-month grace period, an over-income household's income falls below the OI limit, the household is no longer over-income and is entitled to a new 24 consecutive month grace period if the household's income once again exceeds the OI limit.

If a PHA's policy is to allow an OI household to pay the non-public housing alternative rent, then the PHA may no longer conduct an annual reexamination. The PHA may offer the household grievance or hearing procedures as if it were public housing-assisted. However, these so-called "non-public housing over income" (NPHOI) households cannot participate on a resident council or receive a HUD utility allowance. Once an NPHOI household has a new lease from the PHA, it may only be readmitted to the public housing program if the household becomes income-eligible again. A PHA may choose to adopt a new local preference for readmitting an NPHOI household. Notice PIH-2023-03 reminds PHAs that if their policy is to terminate OI households, a PHA can terminate the household in less than six months if it chooses to do so.

HOTMA requires PHAs to report each year the total number of OI households living in public housing and the total number of households on a PHA's public housing waiting list. The number of households living in public housing with income exceeding the over-income limitation will include the number of households in the 24 consecutive month grace period, the number in the period before termination, and the number of NPHOI families paying the alternative rent.

Read Notice PIH-2023-03 at: https://bit.ly/3JpNJAP

Read more about public housing on page 4-32 of NLIHC's *2023 Advocates' Guide*.

HUD Announces Restoration of 2013 Discriminatory Effects Rule

HUD provided a preview version of a final rule, "Restoring HUD's Discriminatory Effects Standard," on March 17. This final rule, when formally published in the *Federal Register*, will restore the 2013 discriminatory effects rule and rescind the Trump administration's 2020 rule, which would have made it effectively impossible for people in a class protected by the "Fair Housing Act" to plead a "disparate impact" claim.

In addition to recodifying the 2013 discriminatory effects rule, the final rule adopts one amendment made by the 2020 rule to HUD's general fair housing regulations that is not specific to discriminatory effects. The provision, §100.70(d)(5), provides additional illustrations of prohibited activities under the Fair Housing Act generally: "Enacting or implementing land-use rules, ordinances, procedures, building codes, permitting rules, policies, or requirements that restrict or deny housing opportunities or otherwise make unavailable or deny dwellings to persons because of race, color, religion, sex, handicap, familial status, or national origin."

Title VIII of the "Civil Rights Act of 1968," also known as the "Fair Housing Act," prohibits discrimination on the basis of race, color, national origin, sex (including sexual orientation and gender identity), disability, familial status, or religion (the "protected classes") in the sale, rental, or financing of dwellings and in other housing-related activities. The Fair Housing Act not only prohibits intentional discrimination but also prohibits policies that have an unjustified "discriminatory effect" on the protected classes. The discriminatory effects doctrine (which includes "disparate impact and perpetuation of segregation") is a tool for addressing policies that unnecessarily cause systemic inequality in housing, regardless of whether the policies intended to discriminate.

For many years HUD interpreted the Fair Housing Act to prohibit housing practices that have a discriminatory effect, even if there was no intent to discriminate. Eleven U.S. Courts of Appeals agreed. However, there were minor variations in how the Courts and HUD applied the discriminatory effects concept.

After obtaining stakeholder input to a proposed rule in November 2011, HUD issued a final regulation on February 15, 2013, establishing uniform standards for determining when a housing practice with a discriminatory effect violates the Fair Housing Act.

The final 2013 Disparate Impact rule defined the term "discriminatory effect" as a practice that actually or predictably results in a "disparate impact" on a group of people or creates, increases, reinforces, or perpetuates segregated housing patterns because of race, color, national origin, sex (including sexual orientation and gender identity), handicap, familial status, or religion.

The final rule also amended the "Fair Housing Act" regulations (24 CFR part 100) by adding a new subpart G to standardize a three-step "burden-shifting" approach that HUD had long used and that a majority of Appeals Courts had used.

- First, the party complaining that there is a discriminatory effect has the burden of proving that a practice caused or predictably will cause a discriminatory effect.
- Second, if the complaining party makes a convincing argument, then the burden of proof shifts to the defending party, which must show that the practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest that cannot be served by another practice that has a less discriminatory effect – that it has a "legally sufficient justification."
- Third, if the defending party is successful, the complaining party can still succeed by demonstrating that the defending party's substantial, legitimate, nondiscriminatory interest could be served by another practice that has a less discriminatory effect.

In 2015, the U.S. Supreme Court in *Texas Department of Housing & Community Affairs v. The Inclusive Communities Project, Inc.* upheld the availability of disparate impact claims under the Fair Housing Act. It cited the 2013 Rule with approval multiple times and did not suggest in any way that the 2013 Rule required modification.

The Trump administration issued a rule in September 2020 that added multiple new procedural requirements and defenses that collectively made it virtually impossible for a protected class plaintiff to plead a disparate impact case to get it started, let alone ultimately win such a case (see *Memo*, 9/14/20). The effect was to allow businesses, governments, and housing providers to adopt and maintain unnecessary discriminatory policies and practices while escaping any threat of liability. The Trump rule was challenged in three separate lawsuits. On October 25, 2020, a U.S. District Court in the District of Massachusetts enjoined the 2020 rule, and it never went into effect (see *Memo*, 11/2/20).

HUD published a proposed rule in the *Federal Register* on June 25, 2021, to reinstate the 2013 disparate impact rule (see *Memo*, 6/28/2021). As proposed, the rule would recodify the 2013 rule's discriminatory effects three-step burden shifting standard. The proposed rule would also return the definition of "discriminatory effect" eliminated from the 2020 rule, which also erased "perpetuation of segregation" as a recognized type of discriminatory effect distinct from disparate impact.

Read the preview version of "Restoring HUD's Discriminatory Effects Standard" at: https://bit.ly/3Z1JAbL

Read a HUD three-page fact sheet at: https://bit.ly/3Ju9YW6

Read HUD's March 17 media announcement at: https://bit.ly/3JPIQCy

Read more about "disparate impact" on page 8-8 of NLIHC's *2023 Advocates' Guide*, and on the Disparate Impact webpage of NLIHC's Racial Equity and Fair Housing website,

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Disaster Housing Recovery

NLIHC-Led Disaster Housing Recovery Coalition Submits Comments on FEMA Equitable Disaster Recovery Guide for Local Officials

Writing on behalf of the Disaster Housing Recovery Coalition (DHRC), NLIHC submitted comments to FEMA in response to a request for feedback regarding a new guide being prepared by the agency, "Achieving Equitable Recovery: A Post-Disaster Guide for Local Officials." The agency hopes the guide will help local officials incorporate diversity, equity, inclusion, and accessibility in post-disaster recovery management work. The guide highlights the fact that disaster recovery programs must be collaborative in nature and ensure that historically marginalized communities are able to work together with local officials to address their disaster recovery needs.

The NLIHC-led DHRC is a coalition of nearly 900 national, state, and local organizations, including many working directly with disaster-impacted communities and with first-hand experience recovering after disasters. The DHRC works to ensure that federal disaster recovery efforts reach the lowest-income and most marginalized survivors.

Comments from the DHRC focused on ensuring meaningful participation by community-based organizations within disaster recovery efforts, addressing systemic barriers to disaster assistance both at the local and federal levels, and guaranteeing the expertise of housing and homelessness organizations is fully utilized during the disaster recovery process. While FEMA has elevated the importance of equity in the agency's disaster response and recovery process – both internally and in external documents such as the guide – significant barriers to equity persist at the federal level.

"We are pleased to see that the integration of equity was named a primary goal in the agency's 2022-2026 Strategic Plan and that FEMA Administrator Criswell has continued to publicly raise the need to ensure FEMA and its stakeholders approach their roles in an equitable fashion," reads the comment. "As FEMA continues to stress the importance of equity to its stakeholders, the agency must ensure its own program policies align with those same equity principles."

Read the written comment and access a copy of the draft guide at: https://bit.ly/3Tm0ukk

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HUD Announces Allocation of $3.3 Billion in Disaster Recovery Funds, Creation of New Disaster Recovery Office

HUD announced on March 15 that the agency would release an allocation of more than $3.3 billion in long-term recovery funds to seven states and territories impacted by disasters in 2022 and that it would improve the agency's disaster response and recovery capacity by creating a new Office of Disaster Management (ODM).

HUD announced that the $3.3 billion, allocated via the agency's Community Development Block Grant-Disaster Recovery (CDBG-DR) program, would be distributed to the following states, territories, and municipalities:

State	Grantee	Total Unmet Need	Mitigation	Disaster Total
Alaska	State of Alaska	$33,472,000	$5,021,000	$38,493,000
Florida	Lee County (includes Cape Coral and Fort Myers)	$963,375,000	$144,506,000	$1,107,881,000

Florida	Volusia County (includes Daytona Beach and Port Orange)	$286,009,000	$42,901,000	$328,910,000
Florida	Orange County (includes Orlando)	$191,054,000	$28,658,000	$219,712,000
Florida	Sarasota County (includes Sarasota)	$175,248,000	$26,287,000	$201,535,000
Florida	State of Florida	$791,847,000	$118,777,000	$910,624,000
Illinois	St. Clair County	$26,110,000	$3,917,000	$30,027,000
Kentucky	State of Kentucky	$259,125,000	$38,869,000	$297,994,000
Missouri	St. Louis County	$49,065,000	$7,360,000	$56,425,000
Missouri	St. Louis City	$22,464,000	$3,370,000	$25,834,000
Oklahoma	State of Oklahoma	$6,498,000	$975,000	$7,473,000
Puerto Rico	Commonwealth of Puerto Rico	$144,619,000	$21,693,000	$166,312,000

TOTAL		**$2,948,886,000**	**$442,334,000**	**$3,391,220,000**

CDBG-DR funds are flexible, meaning they can be used to address a wide variety of disaster impacts, including for the repair of storm damaged homes and the creation of new rental housing. Importantly, the funds come with a requirement that at least 70% of all funds benefit low- and moderate-income households. With the funds now allocated, each entity receiving funds will create an Action Plan detailing the proposed use of the funds. Action Plans will be subject to public comment and sent to HUD for approval.

In addition to the release of these badly needed recovery funds, HUD also announced the creation of the ODM within the Office of the Deputy Secretary. This new office is the second disaster recovery and resiliency-oriented office created by the agency this year. The first, the Office of Disaster Recovery, was created under the Office of Community Planning and Development. With the new administrative set-up, the agency stated its intent to increase its capacity to run its disaster recovery-related programs.

Read the press release announcing the allocation and new office at: https://bit.ly/3JpgU6N

GOP Congressmen Introduce "Natural Disaster Recovery Program Act" and

Representatives David Rouzer (R-NC) and Garret Graves (R-LA) of the U.S. House of Representatives have introduced the "Natural Disaster Recovery Program Act." The bill would provide FEMA with the authority to issue block grants to disaster-impacted states for a wide variety of disaster recovery uses with no requirement to detail the use of such funds before receipt. The funds would not be subject to civil rights reviews or analysis to ensure that funding reaches those most impacted by disasters, such as households with low incomes, and receipt of funds would not be contingent on meeting resiliency standards to ensure that repair and reconstruction projects are not damaged during future disasters. The sponsors of the legislation view the program that would be created under the bill as a way to replace HUD's long-term disaster recovery program, in part by shifting funding obligations from HUD to FEMA. Read a press release announcing the introduction of the bill at: https://bit.ly/3FyBoJr

While additional funds for disaster recovery are always welcome, the bill is envisioned as a replacement for HUD's Community Development Block Grant-Disaster Recovery (CDBG-DR) program – which has allocated over $90 billion in long-term disaster recovery funds since 1993 – according to a press release announcing the bill. "Under the current Community Development Block Grant-Disaster Recovery (CDBG-DR) program, disaster survivors may wait years for recovery dollars," said Rep. Rouzer in the press release. "This is largely due to the overly bureaucratic process governing the program at the federal level. It is time to scrap the CDBG-DR program and replace it with a simple block grant allowing states and localities to properly address the unique needs of disaster survivors." The release goes on to explain how the bill would empower states and "[take] power away from HUD."

HUD's CDBG-DR program has been criticized in the past for being slow to activate. A contributing factor to the slow pace of assistance is the programs' unauthorized nature. Rather than eliminating CDBG-DR altogether and replacing it with a FEMA administered program, NLIHC believes that Congress should instead enact legislation to permanently authorize CDBG-DR to help speed up recovery and provide safeguards to better ensure resources reach those households and communities most impacted by disasters.

Without permanent authorization, HUD must draft and release program policies whenever Congress approves funds under the program. This means that funds take longer to reach disaster survivors and that program requirements constantly change, precluding those states and localities receiving funds from anticipating them ahead of time. A bill awaiting introduction in the House and Senate, the "Reforming Disaster Recovery Act," would permanently authorize the program and create a framework of program rules to ensure that disaster recovery aid reaches those most in need of assistance quickly and efficiently. Passing this bipartisan bill – which was introduced during the last Congress by Senators Brian Schatz (D-HI), Susan Collins (R-ME), Todd Young (R-IN), Patrick Leahy (D-VT), and Bill Cassidy, M.D. (R-LA), and Representative Al Green (D-TX) – is a main priority of the Disaster Housing Recovery Coalition (DHRC), an NLIHC-led group of more than 900 local, state, and national organizations working together to ensure that all disaster survivors receive the assistance they need to fully recover.

NLIHC opposes legislation to charge FEMA with long-term disaster housing recovery because the agency's disaster housing recovery system is fundamentally broken and in need of major reform. FEMA, which would manage the new program under the bill, has consistently failed to ensure that households with low incomes and historically marginalized communities can access the assistance for which they are eligible. For example, the agency typically does not provide assistance to individuals who are experiencing homelessness, systematically devalues the homes of low-income disaster survivors when determining assistance, has abruptly terminated housing assistance programs resulting in increased homelessness in multiple states, and has consistently defended unnecessary and insurmountable barriers to applying for assistance that lead to disproportionate denials of Black households and people with low incomes. While the agency has taken steps to increase equity in its programs in the last several years, these issues would be replicated in any long-term recovery programs facilitated by the agency.

Read the press release announcing the bill at: https://bit.ly/3FyBoJr

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Opportunity Starts at Home

OSAH Launches "Take Action!" Page to Urge Congress to Reject Any Proposal for Budget Cuts

The Opportunity Starts at Home (OSAH) campaign launched a "Take Action" page enabling advocates to send pre-formatted letters to their federal elected officials urging them to provide the highest level of investment possible for federal housing and homelessness programs through the annual appropriations process.

The pre-formatted letter focuses on the negative impacts of budget cuts on housing programs and the damage that would be caused by a reprise of the “Budget Control Act of 2011.”. With rents rising, eviction filings increasing, and more homelessness in many communities, federal housing investments are more critical than ever to sustain our communities and help low-income people thrive. Congress should invest in affordable housing at the scale needed, not balance the national budget on the backs of our nation’s lowest-income and most marginalized people and families. Arbitrary budget caps on domestic spending, such as those established through the Budget Control Act, would harm our nation and make our housing crisis worse. While Congress and the White House reached short-term agreements to provide limited budgetary relief from the Budget Control Act, the low spending caps led to disinvestment in key affordable housing and homelessness programs for a full decade, preventing our nation from making the investments needed to address America’s housing and homelessness crisis.

Because of the Budget Control Act, investments in affordable housing have not kept pace with growing demand. As a result, millions of people do not have an affordable place to call home. Half a million people are living on the street, in shelters, or in their cars on any given night, and millions more are at risk. Every state and congressional district is impacted. Our nation cannot afford further cuts to these critical investments. Federal funding for the U.S. Department of Housing and Urban Development (HUD) and U.S. Department of Agriculture (USDA) Rural Housing Service programs provides essential resources to promote strong and healthy communities and help more than 5 million of America’s lowest-income and most marginalized seniors, people with disabilities, veterans, parents with children, and others afford stable and safe housing.

People of color would be hit hardest by cuts, as they disproportionately make up the population of renters with extremely low incomes. In fact, 20% of Black households, 18% of American Indian or Alaska Native households, 14% of Hispanic households, and 10% of Asian households are extremely low-income renters compared to only 6% of white non-Hispanic households are extremely low-income renters. In addition, single women renters – particularly single women of color and single women raising children on their own – are much more likely than single white, non-Hispanic men renters to have extremely low incomes.

Congress should reject proposals to cut housing benefits or create additional barriers to prevent eligible households from receiving the housing assistance they need. Proposals to cut housing benefits – whether by imposing work requirements, time limits, or rent increases – do not address the underlying causes of America’s housing and homelessness crisis: the widening gap between wages and housing costs, and a severe shortage of homes affordable to people with the lowest incomes. Imposing arbitrary restrictions on housing benefits will not create the well-paying jobs and opportunities needed to lift households out of poverty. In fact, these restrictions will make it more difficult for households to maintain employment and economic security.

Please encourage other people in your network to reach out to their federal elected officials using the letter. To send the letter, simply type in your street address and click submit. The letter will be sent automatically to your senators and representative.

Research

HUD Report Finds Variations in Ability of New Voucher Recipients to Secure Housing

A report released by HUD, "Using HUD Administrative Data to Estimate Success Rates and Search Durations for New Voucher Recipients," uses a new approach based on HUD administrative data to estimate success rates among new voucher holders attempting to lease units. Using the new approach, the report estimates a success rate of 61% after 180 days of searching and a median search duration of 60 days. However, success rates and search durations varied widely across public housing authorities (PHAs). PHAs in rural counties generally had lower success rates and shorter search durations than those in urban counties. Larger PHAs, as well as PHAs located in higher-rent counties, tended to have longer search durations.

Three previous studies have measured success rates of voucher recipients on a large scale. These studies relied on data collected directly from a sample of PHAs in large metropolitan areas. While HUD acknowledges that voucher success rates are an important measure for evaluating the efficacy of the program, the most recent success rate estimate was made more than 20 years ago. In the new report, HUD adopts an approach in which it relies on administrative data collected through its Inventory Management System/PIH Information Center. If the data and methods of the report receive further validation, HUD could eventually monitor voucher success rates at both the individual PHA level and nationwide in close to real-time.

Using the new approach, HUD was able to estimate that the180-day success rate was 61% in 2019 among the 1,379 PHAs providing data of sufficient quality. HUD also measured success rates at 60 days (31.9%) and 90 days (44.9%). The success rate only rose to 63.2% at 240 days. The median search duration was 60 days.

The report also highlights characteristics of PHAs that are associated with differences in success rates and search durations. PHAs that are in predominantly rural counties tended to have lower success rates than their urban counterparts (58.5% vs. 62.3%) as well as shorter search durations (41 days vs. 65 days). PHA size did not have much of an effect on the success rate, though it impacted median search duration significantly. Median search duration ranged from 43 days for the smallest PHAs to 92 days for the largest PHAs. PHAs in counties with the highest rents (the top 25%) were shown to have higher success rates (64.4%), though they also had a higher median search duration, at 74 days.

Read more at: http://bit.ly/3JhwYrb

New Research on Emergency Housing Voucher Program Identifies Strategies to Address Homelessness, Including in Tight Housing Markets

New research released by the Terner Center for Housing Innovation, "Using Emergency Housing Vouchers to Address Homelessness," explores the opportunities and challenges associated with the Emergency Housing Voucher (EHV) program. Using data from HUD's EHV Data

Dashboard and interviews with staff at public housing authorities (PHAs) and local homelessness systems in California, the analysis describes strategies used by jurisdictions to successfully issue and lease-up their EHVs. The report also highlights lessons learned for future EHV and other voucher programs. Additional support made available through EHVs – including investing in local Coordinated Entry Systems, funding navigation services, and creating incentives for landlords – could make the traditional Housing Choice Voucher program more effective in stably housing people, even in tight housing markets.

The "American Rescue Plan Act of 2021" (ARPA) appropriated funding for 70,000 EHVs to serve those who are currently experiencing or at risk of homelessness. PHAs were also awarded an additional $3,500 per EHV to use towards housing navigation services and supportive services. PHAs were required to coordinate with local Continuums of Care (CoCs) to identify eligible recipients for the vouchers. They could also set higher payment standards for EHVs – up to 120% of HUD's Fair Market Rent – making a wider range of units eligible for the program.

As of February 2023, two-thirds (67%) of all awarded EHVs had been successfully leased across the country. However, rates of success varied across PHAs. While a majority of PHAs had leased over 75% of their EHVs, nearly one-fifth (22%) had leased fewer than half of their allocated vouchers. Additionally, 15% of PHAs still had at least a quarter of their EHVs left to issue to households. While states like Washington and California successfully leased over 96% and 63% of their awarded EHVs, respectively, others, like Georgia, had yet to issue over a quarter of their allocated vouchers.

Interviewees from PHAs in California reported challenges coordinating with local homelessness systems to identify eligible participants for the EHV program. Coordinated Entry Systems, which refer people experiencing homelessness to existing housing assistance programs, had limited capacity to match eligible candidates with the new EHV program, leading to administrative delays. They emphasized the need for a strong relationship between PHAs and local CoCs, as well as rigorous interagency coordination to implement the program. Researchers found that many agencies used the EHV program to improve or build these partnerships. For example, some jurisdictions developed partnerships to identify eligible participants exiting other short-term assistance programs, like Treasury's Emergency Rental Assistance program or rapid re-housing, who were still at risk of homelessness. Some PHAs used the $3,500 flexible spending supplement to increase staffing for their Coordinated Entry Systems.

Interviewees also spoke of the challenges of leasing an EHV in a tight housing market, despite higher potential payment standards compared to traditional vouchers. Several PHAs used the flexible spending supplement to provide housing navigation and other support services to help voucher holders find available and appropriate units and navigate challenging application processes. Some PHAs also used funds to hire outreach staff and brokers to meet with landlords and encourage renting to voucher holders, improving the likelihood of EHV holders finding a unit.

Interviewees recognized landlords' unwillingness to participate in voucher programs as another barrier to eligible participants, especially Black and Native American people and people of color, who are often overrepresented among people experiencing homelessness. Some PHAs developed one-time bonus programs using supplemental funds to incentivize participation. Funds also went to bring units up to HUD Housing Quality Standards and cover security deposits and other reimbursement funds to cover any future damage. These incentives helped foster relationships and build trust with landlords and further encourage their participation in ongoing Housing Choice Voucher programs.

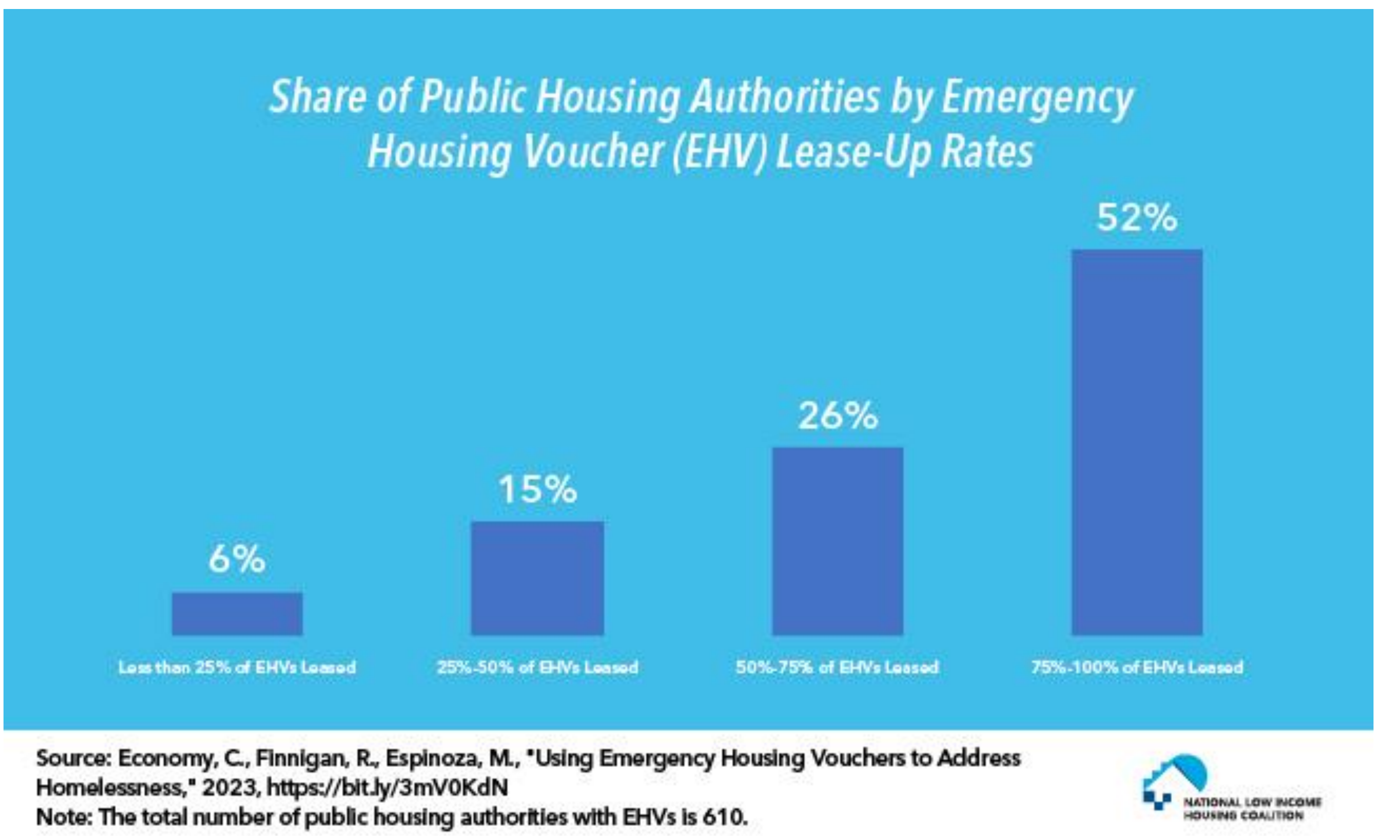
The strategies outlined in this research point to how jurisdictions can better utilize their EHVs to address homelessness. They also point to lessons that can be applied to future allocations of EHVs and the ongoing Housing Choice Voucher program. Provision of a flexible supplemental fee, higher eligible rent ceilings, and investments in and partnerships with local homelessness systems help connect voucher holders to available units and improve success with EHVs.

Read more about the Terner Center's research at: http://bit.ly/42dBuQ7

Find additional information on EHV success rates on HUD's dashboard here.

Fact of the Week

Emergency Housing Voucher Lease-Up Rates Vary across Public Housing Authorities



Source: Economy, C., Finnigan, R., Espinoza, M., "Using Emergency Housing Vouchers to Address Homelessness," 2023, https://bit.ly/3mV0KdN

Leadership Awards Reception

NLIHC to Honor Rep. Cori Bush, Ayuda Legal Puerto Rico, and John Parvensky with Housing Leadership Awards!

NLIHC will present housing leadership awards to **Representative Cori Bush (D-MO)**, **John Parvensky**, and **Ayuda Legal Puerto Rico** at the 41st Annual Housing Leadership Awards Reception, which will be held on Wednesday, March 22, from 6:30 to 8 pm at the Hilton Washington DC Capitol Hill Hotel in Washington, D.C. Recognize these outstanding leaders by making a donation to NLIHC in their honor as an individual or as an organization. Find out more about the Leadership Awards Reception here.

Representative Cori Bush (D-MO) will receive the 2023 Edward W. Brooke Housing Leadership Award for leading a movement to guarantee housing for all. In her first term in Congress, she introduced legislation to end homelessness by 2025, led a demonstration on the steps of the U.S. Capitol that successfully called on the Centers for Disease Control and Prevention to extend the eviction moratorium, and introduced legislation to permanently implement an eviction moratorium throughout the pandemic. The Brooke award is named for Senator Edward Brooke (R-MA), who as a U.S. senator and later as chair of the NLIHC board of directors championed low-income housing.

John Parvensky will receive the 2023 Dolbeare Lifetime Service Award for his longstanding leadership in the fight for housing and health care justice and equity as an advocate, a supportive housing developer, and a provider of health care for the homeless. As CEO of the Colorado Coalition for the Homeless for the past 37 years, he led the development of more than 2,000 supportive housing units. The Dolbeare Lifetime Service Award is named for NLIHC's founder, Cushing Niles Dolbeare, a pioneer of the affordable housing movement.

Ayuda Legal Puerto Rico will receive the 2023 Sheila Crowley Housing Justice Award for its persistent efforts to ensure a just recovery – including access to safe and affordable housing – in the aftermath of numerous disasters. Ayuda Legal Puerto Rico is a non-profit organization that provides free legal education to groups and communities in the defense of fundamental rights – especially the right to housing. This award is named for former NLIHC President and CEO Sheila Crowley, who led NLIHC for more than 17 years.

You can recognize these outstanding leaders by making a donation to NLIHC in their honor either as an individual or as an organization. Your contribution will support NLIHC's mission to achieve racially and socially equitable public policy that ensures people with the lowest incomes have quality homes that are accessible and affordable in communities of their choice.

NLIHC in the News

NLIHC in the News for the Week of March 12

The following are some of the news stories to which NLIHC contributed during the week of March 12:

- "How homelessness is driving local politics in the West" *Axios Salt Lake City*, March 10 at: http://bit.ly/3mOWooA
- "Fresno rent soars to $1,588 a month for a two-bedroom apartment, city announces plans to help renters" *NewsBreak*, March 10 at: http://bit.ly/3Jp9znL
- "Net-Zero Homes Aren't Just for Millionaires" *The Atlantic*, March 11 at: http://bit.ly/3JXmKhz

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NLIHC News

Where to Find Us – March 20

- Federal Reserve Bank of New York, Private Capital Investment in Multifamily Affordable Housing – March 27 (Andrew Aurand)
- National Housing Resource Center Conference – Washington, D.C., March 27 (Kayla Laywell and Noah Patton)
- Housing California 2023 Conference, "Housing's Next Chapter" – San Diego, March 27-29 (Sarah Saadian)
- New Jersey Housing Collaborative Workgroup – Virtual, March 29 (Lindsay Duvall)
- Citizens' Housing and Planning Association, "Federal Forum on Affordable Housing" – Boston, April 4 (Sarah Saadian)
- South Dakota Housing for the Homeless Consortium, Annual Homeless Summit – Pierre, South Dakota, June 13-14 (Diane Yentel and Courtney Cooperman)

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