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Point of View

The End of the Beginning – by Diane Yentel, NLIHC President and CEO

During this extraordinary and challenging time, I have been awed and inspired by so many of you – by your perseverance, advocacy, creativity and commitment. Many of you are frontline workers, working in homeless shelters, as homeless outreach workers or affordable housing providers. You are working incredibly long days and making significant personal sacrifices to protect the most vulnerable people in your communities. You are doing this work without the equipment or resources you need to keep yourselves, your families, and others safe.

I've talked or texted with many of you over the last couple of weeks. I know you are overwhelmed and tired, and some of you are sick. I know you are scared and heartbroken by the tsunami of need and pain before you. You are doing incredibly important work, and we will continue to do all we can to support you. I am deeply appreciative of your bravery and heroism.

Some relief is on the way. Thanks to your dedicated and effective advocacy, last week we secured twelve billion dollars in homelessness and housing funds in the latest coronavirus spending bill. These funds are urgently needed, and they will go a long way towards supporting your work in communities. The funds will shore up understaffed and under-resourced homeless service providers who are responding to the tremendous new challenges that COVID-19 presents. The eviction and foreclosure moratoriums included in the law, while not going as far as needed, will provide important assurance to many low-income renters and homeowners.

But the passage of this bill marks the end of the beginning, not the beginning of the end. We have much more work to do as coronavirus spreads like wildfire in a growing number of communities, posing the greatest risk to our country's most marginalized and most vulnerable people. We will work with HUD to ensure that these funds are allocated as quickly and effectively as possible to the people and communities most in need, and with Congress to ensure that the next stimulus package includes tens of billions of dollars in rental assistance and support for affordable housing providers, among other things. We will keep pushing for a uniform national eviction and foreclosure moratorium that assures each of us we won't lose our homes during a pandemic

Tragically, our worst fears and predictions of coronavirus's impact on people who are homeless are starting to be realized. At least three people who were homeless have died from coronavirus. In New York City, there are over 60 confirmed cases of coronavirus among people who are homeless; they slept in at least 40 different congregate shelters. The outbreak we feared of coronavirus among homeless people is happening in New York and likely elsewhere. We must work together to get needed resources to shelter providers to contain these outbreaks and protect those who are homeless from being exposed to the illness by stably housing them, even if temporarily, and we will redouble our efforts to ensure that not a single person who is currently housed loses their home during the pandemic.

We must work quickly. Dr. Dennis Culhane and his colleagues recently did [an analysis of exposure, hospitalization, potential mortality rates among people who are homeless](#) if they were exposed to coronavirus; the findings are dire. They estimate that homeless people who contract COVID-19, when compared to others with the virus, will be twice as likely to be hospitalized, two to four times as likely to require critical care, and two to three times as likely to die. If left unchecked, as many as 20,000 people who are homeless could require hospitalization and nearly 3,500 could die.

This has enormous implications: for our unhoused neighbors, and for some of our country's already besieged and overwhelmed hospitals. It's never been clearer that housing is health care. When our collective health depends on our ability to stay home, we all suffer when people are left unhoused. If any one of us – and especially when hundreds of thousands of us – are without homes during this public health emergency, we can't

as a country truly contain the pandemic. Ensuring everyone is stably housed is not only a moral imperative – it’s a public health necessity.

If our interconnectedness was not obvious before, it is now. We all benefit when we prioritize the needs of the lowest-income and most marginalized people in our country – people experiencing homelessness, undocumented immigrants, tribal communities, people with disabilities, low-income people of color and others. Doing so protects the health and lives of tens of millions of people, the front-line providers serving them, and our health systems. It slows the trajectory and speed of the pandemic, improves the health of the entire country, and ensures an equitable and just recovery.

This is a difficult time, and things will get worse before they’ll get better. But they *will* get better. Please stay strong, stay healthy, take care of yourselves and each other. We will get through this, together.

In solidarity,

Diane

P.S. Today at 2:30, we’ll host our next national call on Coronavirus, Housing and Homelessness. We’ll hear from Chair Maxine Waters (D-CA) and Senator Jack Reed (D-RI), who will share their thoughts on what Congress will do next to help people who are homeless or right on the cusp; from FEMA Deputy Administrator of Recovery Keith Turi, who will share the latest on FEMA’s response to the national emergency; from partners in Puerto Rico, Florida and New Orleans who will share updates from their communities; and from national partners who will share details of the eviction/foreclosure moratoriums and Emergency Solutions Grants funding and what more we can do to support tribal and other marginalized communities.

Join us on the call (register [here](#)) and in our continued work to ensure the lowest-income people are prioritized in our nation’s response to coronavirus.

Coronavirus, Homelessness, and Housing

President Signs Coronavirus Package with Funding for Homelessness and Housing

Congress passed and President Trump signed into law a \$2 trillion direct [spending bill](#) to respond to the coronavirus pandemic. The bill passed out of the Senate the evening of March 25 on a unanimous vote, passed the House by voice vote March 27, and was signed into law by the president the same day.

The bill provides more than \$12 billion in funding for HUD programs, including: \$4 billion for Emergency Solutions Grants (ESG) for homelessness assistance, \$5 billion in Community Development Block Grants (CDBG), \$1.25 billion for the Housing Choice Voucher program, \$1 billion for project based rental assistance, \$685 million for public housing, \$300 million for tribal nations, \$65 million for Housing for Persons with AIDS (HOPWA), \$50 million for Section 202 Housing for the Elderly, and \$15 million for Section 811 Housing for Persons with Disabilities. The bill also institutes a much-needed temporary moratorium on evictions and foreclosures for homeowners and renters in federally subsidized apartments and homes with federally backed mortgages. NLIHC released a full [analysis](#) of the bill’s housing provisions.

This bill marks a significant victory for the NLIHC-led Disaster Housing Recovery Coalition (DHRC) and our collective goal of ensuring people with the greatest needs – people experiencing homelessness and the lowest-income renters – are protected during this crisis. The final bill provides billions of dollars to help prevent the outbreak of the coronavirus among people experiencing homelessness, as well as critical resources for HUD

housing providers to help cover their increased costs and to adjust rental assistance for households that see their incomes decline.

Upon enactment of the bill, NLIHC President and CEO Diane Yentel said, “These funds are urgently needed to meet the dire needs of people who are experiencing homelessness or are right on the brink, and will go a long way towards shoring up understaffed and under-resourced homeless service providers working to respond to tremendous new challenges. The eviction and foreclosure moratoriums included in the law, while not going as far as needed, will provide important assurance to many low-income renters and homeowners that they will not lose their homes during a global pandemic.”

A lot of work remains ahead as this crisis continues to unfold. NLIHC and the 850 organizational members of the DHRC will continue to push for the resources and policies needed to keep people experiencing homelessness safe and healthy and to ensure low-income renters are stably housed. A full list of DHRC’s policy recommendations is available at: <https://bit.ly/3dtbwz3>

NLIHC’s full analysis of the bill is at: <https://bit.ly/39krx78>

Diane’s statement on the new law is at: <https://bit.ly/39pR6ni>

The bill text is at: <https://bit.ly/33MkBhM>

Coronavirus – Congress

House Democrats, Members of Congress Introduce COVID-19 Response Bills

Prior to their passage of the COVID-19 response legislation negotiated in the Senate, Democrats in the House of Representatives and other members of Congress introduced their own bills to address the impacts of the coronavirus pandemic on people experiencing homelessness and low-income renters.

House Democrats released the “Take Responsibility for Workers and Families Act,” ([H.R.6379](#)) on March 23, a counterproposal to the provisions outlined in Senate Republicans’ initial COVID-19 supplemental (see *Memo*, [3/23](#)). The bill would have provided robust funding to protect low-income households and people experiencing homelessness during the COVID-19 outbreak. It was introduced by Representatives Nina Lowey (D-NY), Richard Neal (D-MA), Frank Pallone (D-NJ), Peter DeFazio (D-OR), Bobby Scott (D-VA), Nydia Velazquez (D-NY), Maxine Waters (D-CA), Carolyn Maloney (D-NY), and Zoe Lofgren (D-CA).

The bill included many of NLIHC and the NLIHC-led Disaster Housing Recovery Coalition’s (DHRC’s) recommendations, including \$15.5 billion in additional funding for McKinney-Vento Emergency Solutions Grants (ESG) program, \$100 billion in funding for rental assistance and eviction prevention, and a temporary national moratorium on evictions and foreclosures. The bill also proposed \$1.5 billion for tenant-based rental assistance, \$720 million for the Public Housing Operating Fund, \$350 million for Tribal housing programs, and \$15 billion in additional funding for the Community Development Block Grant (CDBG) program.

Other bills introduced by members of Congress:

Senator Kamala Harris (D-CA) introduced on March 19 the “Pandemic Assistance Disaster Act” ([S.3534](#)). The bill would clarify the Federal Emergency Management Agency (FEMA)’s ability to provide financial assistance directly to individuals during a pandemic, including the current coronavirus outbreak.

Representative Al Green (D-TX) introduced on March 24 a bill, [H.R.6382](#), that would provide support for fair housing enforcement activities during the coronavirus pandemic.

Representative Steve Stivers (R-OH), ranking member of the House Financial Services Subcommittee on Housing, Community Development, and Insurance, introduced two bills March 19 to protect public housing residents. The “Protecting Our Elderly Residents Act” ([H.R.6295](#)) would require HUD to issue guidelines limiting the spread of COVID-19 in elderly housing properties and public housing. The “PHA Public Housing Flexible Funding Act” ([H.R.6296](#)) would allow public housing agencies to use operating and capital funds to address the ongoing public health emergency caused by COVID-19.

Representative Ted Budd (R-NC) introduced the “Informed Resident Notification Act” ([H.R.6297](#)) on March 19. The bill would require public housing agencies to notify all residents in public housing when a COVID-19 outbreak is detected.

Representative Denny Heck (D-WA) introduced on March 23 the “Emergency Rental Assistance Act of 2020” ([H.R.6314](#)), which would increase short-term rental assistance for most people by expanding the Emergency Solutions Grant Program.

Representatives Ayanna Pressley (D-MA) and Rashida Tlaib (D-MI) introduced on March 23 “The Public Health Emergency Shelter Act” ([H.R.6362](#)), a bill that would provide \$15.5 billion in emergency grants for homeless assistance.

Representatives Jesus García (D-IL) and Barbara Lee (D-CA) introduced the “Rental Eviction Moratorium Act” ([H.R.6347](#)) on March 23. The bill proposes instituting a nationwide eviction ban that would sunset six months after the President’s Emergency Declaration is ended by FEMA.

Representative Nydia Velázquez (D-NY) introduced a bill, [H.R.6374](#), on March 23 that would temporarily suspend rent contribution requirements during the coronavirus emergency for tenants living in public housing or for tenants receiving Housing Choice Vouchers.

The House Democrats’ proposal is at: <https://bit.ly/2xuVfZW>

NLIHC’s comparison of funding levels in the Senate bill, House bill, and final coronavirus bill is at: <https://bit.ly/2UC9T9C>

NLIHC’s analysis of the housing provisions in the final coronavirus bill is at: <https://bit.ly/39krx78>

NLIHC’s and DHRC’s recommendations for a comprehensive COVID-19 package is at: <https://bit.ly/3dtbwz3>

Senators Urged Leaders to Include Assistance for People Experiencing Homelessness in COVID-19 Stimulus Package

As Congress and the White House negotiated a COVID-19 stimulus package, a number of Democratic members of the Senate urged Senate leaders and the administration to ensure that people experiencing homelessness receive assistance. The final package did include some critical resources for housing and homelessness, although there is still more work to do. Read NLIHC’s analysis of the stimulus measure [here](#).

Senator Kirsten Gillibrand (D-NY) sent a [letter](#) to Senate Majority Leader Mitch McConnell (R-KY) and Minority Leader Chuck Schumer (D-NY) urging them to include homelessness assistance and Community Development Block Grant (CDBG) funding in any legislative action surrounding the COVID-19 pandemic.

Senators Brian Schatz (D-HI), Mazie Hirono (D-HI), Ron Wyden (D-OR), Bernie Sanders (I-VT), and Richard Durbin (D-IL) also sent a [letter](#) to the Senate leaders asking them to ensure that people experiencing homelessness are able to access the cash payments under consideration in the stimulus package.

The letter from multiple senators lists several questions that must be addressed in order to ensure the reliable and equitable distribution of direct assistance, including: how funds can be distributed to individuals who do not have a permanent address; how individuals without government-issued identification can be accommodated; and how adequate outreach can be performed to ensure people experiencing homelessness are aware of the benefits to which they would be entitled. The letter also urged Senate leaders to include legislative language explicitly stating that direct assistance should not be considered income and should not impact eligibility for means-tested public benefit programs.

Senator Gillibrand's letter is at: <https://bit.ly/2UE9i73>

The letter from multiple senators is at: <https://bit.ly/2JaLiTI>

NLIHC's analysis of the stimulus package is at: <https://bit.ly/3btRMte>

Bipartisan Coalition of Mayors Sent Letter Urging Congressional Leaders to Include Funding for Low-Income Renters and People Experiencing Homelessness in COVID-19 Response Bill

A bipartisan coalition of mayors and city officials across the country sent a [letter](#) on March 23 urging Congressional leaders to include funding to assist low-income households and people experiencing homelessness in the COVID-19 response bill.

Led by San Francisco Mayor London Breed, the letter called on Senate Majority Leader Mitch McConnell (R-KY), Senate Minority Leader Chuck Schumer (D-NY), House Speaker Nancy Pelosi (D-CA), and House Minority Leader Kevin McCarthy (R-CA) to include \$105 billion for the Emergency Solutions Grant (ESG) homelessness assistance program and for emergency rental assistance in the third coronavirus supplemental appropriations bill.

“We are very concerned because our neighbors experiencing homelessness reside in public spaces and congregate in shelters, where they may have higher exposure to the virus,” the letter states. “We must prevent vulnerable individuals and families from becoming homeless. This means helping as many people as possible regain housing, so they neither contract nor spread the coronavirus, and supporting practices in shelters to limit the spread of the virus for those who are not housed.”

The letter is at: <https://bit.ly/3bvbtko>

Coronavirus – FEMA

President Trump Declares Major Disasters in 24 States and Territories as COVID-19 Cases Spike

President Donald Trump has declared Major Disaster Declarations in 24 states and territories, allowing FEMA to ramp up its assistance to state governments as COVID-19 continues to spread across the country. As of March 30, District of Columbia, California, Colorado, Connecticut, Illinois, Iowa, Kansas, Kentucky, Florida, Georgia, Guam, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North

Carolina, Oregon, Puerto Rico, South Carolina, Texas, and Washington, as well as a number of tribal areas, are under [Major Disaster Declarations](#).

While a Major Disaster Declaration allows FEMA to utilize its full suite of disaster assistance programs, the agency conducts a damage assessment survey to determine which programs it believes are needed. Unlike in many major disasters, FEMA has not approved any of its Individual Assistance (IA) programs for use in connection with the pandemic – [prompting ire](#) from some members of Congress. Instead, FEMA will be expanding its Public Assistance (PA) programs, covering all National Guard expenses, and providing more robust direct assistance as the nation addresses the public health and economic fallout of the pandemic. While IA has not yet been authorized, the agency is able to authorize the program later in the disaster recovery process.

The moves come after President Trump declared a National Emergency on March 13. That declaration allowed FEMA to offer both direct federal assistance as well as PA grants to assist states with emergency preparedness. Because the emergency declared was national in scope, individual requests for disaster declarations by state or territorial governors are not needed to access this funding. These PA Emergency Preparedness (Category 2) Grants are open to state, local, and eligible nonprofits to reimburse costs associated with a wide variety of pandemic related work – including medical and hygiene supplies and increasing shelter capacity. PA Category 2 funding could be used to assist overwhelmed homeless service providers in finding space for COVID-19 positive or symptomatic shelter residents. The application period for the PA program typically lasts for 30 days. The funding will be provided at the typical 75% federal cost share. FEMA will not duplicate any assistance provided by the Department of Health and Human Services or the Center for Disease Control.

A fact sheet from NLIHC on FEMA Public Assistance is at: <https://bit.ly/3ak53UW>

An ongoing updated list of Major Disaster Declarations is at: <https://bit.ly/39pwJGy>

FEMA’s updated Public Assistance Grant application instructions are at: <https://bit.ly/3dIUUnS2>

Coronavirus – FHFA

FHFA Offers Owners of Multifamily Properties Mortgage Forbearance if They Agree to Suspend Evictions

The Federal Housing Finance Agency (FHFA), the federal agency overseeing Fannie Mae and Freddie Mac, [announced](#) on March 23 that owners of multifamily properties with mortgages backed by Fannie Mae or Freddie Mac would receive mortgage forbearance during the COVID-19 pandemic, under the condition that property owners agree to suspend all evictions of tenants unable to pay rent due to the impacts of COVID-19.

The agency specified that the eviction moratorium would remain in place as long as the property is in forbearance. FHFA also [announced](#) the agency will be providing flexible alternatives to current appraisal and employment verification requirements for buying, selling, and refinancing homes through Fannie Mae and Freddie Mac. These alternatives are meant to bring Fannie Mae and Freddie Mac’s policies in line with public health best practices established in response to the COVID-19 pandemic.

Read FHFA’s announcement at: <https://bit.ly/2QJtQtO>

Read FHFA’s new guidance at: <https://bit.ly/39eLkVq>

Coronavirus – HUD

NLIHC, NHLP, and NAHT Send Letter to Top HUD Officials Urging Income Recertification Policy Action

NLIHC, the National Alliance of HUD Tenants (NAHT), and the National Housing Law Project (NHLP) sent a [letter](#) to HUD urging the agency to take immediate action to mandate and streamline interim income recertifications. The letter was sent on March 26 to HUD Assistant Secretary for Housing Brian Montgomery and Assistant Secretary for Public and Indian Housing Hunter Kurtz.

Most tenants face a rental due date of April 1. At the time the letter was sent, Congress was finalizing a broad package for COVID-19 relief that included both eviction protections and additional funding to provide prompt rent relief for HUD-assisted and public housing tenants. The language in the bill provides HUD with broad waiver authority for each account. Therefore, HUD has both the authority and the funding to fully protect the housing and rent security of all HUD-assisted and public housing tenants.

The regulations for both public housing and Section 8 programs require a tenant request to trigger an interim recertification, and the regulations allow PHAs and owners to adopt additional procedures governing recertification processing. Because many tenants may be unaware of the “tenant request” requirement, and because of obvious limitations on PHA and owner capacity to send out a speedy reminder notice and to process recertification requests before April 1, HUD should issue emergency guidance waiving the tenant-request requirement and establishing a clear emergency rent recertification policy.

The letter provides ten overall policy recommendations, including:

- If rent is not paid when due for April and other months during the emergency (and a reasonable period thereafter), PHAs and owners should presume that the cause is a reduction in income (a “constructive request”) and begin the interim recertification process.
- HUD should suspend, effective April 1, any regulatory text or Handbook guidance that impose additional impediments to making recertifications, such as “reasonable time” periods for PHA or owner action, ordinary verification requirements, or any other provisions that permit denial or delay of prompt interim recertifications.
- For any other rental arrearages accumulated during the emergency, HUD should instruct owners to first ensure proper application of the emergency rent recertification policy, and to execute reasonable repayment plans that recognize the need to keep total monthly rent burdens affordable.
- HUD should clarify that any funds provided directly to tenants as part of federal stimulus efforts are not income for the purposes of calculating a tenant’s rent contribution.

The joint letter is at: <https://bit.ly/2WMkBNi>

More information about public housing is on [page 4-25](#) of NLIHC’s *2019 Advocates’ Guide*.

More information about project-based housing is on [page 4-46](#) of NLIHC’s *2019 Advocates’ Guide*.

Second Update of Coronavirus FAQs from HUD’s Office of Multifamily Housing

HUD’s Office of Multifamily Housing Programs (Multifamily), which oversees contracts with private owners of HUD-assisted properties, made more updates to its “[Questions and Answers for Office of Multifamily Housing Stakeholders: Coronavirus \(COVID-19\)](#)” (see *Memo 3/23*) on March 24. A total of 34 questions/answers were either updated or added. Twenty-two of the questions/answers pertain to multifamily

closings from HUD’s Office of the General Council that are probably not of interest to most *Memo* readers. This article will highlight some of the other changes.

Under the category “Resident Health,” Q2 was updated. The question adds how a property owner/agent (O/A) should share information about a confirmed COVID-19 case. HUD suggests that O/As identify platforms, such as a hotline, automated text messaging, and a website to help spread information to those inside and outside their organizations. O/As can provide notifications of positive COVID-19 cases without giving the name/apartment number or other personally identifiable information to their residents and staff. HUD reminds O/As that they continue to remain subject to the “Health Insurance Portability and Accountability Act of 1996” (HIPAA) and other privacy laws. HIPAA gives people rights about the privacy of their health information.

New Q3 adds that O/As should inform residents that someone in their building is positive for COVID-19 by following CDC communications advice at: <https://bit.ly/3duhqjq>

Under the Category “Policy and Operations,” Q6 is updated. It addresses what O/As can do when residents who are impacted by COVID-19 or have concerns about coming to the property office for an income recertification interview or to sign related forms. HUD allows O/As to accept electronic signatures from residents for the time being, as long as original signatures are made on recertification documents at a later date. HUD adds that residents can also provide background documentation for recertification by email to the O/A, at the O/A’s discretion. Examples of such background documentation include pay stubs, Social Security or Supplemental Security Income payments, bank statements, and public assistance documents. This provision will enable O/As to complete a temporary recertification using electronic versions of these documents and collect the original documents from a resident at a later date.

A revised Q7 relates to residents who experience an income reduction due to COVID-19. HUD adds that since O/As are required to make an interim reexamination of a resident’s income when a resident requests one, “within a reasonable timeframe,” O/As are encouraged to review and update their current policies to allow for expedited reviews of such requests. HUD indicates that it will also work to expedite its review and approval of these interim certifications. HUD adds to Q7 the text regarding the use of electronic resident signatures and alternative documentation described at Q 6.

A new Q8 addresses the potential issue of maintenance staff concerned about entering someone’s home who could be ill. HUD indicates that staff can ask a resident if it is safe to enter, and staff who do not feel it is safe to enter are not required to do so. In addition, HUD suggests that non-essential or non-health and safety repairs be deferred on a unit-by-unit basis. If a repair is necessary for the health and safety of a resident but a staff person is not comfortable entering the unit as a result of potential COVID-19 exposure, the O/A should consult local health guidance regarding the appropriate precautions to take.

New Q9 makes it clear that costs directly related to safety or preventative equipment for staff in response to COVID-19 are eligible project expenses using residual receipts funds.

For Q4, regarding rent comparability studies (RCSs), under the category of “Property Reviews and Inspections,” HUD rescinded the guidance in the March 16 Q&A regarding how it will respond to an owner’s previously submitted RCS (see *Memo* [3/23](#)). HUD will provide new guidance in the coming weeks.

HUD anticipates updating the Q&A periodically as more questions from O/As arise. Advocates should check the [website](#) of HUD’s Office of Multifamily Housing Programs.

The Q&A for Office of Multifamily Housing Stakeholders: Coronavirus (COVID-19 is at: <https://bit.ly/3aknwRd>

More information about the Office of Multifamily’s Project-Based Rental Assistance program is on [page 4-46](#) of NLIHC’s *2019 Advocates’ Guide*.

Coronavirus – USDA and VA

USDA and VA Issue Guidance on Foreclosures and Evictions

The U.S. Department of Agriculture (USDA) [announced](#) on March 20 that it would be suspending foreclosures on borrowers with USDA Single-Family Housing Direct (SFHD) loans and on evictions of households in SFHD-secured properties for 60 days. The department also issued guidance to stakeholders on adjusting certification requirements to mitigate the potential risk posed by in-person interactions.

The Department of Veteran Affairs (VA) issued [guidance](#) on March 18 strongly encouraging holders of loans to veterans to abstain from initiating foreclosure proceedings for at least 60 days.

Read USDA’s announcement at: <https://bit.ly/2QPB67t>

Read the VA’s guidance at: <https://bit.ly/33MkNxs>

NLIHC, NHLP, and HAC Send Letter to USDA RHS Administrator Urging Income Recertification Policy Action

NLIHC, the Housing Assistance Council (HAC), and the National Housing Law Project (NHLP) sent a [letter](#) to USDA Rural Housing Service (RHS) Administrator Bruce Lammers to take immediate action to mandate and streamline interim income recertifications.

The letter notes that most tenants face a rental due date of April 1, 2020, and that Congress has just adopted a broad package of COVID-19 relief that includes eviction protections for all RHS-assisted tenants. The letter also acknowledges that a USDA/RD March 25 notice, regarding opportunities for immediate relief, provides helpful reminders to assisted owners. However, the notice appears to apply only to Section 515 developments and residents; it does not cover Section 514/516 farm labor housing residents. The March 25 notice should be modified to include 514/515, as should future policy guidance.

The letter also notes that RHS regulations require a tenant request to trigger an interim income recertification and it allows owners to follow their own processing procedures. Because many tenants may be unaware of the “tenant request” requirement, and because of obvious limitations on owner capacity to send a speedy reminder notice and to then process requests before April 1, RHS should issue emergency guidance waiving the tenant request requirement and establishing a clear emergency set of rent recertification policies.

The letter provides seven overall policy recommendations, with some including a number of subsidiary components, such as:

- If rent is not paid when due for April and other months during the emergency (and a reasonable period thereafter), owners should presume that the cause is a reduction in income (a “constructive request”) and begin the interim recertification process. Owners should be immediately required to send those tenants an RHS-prepared form notice in plain language that contains information about the tenant’s right to a prompt rent recertification that accounts for any income reduction, effective the first of the month following the income loss.

- RHS should suspend any regulatory or Handbook guidance that imposes additional impediments to making recertifications effective April 1, such as “reasonable time” periods for owner action, ordinary verification requirements, or any other provisions that permit denial or delay of prompt interim recertifications. In particular, RHS should temporarily eliminate the additional income verification requirements for tenants reporting zero income.
- For any other rental arrearages accumulated during the emergency, RHS should instruct owners to first ensure proper application of the emergency rent recertification policy, and to execute reasonable repayment plans that recognize the need to keep total monthly rent burdens affordable. This is particularly true for residents who did not receive Rental Assistance prior to the current emergency.
- RHS should clarify that any funds provided directly to tenants as part of federal stimulus efforts are not income for the purposes of calculating a tenant’s rent contribution.

The NHLP, NLIHC, HAC letter is at: <https://bit.ly/2WJItRM>

More information about RHS/RD housing programs are on [page 4-59](#) of NLIHC’s *2019 Advocates’ Guide*.

Coronavirus – Other

CDC Advises Against Clearing Homeless Encampments if Alternate Housing Is Not Available During Coronavirus Outbreak

The Centers for Disease Control and Prevention (CDC) issued [guidance](#) on March 22 advising municipalities not to clear homeless encampments during the coronavirus outbreak unless individual housing units are available. Clearing encampments breaks connections between people experiencing homelessness and service providers and can increase the likelihood of spreading the disease to new communities.

Advocates lauded the guidance as a step in the right direction and a one that brings federal guidance in line with public health best practices. Advocates were quick to emphasize, however, that while the CDC’s advice is necessary, Congress must ensure people experiencing homelessness and those serving them have the resources needed to address their urgent housing, healthcare, and nutritional needs. The recently passed COVID-19 response legislation providing \$4 billion for Emergency Solutions Grants for homelessness assistance is a good start, but estimates are that [\\$15.5 billion](#) is needed.

Read the CDC guidance at: <https://bit.ly/2WBDQcq>

NLIHC Releases Interactive “Housing Instability and COVID-19 Map”

NLIHC released an interactive [Housing Instability and COVID-19 Map](#), which helps visualize the extent of the need for housing assistance for low-income renters and people experiencing homelessness throughout the country. The map shows for each U.S. county the number of renters who are experiencing or are at-risk of housing instability, including extremely low-income renters who are severely housing cost-burdened or living in overcrowded conditions; the number of people experiencing homelessness in the Continuum of Care to which each county belongs; and which counties have confirmed COVID-19 cases.

One of the key findings in NLIHC’s recently released [The Gap: A Shortage of Affordable and Available Homes](#) is a shortage of seven million affordable and available homes for extremely low-income renters. Even before the COVID-19 public health and economic crises, nearly eight million extremely low-income renter households were spending more than half of their incomes on their housing, leaving them no ability to save for a future

emergency and putting them just one financial shock away from housing instability. That financial shock is here. The Department of Labor announced that 3,283,000 new claims for unemployment insurance were filed in the week that ended March 21, nearly five times larger than any previous increase on record. Recent estimates have predicted that as many as 7.5 million jobs could be lost by June (EPI, [2020a](#) and [2020b](#)).

Severe housing cost burdens and housing instability have worrisome public health consequences. Households that suffer from housing instability, whether by struggling to pay the rent, moving from place to place, or experiencing homelessness, are more likely to have a range of adverse health conditions ([Sandel et al., 2018](#); [Stahre et al., 2015](#)), and people experiencing homelessness are at higher risks for a number of health problems ([Hwang, 2001](#)).

The spread of COVID-19 is especially dangerous for the more than 500,000 people experiencing homelessness nightly who cannot control their environments or isolate themselves as easily as others and who often have underlying health conditions. Culhane et al. ([2020](#)) estimate the pandemic is likely to cause approximately 21,000 hospitalizations and 3,400 deaths just among those experiencing homelessness. An economic crisis that pushes more low-income households into homelessness will amplify this risk. Another 700,000 renters with extremely low incomes live in overcrowded housing conditions, which also poses risks. The [Housing Instability and COVID-19 Map](#) makes clear that the spread of the virus and the looming economic crisis threatens millions of low-income families and people experiencing homelessness.

The Housing Instability and COVID-19 Map can be found at: <https://bit.ly/3drj4lP>

Recording of NLIHC’s March 23 “Coronavirus, Homelessness, and Housing” Call Now Available; Next Call Today at 2:30 pm ET

Over 2,000 organizers, advocates, housing and homelessness service providers, reporters, and legislative staff attended a [national call](#) on “Coronavirus, Homelessness, and Housing” hosted by NLIHC and the Disaster Housing Recovery Coalition (DHRC) on March 23. The call featured updates from national, state, and local advocates and services providers working to assist people experiencing homelessness, low-income households, and members of marginalized communities, all of whom are disproportionately impacted by the coronavirus pandemic. Register for today’s 2:30 p.m. ET call featuring Representative Maxine Waters, Senator Jack Reed, and others at: <https://bit.ly/2R2Xj2f>

National updates included a presentation by Brian Montgomery, assistant secretary of HUD and commissioner of the Federal Housing Administration (FHA), who discussed HUD’s efforts to encourage foreclosure moratoriums and alternative housing solutions around the country during the pandemic. Maria Fernandez, senior associate director of the Federal Housing Finance Agency (FHFA), said the agency will be providing flexible alternatives to current appraisal and employment verification requirements for buying, selling, and refinancing homes backed by Fannie Mae and Freddie Mac. NLIHC President and CEO Diane Yentel commended FHFA’s decision to make mortgage forbearance for owners of multi-family properties with mortgages backed by Fannie Mae and Freddie Mac conditioned upon an agreement not to evict tenants.

Local updates were given from advocates and housing and services providers in California, Connecticut, Illinois, Maine, Texas, and Minnesota. Doug Guthrie of the Housing Authority of the City of Los Angeles spoke about the housing authority’s efforts to secure emergency beds for unhoused individuals to allow them to socially isolate. Richard Cho of the Connecticut Coalition to End Homelessness discussed the Coalition’s partnership with state and local authorities to address the multifaceted needs of people experiencing homelessness and abide by social distancing and quarantining recommendations. Douglas Schenkelberg of the Chicago Coalition for the Homeless focused on the city’s efforts to procure hotel rooms for quarantining infected people without homes, and Dana Totman of Avesta Housing in Maine noted the lack of desperately

needed sanitation supplies for shelter spaces and housing providers and the serious threats to new housing projects under construction. Eric Samuels of Texas Homeless Network addressed the challenges of finding volunteers to help staff shelters, and Michele Stowe of Mercy Housing, Inc. explained her organization's severe staffing challenges. Anne Mavity of Minnesota Housing Partnership focused on the unique challenges faced by housing providers in rural areas, particularly in the absence of widespread broadband internet that can be used as an alternative to in-person meetings with tenants. All speakers made clear there is an urgent need for additional funding to address the spatial, sanitary, staffing, and housing-supply issues faced by homelessness and housing providers.

National nonprofit leaders who spoke on the call included Sharon Vogel of the United Native American Housing Association and Cheyenne River Housing Authority, who addressed the additional pressures placed on already underfunded service providers in tribal nations. Megan Blondin of Youth Collaboratory shared her perspectives on the needs of young people experiencing homelessness, and Debbie Fox of the National Network to End Domestic Violence raised concerns about the possible ramifications of "shelter-in-place" policies for survivors of domestic violence. NLIHC President and CEO Diane Yentel facilitated the call.

NLIHC and DHRC will host national calls on the Coronavirus, Housing, and Homelessness every week on Mondays at 2:30pm ET. Register for today's call at: <https://bit.ly/2R2Xj2f> See the agenda for today's call at: <https://tinyurl.com/wtwdkam>

Watch a recording of the March 23 call at: <https://bit.ly/2QNpcLz>

View presentation slides at: <https://bit.ly/2vUZSvQ>

Stay up-to-date on COVID news and housing resources at: <https://bit.ly/3dwCSEm>

Additional Coronavirus Updates - Monday, March 30, 2020

NLIHC is hosting weekly national calls on COVID-19, homelessness, and housing every Monday afternoon. **The next call is today (Monday, March 30) at 2:30 to 4:00 p.m. ET.** Register for the national call at: <https://tinyurl.com/t3oftj7>

The NLIHC-led Disaster Housing Recovery Coalition (DHRC) will continue to advocate for a broad array of resources and protections, including emergency rental assistance and eviction prevention assistance, a national moratorium on evictions and foreclosures, and emergency funds for homelessness service providers, housing authorities, and housing providers, among other recommendations. For more information, see DHRC's [full list of recommendations](#), which will continue to be expanded and refined.

NLIHC is also maintaining a regularly updated COVID-19/Housing and Homelessness News and Resource page [here](#).

National Updates

FEMA

FEMA's Public Assistance (PA) program – one category of which is operating nationally after President Trump's National Declaration of an Emergency – will have [simplified](#) forms and application processes – allowing applicants (state, local, and tribal governments and eligible nonprofits) to apply directly through the PA [website](#).

NLIHC has released a [fact sheet](#) on Public Assistance funding uses and eligibility. This sheet will be updated as new information is released.

FEMA also released additional [explanations](#) on the Public Assistance program for tribal governments.

A memo from the Department of Homeland Security has [authorized](#) FEMA to fund 100% of the emergency assistance activities conducted by National Guard units under state control in California, New York, and Washington.

FEMA Administrator Pete Gaynor released a [message](#) to all emergency managers in the U.S., laying out seven critical steps for pandemic response. Included are directions to collect data on community vulnerability and identify locations to quarantine patients that are unable to isolate inside a home.

As FEMA takes the reigns of pandemic response, confusion and frustration are [mounting](#) both inside and outside the agency.

Federal Housing Finance Agency

FHFA and Freddie Mac released additional [details](#) on a plan to offer multifamily property owners mortgage forbearance on the condition they suspend all evictions for renters unable to pay rent due to the impact of coronavirus.

Advocacy

A list of local eviction and foreclosure moratoriums is available [here](#) from NLIHC.

The National Housing Law Project released a [Model Eviction Moratorium Act](#) to serve as an example for jurisdictions working to stop evictions during the COVID-19 crisis.

Lone Star Legal Aid released a blog [post](#) on issues related to coronavirus isolation and domestic violence.

Healthdata.org released a [set of projections](#) of hospital resources based on COVID-19 fatalities. The data can be broken down by state.

State News

California

California Governor Gavin Newsom announced a statewide eviction [ban](#) for renters affected by the COVID-19 crisis.

Homeless service providers and government officials are [scrambling](#) to house the homeless as the COVID-19 pandemic worsens in the state.

Delaware

The Delaware State Housing Authority is offering eligible households up to \$1,500 in direct housing assistance payments through the Delaware Housing Assistance Program. Applications are available [here](#).

Kentucky

The Northern Kentucky Convention Center has opened its doors to serve as a social isolation homeless [shelter](#).

Maine

Some [landlords in Maine](#) have argued they should be allowed to restrict guests to rental units. Advocates have called on renters and landlords to work together to identify ways prevent the spread of COVID-19.

Michigan

Service providers will still be [allowed](#) to provide food and shelter to people in need under Michigan's stay-at-home order. Many organizations in the state are scrambling to deal with the spread of COVID-19.

Montana

Montana Governor Steve Bullock issued a stay-at-home order for the state. The [order](#) does not exempt individuals experiencing homelessness but directs them to shelters.

New York

An Albany Housing Authority employee tested [positive](#) for COVID-19; the public housing property where the employee resided is now under quarantine.

An [op-ed](#) in *City Limits* by Judi Kende of DHRC-member Enterprise Community Partners calls for New York to quickly move to create a housing voucher system to combat homelessness.

Ohio

An apparent positive case of coronavirus in Toledo has public housing residents [on edge](#). Residents of the building in question have been asked to quarantine.

Oregon

Portland Mayor Ted Wheeler said that the statewide stay-at-home order [applies to people without homes](#). It is unclear to what extent police will enforce the rule with the homeless population. Oregon Governor Kate Brown's office said it would "discourage" police departments from punishing homeless individuals for violating the order but would not prohibit it.

Washington State

Washington's Department of Commerce is dispensing emergency housing [grants](#) to each county in the state. Each county will receive at least \$250,000.

Utah

The Utah Economic Response Task Force released a health and economic recovery [plan](#) that includes loan and mortgage freezes.

Local News

Baltimore

Mayor Bernard C. "Jack" Young [released](#) an emergency response plan to mitigate the effects of the coronavirus on individuals experiencing homelessness.

Chicago

The City of Chicago will be partnering with [five hotels](#) to house quarantined and isolated individuals diagnosed with COVID-19.

Detroit

An employee of a transitional housing program for formerly homeless individuals tested [positive](#) for COVID-19. Six staff members are now self-quarantining.

Los Angeles

Orange County is currently converting a no longer used [juvenile detention center](#) to host beds for homeless individuals that are experiencing the symptoms of COVID-19.

New Orleans

New Orleans officials are [finalizing](#) plans to move individuals experiencing homelessness out of encampments and into a downtown hotel. Many of the individuals are residents of encampments [targeted](#) by city officials in clean-up operations in which multiple residents lost all their belongings.

New York City

Residents at New York City homeless shelters are becoming [concerned](#) about the cleanliness of shelters in the city, worrying that the lack of sanitation may spread the virus.

San Francisco

The San Francisco Department of Homelessness and Supportive Housing [advised](#) homeless shelters in the city to not accept new residents. It additionally sent out instructions for social distancing but told providers not to implement them until notified by the agency.

Federal Guidance:

CDC

[People Experiencing Unsheltered Homelessness Interim Guidance](#)

[CDC: Interim Guidance for Homeless Service Providers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#)

HUD

[COVID-19: Essential Services for Encampments During an Infectious Disease Outbreak](#) (Updated)

[COVID-19: Shelter Management During an Infectious Disease Outbreak](#)

[COVID-19 Client Triage Tool: Atlanta, GA CoC Example](#)

[COVID-19: How to Screen Clients Upon Entry to Shelter or Opportunity Centers](#)

The Office of Multifamily Housing Stakeholders [COVID-19 Q&A](#) (updated)

USICH

A recording of a USICH/HUD webinar on “COVID-19 Planning and Response: Isolation and Quarantine: Lessons Learned from King County [Washington]” is available [online](#).

HUD

OIRA Receives Final Section 3 Rule

The final Section 3 rule was received from HUD by the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) on March 26. Comments on HUD’s proposed rule were due on June 3. OIRA will now review it and then return it to HUD, which will subsequently send it to the appropriate congressional subcommittees for a 15-day period before publishing the final rule in the *Federal Register*. When the final rule is published in *Federal Register*, NLIHC will summarize and analyze it for advocates.

The proposed rule had several potential improvements, such as using “labor hours worked” instead of “new hires” in many situations and adding residents with Section 8 vouchers or project-based assistance to the cascade of priority categories of “Section 3 workers and businesses.” A potential adverse change included removing the monitoring and enforcement of Section 3 from the Office of Fair Housing and Equal Opportunity (FHEO) and transferring that responsibility to the HUD program offices responsible for the funding program that triggers Section 3, such as the Office of Public and Indian Housing (PIH) and the Office of Community Planning and Development (CPD). Another potential harmful change is establishing a \$200,000 per-project threshold before an entity has to comply with Section 3.

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, training, and contracting opportunities that are created go to low-income people and to businesses owned or controlled by low-income people or to businesses that hire them. Public housing agencies (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.

The notice that OIRA received the final Section 3 rule is at: <https://bit.ly/39pBC2x>

NLIHC’s “Summary and Analysis: Proposed Section 3 Regulation” is at: <https://bit.ly/2UoeNbq>

More about Section 3 is on [page 7-66](#) of NLIHC’s *2019 Advocates’ Guide*.

Our Homes, Our Votes: 2020

State and National Policymakers Weigh Increased Absentee Voting

Over the past week, state and national policymakers have begun to explore how voters can safely exercise their right to vote without having to go to the polls—a protection that is crucial as the nation continues to combat the coronavirus pandemic. This exploration of possibilities includes expanding absentee or vote-by-mail options which make it easier and safer to vote.

States are already responding. For example, Virginia has clarified that all voters are encouraged to vote by mail ballots in the May municipal elections. Although Virginia law requires a reason to vote absentee, state officials

have determined that COVID-19 is a valid reason for everyone to vote absentee. All voters are encouraged to apply online for their absentee ballot—and no documentation or excuse is needed.

[Vote 411](#), a project of the League of Women Voters Education Fund, has state-by-state voting information available, including up-to-date information about states' various absentee ballot requirements.

As we shared last week (see *Memo*, [3/23](#)), the American Civil Liberties Union (ACLU) has compiled an excellent [resource](#) with information about absentee voting for each of the remaining 21 states with primaries. For each state, their analysis includes:

- the date of the primary
- the date the application must be received to get an absentee ballot
- how to apply, and
- who is eligible to vote by absentee ballot.

[Our Homes, Our Votes: 2020](#), NLIHC's non-partisan candidate and voter engagement project, is closely monitoring the elections and encouraging affordable housing advocates and low-income renters to vote.

Major media reports detailing expanded vote-by-mail options include:

1. [“As Coronavirus Delays Primary Season, States Weigh Expanding Absentee Voting”](#) (*National Public Radio*, March 24)
2. [“Democrats Throw Down the Gauntlet on Vote-by-Mail”](#) (*Washington Post*, March 23)
3. [“Everything You Need to Know about Vote-by-Mail”](#) (*Newsweek*, March 24)

Opportunity Starts at Home

Campaign Releases New Podcast Episode on Racial Equity and Housing

The [Opportunity Starts at Home](#) multisector affordable homes campaign released on March 26 its latest podcast episode, “Racial Equity and Housing,” featuring Amanda Andere, CEO of Funders Together to End Homelessness. Funders Together to End Homelessness mobilizes its members to utilize the voice, influence, and expertise of philanthropy in ways that will advance lasting solutions to ending homelessness, including addressing its underlying causes like structural and racial inequities, and helping create policies and systems that center people with lived expertise. It is the only philanthropic membership organization in the U.S. devoted to ending homelessness.

In the episode, Ms. Andere discusses the work of her organization, how racial inequities manifest in housing and homelessness, the history of housing discrimination, what it takes to achieve large-scale policy change, and the common mistakes organizations make in pursuing racial equity work. Ms. Andere also explores the importance of distinguishing between intent and impact, how the philanthropic community is increasingly committed to addressing structural and racial inequities, and why centering racial equity becomes even more important in crises such as the coronavirus pandemic.

"For us, racial equity is not just the absence of overt racial discrimination," said Ms. Andere. "It is also the presence of deliberate policies and practices that provide everyone with the support they need to improve their quality of lives."

Listen to the full episode [here](#).

Follow the *Opportunity Starts at Home* campaign on all social media platforms: [Twitter](#), [Instagram](#), [Facebook](#), and [LinkedIn](#). Be sure to [sign up](#) for our e-newsletter to get the latest updates about the campaign, including new multi-sector partners, [calls to action](#), events, and [research](#).

Research

NLIHC Releases Spanish Edition of *The Gap: A Shortage of Affordable Homes* (*La Brecha: La Escasez de Viviendas Asequibles*)

NLIHC released its annual report [The Gap: A Shortage of Affordable Homes](#) in Spanish ([La Brecha: La Escasez de Viviendas Asequibles](#)). The report finds that extremely low-income renters in the U.S. face a shortage of 7 million affordable and available rental homes. Only 36 affordable and available homes existed for every 100 extremely low-income renter households in 2018. The report also examines in the racial inequities of the nation's housing shortage and the connection between housing affordability and social justice.



La Brecha examines the availability of rental homes affordable to extremely low-income households—households with incomes at or below the poverty line or 30% of the area median income, whichever is greater—and other income groups. The report found that of the 10.9 million renter households with extremely low incomes, 71%—or 7.7 million households—are severely housing cost-burdened, spending more than half of their incomes on rent and utilities. No state has an adequate supply of affordable and available homes for extremely low-income renters. *La Brecha* illustrates that the shortage of affordable homes for households with higher incomes is driven by the shortage for the lowest-income renters, who are forced to rent apartments they cannot afford, making those apartments unavailable to other income groups.

People of color are more likely than whites to be extremely low-income renters. Twenty percent of Black households, 17% of American Indian or Alaska Native households, 15% of Hispanic households, and 10% of Asian households are extremely low-income renters. By comparison, 6% of white non-Hispanic households are extremely low-income renters. While Black households account for 12% of all households in the United States, they for 26% of all extremely low-income renter households. Hispanic households also comprise 12% of the

U.S. population but 21% of all extremely low-income renters. These patterns reflect longstanding inequalities of opportunity and the continuing impacts of historical and ongoing discrimination.

La Brecha explores the connection between housing affordability and social justice. Research shows that stable, decent, accessible housing is essential for individual and social well-being, but this well-being is denied to people who cannot afford their housing, unnecessarily imposing suffering on millions. Such imposed suffering is a fundamental injustice we as a nation have a collective moral responsibility to address. *La Brecha* describes steps that could remedy the injustice: greater investments in the national Housing Trust Fund, Housing Choice Vouchers, public housing, and a national housing stabilization fund to prevent evictions.

La Brecha: La Escasez de Viviendas Asequibles can be found at: <https://bit.ly/2WQ0ihY>

The Gap report and interactive website can be accessed at: <https://nlihc.org/gap>

Analysis Shows Continuing Segregation at Neighborhood Level

The Brookings Institution released a [report](#) that examines patterns of continuing racial segregation throughout the country. In every major metropolitan area, white Americans continue to reside in mostly white neighborhoods, even as the nation becomes more racially and ethnically diverse.

The author analyzed five-year (2014–2018) American Community Survey data to assess changes in the racial and ethnic composition of neighborhoods since 2000. Between 2000 and 2018, the U.S. became more racially diverse: taken collectively, Latino or Hispanic Americans, Asian Americans, Black Americans, Native Americans, and multiracial people increased by 51%, while the white population increased by 1%. In the nation's 100 largest metropolitan areas, the white share of the population decreased from 64% to 55%.

The neighborhoods in which people live, however, do not fully reflect this growing racial diversity. In 2000, the average white resident lived in a neighborhood that was 79% white. In 2018, the average white resident lived in a neighborhood that was 71% white. In every large metro area with more than one million people, the average white resident's neighborhood had a higher share of whites than the metro areas as a whole. When the average white residents' neighborhoods became more racially diverse, they were more likely to see an increase in Latinos/Hispanics, Asians, or multiracial people than to see an increase in Black residents.

The Black share of the overall population remained constant between 2000 and 2018. The average Black-resident neighborhood became more racially diverse during that time, which is explained by increases in the Hispanic and Asian American populations. The increase of the white share in these neighborhoods was minimal.

The author applied a segregation (or dissimilarity) index to examine patterns of racial segregation in these metro areas. A segregation index ranges from 0 (complete integration) to 100 (complete segregation). The value represents what percentage of one group would need to relocate to be distributed across neighborhoods equally with the other group. For instance, the Black-white segregation index in Milwaukee is 79, indicating that 79% of Blacks would need to change neighborhoods for Blacks and whites to be fully integrated. Many metro areas in the South and West have Black-white segregation index values below 60, while many metro areas in the north remain in the 70s. Hispanic-white index values are lower, ranging from 31 in Jacksonville to 61 in Los Angeles.

The report can be accessed at: <https://brook.gs/3bjSNUv>

State Interventions in Land-Use Regulations Can Increase Access to Opportunity

An article in *Housing Policy Debate*, “[State Affordable Housing Appeals Systems and Access to Opportunity: Evidence from the Northeastern United States](#),” finds evidence that legal systems that allow developers to request overrides of local land-use regulations can increase access to opportunity. The authors find that in several northeastern states with state affordable housing appeals systems (SAHASs), middle- to upper-income and low-poverty neighborhoods are more likely to accommodate below-market rate (BMR) housing units, compared to states without such a system. They also found evidence that Massachusetts’s system may be particularly effective at facilitating BMR production.

State affordable housing appeals systems respond to concerns that local land-use regulations can constrain housing supply, increase housing cost burdens for low-income households, and restrict access to high-opportunity neighborhoods. In states with a SAHAS (including Massachusetts, New Jersey, Connecticut, and Rhode Island), developers of BMR housing projects can challenge local land-use regulations and jurisdictions’ development decisions when municipalities have not met a state-determined fair-share housing standard. The SAHAS may exempt developers from certain local zoning requirements or allow them to receive an expedited approval process. Generally, the SAHAS places the burden of proof on municipalities to show that their land-use regulations are reasonable, and developers who win their appeals are generally entitled to a building permit. How much BMR housing this system facilitates depends in part on the fair-share standards imposed on municipalities.

The authors analyze data on deed-restricted BMR units in metropolitan areas in Massachusetts, Rhode Island, Connecticut, and New Jersey (which all have SAHASs), as well as New York (which does not have a SAHAS). Looking first at the deed-restricted housing stock in the metro areas of states with a SAHAS, the authors found that upper middle-income and upper income Massachusetts municipalities have a higher proportion of BMR units (4.8%) than counterparts in New Jersey (3.0%), Connecticut (3.3%), or Rhode Island (4.3%).

They also compared the spatial pattern of Low Income Housing Tax Credit (LIHTC) development and preservation in these states and in New York, to see whether states with a SAHAS facilitated more LIHTC projects in low-poverty and middle- to upper-income neighborhoods. While they found no difference between New Jersey and New York, they did find that middle- to upper-income neighborhoods in Massachusetts, Connecticut, and Rhode Island were more likely to have LIHTC development, rehabilitation, or preservation. The average sampled neighborhood in Massachusetts was 2.5 times more likely to have a LIHTC development than neighborhoods in New York, and neighborhoods in Rhode Island were 4.5 to 5.5 times more likely to have LIHTC projects.

The authors analyzed whether the presence of a SAHAS was associated with housing cost burdens. They hypothesized that an effective SAHAS would reduce the proportion of low-income renter households that were cost-burdened by introducing more below-market rate housing. The proportion of low-income renters without a rent cost burden was two to three times higher in Massachusetts than in New York. The proportions of low-income renters without a cost burden were higher in middle- and upper middle-income Rhode Island neighborhoods than in comparable New York neighborhoods. The differences between Connecticut and New York were smaller, and there was no significant difference between New York and New Jersey for most neighborhoods.

The authors infer that the Massachusetts SAHAS is associated with improved BMR housing outcomes relative to Connecticut, New Jersey, and New York State. They identify five features of the Massachusetts system that may be important. First, in Massachusetts developers can request a comprehensive permit that consolidates all local approvals. Second, the Massachusetts fair-share standard is simple and consistent across the state. Third, Massachusetts rewards municipalities that ensure BMR housing is actually built. Fourth, mixed-income requirements in Massachusetts are not as demanding as in other states. Fifth, in Massachusetts an administrative

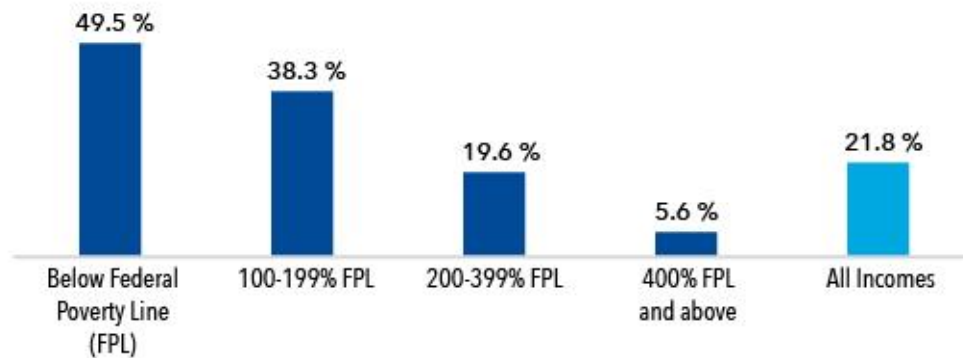
board reviews comprehensive permit decisions, which may be faster than the judicial-review system used in other states.

The full paper can be read at: <https://bit.ly/3dqcYSu>

Fact of the Week

Half of Households with Incomes Below Poverty Level Are Not Confident They Could Handle \$400 Expense

Households Not Confident They Could Handle a \$400 Unexpected Expense



Source: Urban Institute Well-Being and Basic Needs Survey, December 2017. Respondents were adults aged 18 to 64.

Source: Urban Institute Well-Being and Basic Needs Survey, December 2017

Census

Latinos and Immigrants in the 2020 Census

Accurate, detailed census data on Hispanic origin and race are necessary to enforce a broad array of civil rights protections, reveal disparate impacts of laws and policies, and ensure that programs meet the needs of diverse communities. These data guide a wide range of decisions made in the public and private sectors that affect the lives of Latinos and all American families and their children. The data help ensure fair and representative reapportionment and redistricting for Latino communities.

Latinos have been undercounted in the census for decades, disadvantaging their families, communities, and neighborhoods. Latino children in particular are among the most undercounted populations in the U.S. There are 56.5 million Hispanics living in the U.S., and roughly one in three lives in hard-to-count census tracts. There are many characteristics that make the Latino community hard to count, including language, poverty, education,

and immigrant status. Therefore, special attention is needed to reach Latino households and to make sure they complete a 2020 Census questionnaire. See a factsheet [“Will You Count? Latinos in the 2020 Census.”](#)

Since 1980, the census has asked about Hispanic identity separately from racial identity. Recent Census Bureau testing indicates that combining the Hispanic ethnicity with the general race question would more accurately reflect the Latino population. The Census Bureau proposed changing questions about Hispanic origin and race into one combined question in 2017. The Trump administration’s Office of Management and Budget (OMB) did not, however, accept the Census Bureau’s recommendations. Consequently, the 2020 Census will not meet the need for a combined race and ethnicity question.

The 2020 Census will ask a question about Hispanic origin and a separate question about race and national origin. All respondents will be able to check off or write in their national origin, ethnicity, or principal or enrolled tribe. Factsheets from several sources discussing the census question about Hispanic origin and race are at:

- <https://bit.ly/2xYoSmm>
- <https://bit.ly/3agi41Z>
- <https://bit.ly/3dqAezY>
- <https://bit.ly/2JcpRSI>

The U.S. Census Bureau [urges non-citizens to respond](#) to the census. Everyone living in the U.S. and its five territories (Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands) is required by law to be counted in the census – whether they are citizens or not. Citizens of foreign countries who are living in the U.S. during the 2020 Census (who are not here on vacation or business) should be counted at the U.S. residence where they live and sleep most of time. If they are unsure about how to answer where they usually live, they are to be counted at the place where they are staying on April 1, 2020. The Census Bureau also has a factsheet, [“Information for Immigrant/Foreign-Born Audiences.”](#)

Responses to the 2020 Census are safe, secure, and protected by federal law. Answers can only be used to produce statistics – they cannot be used against people in any way. By law, all responses to U.S. Census Bureau household and business surveys are kept completely confidential. The Census Bureau is not allowed to share your personal information with anyone, including Immigration and Customs Enforcement (ICE), police, or any other government agencies. The Census Bureau can use responses only to create general information about the population, such as how many people live in a city, and statistics about age, gender, and race. The Census Bureau cannot share information about people as individuals, and strong laws protect the confidentiality of census responses. Factsheets from several sources about the privacy of peoples’ responses to the census are at:

- <https://bit.ly/2JaTyU3>
- <https://bit.ly/2Uxj5Mh>
- <https://bit.ly/3bope48>
- <https://bit.ly/2UEO6OC> (in Spanish)
- The Census Bureau explains why and how peoples’ responses are private at: <https://2020census.gov/en/data-protection.html>

A variety of fact sheets are available from several sources:

- Census 101: Make Yourself Count (English), <https://bit.ly/3ajt11c>
- Census 101: Make Yourself Count (Spanish), <https://bit.ly/33PiARZ>
- “Censo 2020 Español,” <https://bit.ly/3aclTFf>
- “Census 101: What You Need to Know” (English), <https://bit.ly/2wCHmZg>
- “Census 101: What You Need to Know” (Spanish), <https://bit.ly/2QLbiJy>

- FAQ (English), <https://bit.ly/2UhD2Yo>
- “Fact Sheet for Hispanic Audiences,” <https://bit.ly/2JgcIHO>
- “Fact Sheet for Puerto Rico” (English), <https://bit.ly/2UfiKPI>
- “Fact Sheet for Puerto Rico” (Spanish), <https://bit.ly/39oSUNc>
- “Census Support for Languages,” <https://bit.ly/2UgAtG5>
- “Our Kids Count: Español,” <https://countallkids.org/resources/our-kids-count-2>
- “Our Kids Count: English,” <https://countallkids.org/resources/our-kids-count>
- “Count All Kids FAQs (English),” <https://bit.ly/2wzhhCT>
- “Count All Kids FAQs (Spanish),” <https://bit.ly/3bimLIu>
- “Responding to the Census” (English and Spanish), <https://bit.ly/2QHM4fg>
- “Su Guía para el Censo del 2020,” <https://bit.ly/2UzWILB>
- Census Questionnaire Guidance, <https://bit.ly/33J1jd1>
- A sample census form in English and Spanish is at <https://bit.ly/2UdcW98> (The Spanish version works back from the end of the English version. Scroll all the way down to start the Spanish version.)
- Reminder Letter (English and Spanish), <https://bit.ly/39f3gPF>

Sources of information:

- [Census Counts](#) is a collaborative campaign coordinated by the Leadership Conference on Civil and Human Rights. See the Census Counts [library](#).
- The Economic Security and Opportunity Initiative and the 2020 Census at Georgetown Law School’s Center on Poverty and Inequality has papers about the 2020 Census and hard-to-count populations at: <https://bit.ly/2VJpZA9>
- The National Association of Latino Democratic Officials (NALEO) Education Foundation’s “Hágase Contar” webpage is at: <https://hagasecontar.org> See “[Census 101](#)” at the top menu bar.
- The Census Bureau’s Help and FAQs page is at: <https://2020census.gov/en/help.html>
- The Census Bureau also has a lot of useful information on its [Outreach Materials page](#) at: <https://2020census.gov/en/partners/outreach-materials.html>

Event for Residents

Tenant Talk Live Webinar: Responding to Coronavirus, April 6

[Join](#) resident leaders and NLIHC staff for the next *Tenant Talk Live* webinar to discuss the impacts of the coronavirus/COVID-19 pandemic and how you can advocate for needed resources and other protections for people experiencing homelessness and low-income renters in your community. The next *Tenant Talk Live*—a bimonthly call/webinar with resident leaders from across the country—will take place on Monday, April 6 at 6:00 p.m. ET (5 p.m. CT, 4 p.m. MT, 3 p.m. PT).

NLIHC staff will provide updates on what is being done at the federal level to address the pandemic, discuss issues and efforts from around the country, share ways you can take action, and answer questions. Clarksville, TN, Mayor Joe Pitts will discuss what steps his city has taken to mitigate the effects of the pandemic on people experiencing homelessness and on low-income tenants. Then several residents will discuss what they are seeing in their communities and what they are doing in response to the pandemic. Lastly, Sharon Legenza from Housing Action Illinois will discuss how the COVID-19 pandemic will affect the census and the importance of the census.

Tenant Talk Live provides opportunities for residents to **connect** with NLIHC and one another, to **share** best practices, and to **learn** how to be more involved in influencing federal housing policies and to lead in their community.

NLIHC is committed to connecting and engaging with resident leaders in new, more robust ways. If you are a low-income resident and have a topic you would like to propose for peer-sharing or if you want to be a speaker on an upcoming call/webinar, please email us at: karbuckle@nlihc.org

Register for *Tenant Talk Live* at: <https://bit.ly/2vEFS0o>

Events

NHLP to Conduct Webinar Introducing Its “Fair Chance Ordinances: An Advocate’s Toolkit”

The National Housing Law Project (NHLP) will conduct a webinar providing an overview of its new [*Fair Chance Ordinances: An Advocate's Toolkit*](#), on April 7 at 2:00 p.m. ET. The webinar will also offer perspectives from organizers and advocates on the ground in key jurisdictions that have recently enacted fair chance ordinances.

Fair Chance Ordinances: An Advocate's Toolkit provides a step-by-step guide to developing such a policy. The toolkit highlights key elements of a fair chance ordinance, including implementation and enforcement provisions, and it discusses various legal and practical considerations.

Organizers and advocates around the country are increasingly pressing local governments to adopt policies that increase housing access for people with criminal records by reducing the use of those records in the rental housing application process.

Presenters will be:

- Lisa Sitkin, senior staff attorney, NHLP
- John Jones III, director of community and political engagement, Just Cities
- Kim Gunning, attorney, Columbia Legal Services Institutions Project

The webinar is free and will be closed-captioned.

Register at: <https://bit.ly/2WP4eQi>

Reminder: Today, NHLP Webinar on Housing Rights for Domestic Violence Survivors Who Interact with Criminal Justice System

Today (March 30) at 3:00 p.m. ET the National Housing Law Project (NHLP) will conduct a [webinar](#), “Housing Rights for Survivors of Domestic Violence Interacting with the Criminal Justice System.” Survivors of domestic violence may have engaged with the criminal justice system in ways that could potentially prevent them from living in safe, affordable, accessible housing. Often this engagement is directly related to the acts of abuse committed against them. The webinar will provide an overview of the intersection of an individual’s engagement with the criminal justice system and its impact on housing applicants seeking federally assisted and other housing.

Specific topics to be covered will include: (1) how and why survivors interact with the criminal justice system; (2) basic rules regarding admission to federally assisted housing; (3) examples of existing housing policies that permit individuals who have engaged with the criminal justice system to access housing; (4) tips on working with housing providers to assist survivors who have engaged with the criminal justice system obtain housing; and (5) the impact of nuisance and crime-free ordinances on survivors of domestic violence.

The presenters will be:

- Monica McLaughlin, director of public policy, National Network to End Domestic Violence
- Marie Claire Tran-Leung, senior attorney, Shriver Center on Poverty Law
- Lisa Sitkin, senior staff attorney, National Housing Law Project
- Mariel Block - moderator, staff attorney, National Housing Law Project

The webinar is free and will be closed-captioned.

Register for the webinar at: <https://adobe.ly/2IjgbVF>

If you have questions, e-mail Mariel Block: mblock@nhlp.org

From the Field

Maryland General Assembly Passes Bill to Prohibit Source-of-Income Discrimination

The Maryland General Assembly took a significant step toward ending housing discrimination by passing the “Housing Opportunities Made Equal (HOME) Act” ([HB 231/SB 530](#)) on March 17. The HOME Act would prohibit landlords from discriminating against individuals who use Housing Choice Vouchers (HCV) by adding “source of income” to the classes protected by current Maryland fair housing law. Senator Will Smith Jr. (D) and Delegate Brooke Lierman (D) introduced the companion bills, which passed the full legislature in overwhelming majorities.

The [HOME Act Coalition](#), comprised of more than 60 members, including the Maryland Affordable Housing Coalition, an NLIHC state partner, played a critical role in achieving this victory. The HOME Act Coalition’s diverse membership includes housing developers, direct assistance providers, community advocates, civil rights activists, faith leaders, and persons with lived experience of source-of-income discrimination. The Homeless Persons Representation Project and the Public Justice Center led the HOME Act Coalition’s coordinated advocacy campaigns to ensure the HOME Act passed this legislative session. Versions of this bill have circulated at the Maryland General Assembly for 23 years. While bills were passed in the House of Delegates, they never advanced in the Senate.

“This bill has been before us for 20 years,” said Senator Smith. “This is a pretty big deal for some of us in the body, and I just wanted to say thank you publicly to the members that have worked over the past two decades to get this across the finish line.”

"Knowing we face an affordable housing crisis in this state, it's our job as elected officials to leave no tool unused to help people find safe and secure housing," said Delegate Lierman. "By finally ending source-of-income discrimination statewide in Maryland, we not only say that every Marylander deserves a home and it is state policy to help them find one, but also that we are dedicated to eradicating discrimination in whatever form it takes. I'm so proud to be helping to finish the work that my predecessors started."

For years, only three Maryland counties and two cities prohibited source-of-income discrimination. Then in 2019, following years of advocacy and fair housing enforcement actions, three additional Maryland counties and Baltimore City enacted source-of-income protections. A statewide law would ensure that the remaining tens of thousands of Maryland families who use housing vouchers are protected. The HOME Act would expand access to housing and economic opportunities for Marylanders who are disproportionately impacted by source-of-income discrimination, including seniors, people with disabilities, veterans, and working families. The bill would apply to people who rent or sell three or more homes per year.

Jill Williams, a U.S. Coast Guard veteran and member of the HOME Act Coalition said, “It’s time we have housing protections for everyone in the United States regardless of source of income.” Ms. Williams, who is also a board member of the Homeless Persons Representation Project, almost lost her VASH-voucher after experiencing source-of-income discrimination in two Maryland counties. “I don’t want anyone else to go through what I went through. We are somebody, we are not our money. I signed on the line to protect my fellow citizens and I did so honorably. Discrimination was never acceptable.”

The HOME Act will be presented to Governor Larry Hogan (R), who can sign or veto the bill. If he does not veto the bill within thirty days from presentation, it will become law.

NLIHC in the News

NLIHC in the News for the Week of March 22

The following are some of the news stories that NLIHC contributed to during the week of March 22:

- “Facing Eviction as Millions Shelter in Place,” *The Tennessee Tribune*, March 26 at: <https://tinyurl.com/rosynnw>
- “Opinion: I’m a Low-Wage Worker. I’m not Sacrificing Myself for the Stock Market.,” *MarketWatch* March 26 at: <https://tinyurl.com/tdjx4hc>
- “Washington Journal: Diane Yentel Discusses Coronavirus Pandemic's Impact on Housing & Homelessness,” *C-Span*, March 25 at: <https://tinyurl.com/sjknls>
- “California’s renters and landlords are ‘just scared’ as job losses mount from coronavirus,” *Los Angeles Times*, March 25 at: <https://tinyurl.com/v3d5bzd>
- “Facing eviction as millions shelter in place,” *The Washington Post*, March 22 at: <https://tinyurl.com/r99x8ho>
- “Trump's coronavirus eviction freeze won't keep a roof over our heads, advocates say,” *NBCNEWS.com*, March 21 at: <https://tinyurl.com/tap92h2>

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