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

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May 9, 2022

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Emergency Rental Assistance

Treasury's Emergency Rental Assistance Data Show More Than $1.8 Billion Disbursed to Households in March

The U.S. Department of the Treasury (Treasury) has released Emergency Rental Assistance (ERA) spending data through March 2022. More than $714 million of ERA1 and more than $1.1 billion of ERA2 was spent in March, compared to $660 million of ERA1 and $1.3 billion of ERA2 spent in February. Overall, $26 billion of ERA1 and ERA2 – or 56% of total ERA funds – has been spent on assistance for households, administrative expenses, and housing stability services. The ERA program has made nearly 5.2 million payments since January 2021.

Nearly $714 million of ERA1 was spent in March, up slightly from the $660 million spent in February but down from the $797 million spent in January. Spending levels in 2022 continue to be lower than spending in the latter half of 2021, which is likely due to fast-spending grantees exhausting ERA1 and a few slow-spending grantees spending a combination of ERA1 and ERA2. This is the third consecutive month that grantees have spent less than $1 billion of ERA1. More than $1.1 billion of ERA2 funds were spent on assistance to households in March.

ERA1 Trends: States have spent nearly $12.1 billion in ERA1 funds, or 66% of the $18.4 billion initially allocated to them, and localities have spent more than $4.7 billion, or 88% of the nearly $5.4 billion initially allocated to them. By the end of March, 15 state grantee and the District of Columbia had expended over 75% of their initial ERA1 allocation on assistance to households. California, Connecticut, Minnesota, New Jersey, North Carolina, and Virginia had spent more than 90% of their initial ERA1 allocations. Because grantees are allowed to spend 10% of their allocation on administrative expenses, it is likely that these grantees have exhausted their entire initial ERA1 allocations. Conversely, 17 state grantees had expended less than 40% of their initial ERA1 allocation by the end of March 2022. All of these grantees have reallocated a portion of their ERA1 funds either to other grantees within their state or to a general reallocation pool.

ERA2 Trends: State grantees had spent $5.4 billion of ERA2 funds by the end of March, approximately 34% of the $15.9 billion allocated to states. Similarly, localities have spent approximately 35% of their allocation, or $1.9 billion of the $5.3 billion allocated to localities. Ten state grantees, the District of Columbia, and 26% of local grantees had spent 50% or more of their ERA2 allocations by the end of March. Eight state grantees have yet to spend any of their ERA2 funds.

ERA2 Reallocation: The first round of ERA2 reallocation will be based on expenditure data through March 31, 2022. Based on recently released Treasury guidance, grantees with an expenditure ratio below 20% as of the end of March will be considered to have excess funds. More than 160 local grantees and 26 state grantees have not reached this expenditure ratio. Not all these grantees will have funds recaptured based on mitigating factors, as explained here.

NLIHC tracks ERA spending on the ERA Dashboard and Spending Tracker. Our tracking integrates Treasury data with real-time data from program dashboards and program administrators to provide a closer estimate of how much ERA funding has been obligated to date.

New State-Level Demographic Data Provide Insight on Households Served by ERA1 in 2021

The U.S. Department of the Treasury has released demographic data disaggregated by state that indicate emergency rental assistance (ERA) programs assisted a high share of Black households in each state in 2021 but underserved Asian and Latino households. Of households assisted by ERA1 (that is, emergency rental assistance enacted through the "Consolidated Appropriations Act of 2021"), 49% were Black, 39% were white, 2% were Asian, 2% were Native Hawaiian or Pacific Islander, and 2% were American Indian or Alaska Native. One out of five ERA1 recipients also identified as Latino. The new data provide a high-level overview but do not illuminate how individual programs have distributed assistance. More granular data are needed to identify racial and ethnic disparities at local levels.

State-by-state demographic data provide a complex picture of how ERA1 has been distributed. In the U.S. overall, 49% of ERA1 recipients were Black households, though Black households make up 24% of cost-burdened low-income renters and 29% of renters behind on rent. In most states, state and local ERA1 programs have similarly assisted a higher share of Black households relative to potential need: in Arizona and Georgia, 31% and 83% of households served were Black, respectively, though Black households make up 9% and 52% of households of cost-burdened, low-income renters and 18% and 58% of renters behind on rent. In Arizona and Georgia, local and state programs cumulatively made approximately 75,000 and 38,000 payments, respectively, but local programs contributed a majority of payments, accounting for 61% and 62% of all payments. Performance among local programs, which serve more urban areas and diverse populations, may bias the aggregated distribution of assistance and explain, for example, the high shares of Black households served in the state overall.

In the U.S. overall, programs have served low shares of Asian households (2% of ERA1 recipients), though these households make up higher shares of cost-burdened, low-income renters (5%). California and Hawaii demonstrate a similar pattern of underserving Asian households: 9% and 24% of ERA1 recipients were Asian, though Asian households make up 20% and 33% of renters behind on rent. Nearly half of the states have served lower shares of Latino households relative to potential need: in Florida and Nevada, 18% and 16% of households served were Latino, respectively, even though Latino households make up 33% and 29% of cost-burdened, low-income renters and 31% and 34% of renters behind on rent.

The ERA program should address racial and ethnic disparities, especially those exacerbated by the pandemic. People of color are more likely to be renters, to be cost-burdened and low-income, and to have faced job loss or struggled with rent during the pandemic. For example, though Black households account for only 12% of all households, they account for 20% of all renter households, 24% of cost-burdened low-income renters, and 29% of renters behind on rent. Latino households face similar disparities: Latino households make up 13% of all households but account for 19% of renters, 22% of cost-burdened low-income renters, and 25% of renters behind on rent. Due to the limited nature of assistance, programs have implemented different tools to conduct targeted outreach and prioritize households in need. The disparity in Asian and Latino households served suggests that ERA programs need to conduct additional outreach and provide more support to these households during the application process to close the gap.

The Treasury data has some limitations. State and local programs in some states have failed to collect and report adequate demographic data – for example, Indiana and Ohio lacked racial and ethnic data for 46% and 55% of their recipients, respectively, and at least ten states did not report disaggregated data for at least one quarter. Data aggregated at the state or national level may mask important disparities at more local levels. In the U.S. overall, Latino households make up 20% of ERA1 recipients, compared to 22% of cost-burdened, low-income renters and 25% of renters behind on rent. The relatively small disparity at the national level masks the fact that some states are significantly underserving Latino households, while other states are serving higher shares of Latino households relative to potential need. More granular data would shed light on racial and ethnic disparities at the local level and help advocates hold programs accountable in improving the distribution of assistance.

Coronavirus, Disasters, Housing, and Homelessness

Sen. Warren and Rep. Thompson Introduce FEMA Equity Act

Senator Elizabeth Warren (D-MA) and Representative Bennie Thompson (D-MS), chair of the House Committee on Homeland Security, introduced the "Federal Emergency Management Advancement of Equity Act" (FEMA Equity Act) on May 5. The bill addresses systemic inequities that can emerge during the federal response to disasters. Individuals with low incomes are often the most impacted by disasters but receive the least amount of assistance afterward. The FEMA Equity Act would address this problem by standardizing FEMA's approach to collecting information on equity and the ways the agency integrates such information in its programs.

Specifically, the bill would improve FEMA's data collection system to better identify inequities, including barriers to access and disparate outcomes, direct FEMA to design and integrate criteria into the agency's programs to measure their effectiveness when it comes to equity, create an equity steering group and advisor to review equity-related reforms, and allow local governments to request disaster declarations.

FEMA Administrator Deanne Criswell has made equity a focus of her tenure at the agency. In addition to implementing reforms to the Individual Assistance Program that had been long pushed for by NLIHC's Disaster Housing Recovery Coalition (DHRC), the agency included equity within its latest strategic plan. However, issues remain, with FEMA recently charging low-income disaster survivors rent for temporary housing in Louisiana – pushing many survivors of Hurricane Laura into homelessness.

"Whether you receive assistance after a disaster shouldn't depend on your zip code or background," said Chairman Thompson in a press release announcing the bill's introduction. "For decades, we have seen low-income communities and communities of color left behind after a disaster strikes. It's past time that the Federal government – and particularly the Federal Emergency Management Agency – makes disaster assistance equity a real priority to reduce barriers to recovery. While I am glad that the Biden Administration has made many positive changes to the Federal government's disaster management programs, we must make these changes permanent and expand on these efforts. I thank Senator Warren for working with me for years on this issue, and I hope my colleagues will consider this legislation as soon as possible."

Read the text of the bill here: https://bit.ly/38VhZEX

Read the press release announcing the bill's introduction here: https://bit.ly/3kNUL6q

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NLIHC and Disaster Recovery Advocates Send Disaster Recovery Transparency Recommendations to HUD

NLIHC, the Fair Share Housing Center of New Jersey, Ayuda Legal Puerto Rico, and Texas Appleseed sent a memo to HUD on May 6 with recommendations to increase transparency and public involvement in the agency's Community Development Block Grant-Disaster Recovery Program (CDBG-DR). CDBG-DR is the only source of federal long-term disaster recovery funds. The memo outlined concerns about HUD's recently released "Citizen Participation and Equitable Engagement Toolkit," a document delineating the steps that state governments receiving CDBG-DR funds can take to ensure that adequate public input is collected regarding plans to distribute funding to disaster survivors and to comply with civil rights obligations.

In particular, the memo explained the necessity of refining how states calculate their needs during long-term recovery in ways that ensure funds will be distributed equitably to those individuals most in need of assistance after disasters. The memo also stressed the need for public access to data being used to create unmet needs assessments, without which the public would be unable to fully analyze where and why these important federal funds are being spent. Finally, the memo called for state grantees to directly align spending plans with objective measurements of need – as opposed to political whims – and do so in ways that do not force the displacement of impacted communities, as has happened in many states and territories. The memo asks HUD to revise the toolkit and re-release it after responding to these recommendations.

Perhaps the most recent example of HUD recovery funding failing to meet the specifications detailed in the memo is the recent disbursement of Hurricane Harvey mitigation funds by the Texas General Land Office. The scheme used to distribute those funds resulted in a disproportionate amount of assistance going to counties with majority white populations that had received relatively light damage from Hurricane Harvey, while more diverse, urban jurisdictions such as Houston were denied access to the funds. A civil rights complaint was filed by NLIHC partner Texas Housers regarding the distribution, with HUD's Office of Fair Housing and Equal Opportunity finding that the program was discriminatory.

Read the text of the memo at: https://bit.ly/3MXdRmB

California Bill Would Create Disaster Bridge Loan Program for Wildfire Survivors

A bill recently introduced in California, "Affordable Disaster Housing Revolving Development and Acquisition Program-AB 1945," seeks to shorten the amount of time it takes for survivors of wildfire disasters to access long-term recovery assistance. California is dealing with the aftermath of a series of damaging fire seasons. The wildfires of 2017 and 2018 destroyed 28,000 homes across Northern California, and the 2018 Camp Fire – the deadliest fire in California history – devastated the entire town of Paradise, destroying nearly 14,000 homes and killing 85 people. California experienced its first "gigafire" in 2020, with more than 1 million acres burned, while 2021 saw the largest single-source wildfire in California history.

HUD's Community Development Block Grant-Disaster Recovery Program (CDBG-DR) is the main source of federal long-term recovery funds. However, the program remains unauthorized, meaning that Congress must approve funds for disaster recovery for individual disasters under the program. Meanwhile, HUD is required to re-publish program rules each time congressional approval occurs. As a result, vital long-term recovery funds are slow to reach disaster survivors, often taking years. Because short-term recovery assistance ends quickly following a disaster, gaps in assistance arise. For low-income disaster survivors, delays in aid can result in financial stress, re-traumatization, displacement, and in the worst cases, homelessness.

The "Reforming Disaster Recovery Act," introduced by Senators Brian Schatz (D-HI), Susan Collins (R-ME), Todd Young (R-IN), Ron Wyden (D-OR), Patrick Leahy (D-VT), and Bill Cassidy, M.D. (R-LA), and Representative Al Green (D-TX), would permanently authorize the CDBG-DR program and create a framework for permanent program rules while also allowing program funds to quickly reach those disaster survivors most in need of assistance. The bill is strongly supported by NLIHC's Disaster Housing Recovery Coalition (DHRC), a group of more than 850 local, state, and national organizations working to ensure that all disaster survivors receive the assistance they need to fully recover.

AB 1945 – which is supported by NLIHC, the DHRC, and California Coalition for Rural Housing, an NLIHC partner and DHRC member – would seek to mitigate the slow distribution of federal long-term recovery funds by creating a bridge loan program. Under the program, disaster survivors could access California state funding for housing recovery, with the state's coffers being later replenished by CDBG-DR funds from HUD. Community Development Financial Institutions (CDFIs) would compete for grant awards to provide short-term loans for the creation or rehabilitation of housing that would be eligible for federal assistance, jump starting recovery before federal funds become available. The bill passed unanimously out of the Assembly's Housing and Community Development Committee.

Read a factsheet on AB 1945 at: https://bit.ly/3FujXs7

Read an action alert concerning the bill issued by the California Coalition for Rural Housing at: https://bit.ly/37mDzSt

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Opportunity Starts at Home

OSAH Campaign Releases New Podcast Episode on History of the Fair Housing Act

The Opportunity Starts at Home campaign released a new podcast episode, "The History of the Fair Housing Act." The thirty-third installment in OSAH's podcast series, the new episode features a discussion with Dr. Alexander von Hoffman, an urban planner and historian at the Harvard University Graduate School of Design and the Joint Center for Housing Studies.

In the episode, von Hoffman talks about a chapter on the origins of the "Fair Housing Act of 1968" he authored for *Furthering Fair Housing: Prospects for Racial Justice in America's Neighborhoods*, a recent volume exploring the past, present, and future of fair housing policies in the U.S. In particular, he discusses the historical roots of segregation, the ways federal policies have exacerbated issues of fair housing, the grassroots and legislative history of the Fair Housing Act, and the challenges facing housing integration advocates today.

Listen to the podcast episode here.

Our Homes, Our Votes

Register for May 16 *Our Homes, Our Votes* Webinar: With a Little Help from Our Friends!

Our Homes, Our Votes is NLIHC's nonpartisan campaign to increase voter participation among low-income renters and to educate candidates about housing solutions. The *Our Homes, Our Votes: 2022* biweekly webinar series features experts with frontline election experience who will walk through every step of voter and candidate engagement and support housing organizations' nonpartisan election efforts. The next *Our Homes, Our Votes* webinar, "With a Little Help from Our Friends," will discuss how housing organizations can form partnerships on the local and national levels to jumpstart their voter and candidate engagement work. The webinar will take place on Monday, May 16, from 2:30 to 3:30 pm ET. Register here.

Maggie Bush, programs and outreach director at the League of Women Voters, will familiarize housing advocates with the range of resources available to housing organizations for coordinating successful nonpartisan election initiatives. Dominique Espinoza, outreach and engagement specialist at the Coalition on Human Needs, will discuss the Vote for Human Needs campaign and the importance of partnerships among social service providers in conducting voter engagement work.

To preview the full webinar schedule and watch recordings of past webinars, visit the *Our Homes, Our Votes* website.

Become an *Our Homes, Our Votes* Affiliate!

Our Homes, Our Votes affiliates are nonpartisan organizations that are formally identified with the NLIHC-led *Our Homes, Our Votes* project and committed to carrying out its goals. Tenant associations, homeless service providers, tribal organizations, student groups, neighborhood organizations, and any other group working to deliver more housing voters to the polls is invited to become an *Our Homes, Our Votes* affiliate. There is no cost for being an affiliate, and affiliates can request free merchandise for community events. Affiliates also receive permission to use our project logos and images on co-branded materials, additional guidance and support from NLIHC staff, opportunities to have their work featured in the *Our Homes*, *Our Votes* biweekly newsletter, and more! To sign your organization up as an affiliate, please fill out this form.

HoUSed Campaign for Universal, Stable, Affordable Housing

Appropriations and Reconciliation Negotiations Inch Forward – Take Action Today!

With the U.S. House of Representatives out of session from May 2 to May 10, few developments have been reported regarding the status of negotiations over a fiscal year (FY) 2023 budget since appropriations leaders in the House and Senate met on April 28 (see *Memo*, 5/2). Even so, hopes remain high that Senate Appropriations Chair Patrick Leahy (D-VT), Ranking Member Richard Shelby (R-AL), House Appropriations Chair Rosa DeLauro (D-CT), and Ranking Member Kay Granger (R-TX) will reach an agreement on spending levels for each of the 12 FY23 appropriations bills – known as "302(b) allocations" – before Memorial Day.

Absent an agreement on 302(b) levels, House appropriators will likely still move forward with the appropriations process using President Biden's FY23 budget request as a spending benchmark. Draft spending bills are expected to be released in the House as soon as June, with committee votes on the bills as soon as July. With both Chair Leahy and Ranking Member Shelby retiring, appropriators are motivated to finalize an FY23 spending agreement before the end of the year and avoid a long-term delay.

NLIHC and our partners in the Campaign for Housing and Community Development Funding (CHCDF) are leading our annual 302(b) letter to demand that Congress provide the highest level of funding possible for affordable housing, homelessness, and community development resources in FY23. Advocates should contact their members of Congress and urge them to support significant funding for NLIHC's top priorities:

- $32.13 billion for the Tenant-Based Rental Assistance (TBRA) program to renew all existing contracts and expand housing vouchers to an additional 200,000 households.
- $5.125 billion for the Public Housing Capital Fund to preserve public housing, and $5.06 billion for the Public Housing Operating Fund.
- $3.6 billion for HUD's Homeless Assistance Grants program to address the needs of people experiencing homelessness.
- $100 million for legal assistance to prevent evictions.
- $300 million for the competitive tribal housing program, targeted to tribes with the greatest needs.

The appropriations process is vital to ensuring continued and expanded funding for HUD's affordable housing programs. However, budget reconciliation – which allows the Senate to pass legislation with a simple majority of 51 votes, rather than the 60 votes typically required in the chamber – represents the best opportunity to secure the bold, large-scale investments in affordable housing needed to address the severe lack of deeply affordable rental homes.

While President Biden and congressional Democrats work to revive reconciliation negotiations, there is continuing concern that Senator Joe Manchin (D-WV), the sole Democratic opponent of the "Build Back Better Act" in the Senate, will not return to the negotiating table. Senator Manchin has met twice with a bipartisan group of senators to discuss the possibility of a bipartisan bill to address climate change. Some members of Congress fear that attempting to negotiate a bipartisan climate deal – which is unlikely to advance this year – will distract from and further delay reconciliation discussions. The potential for the Senate to take action on passing a bill codifying abortion rights into law may also delay reconciliation negotiations.

Senator Manchin maintains that any future reconciliation package should focus on increasing federal revenues by changing the tax code and using those revenues to fight inflation and draw down the federal deficit. The cost of housing is the single largest component of the Consumer Price Index (CPI), a popular measure of inflation, and addressing the rising cost of housing is central to decreasing inflationary pressure on households, especially in the long term. It is vital that Congress include in any reconciliation package the significant funding for targeted affordable housing investments included in the Build Back Better Act, including the HoUSed campaign's top priorities:

- $25 billion to expand housing vouchers to more than 300,000 households.
- $65 billion to preserve public housing for its 2 million residents.
- $15 billion for the national Housing Trust Fund to build, preserve, and operate more than 150,000 units of affordable, accessible homes for households with the lowest incomes.

Take Action

Advocates should contact their senators and representatives to urge them to support the highest funding possible for affordable housing, homelessness, and community development programs in the FY23 spending bill and any budget reconciliation package. Use our call-in script to help create your own message to Congress!

Organizations can also take action for increased federal affordable housing investments:

- Sign your organization on to our annual 302(b) letter supporting the highest level of funding possible for affordable housing, homelessness, and community development resources in FY23.
- Join over 1,800 organizations around the country in support of historic investments in rental assistance, public housing, and the Housing Trust Fund in any reconciliation bill that moves forward.

Join Today's (May 9) National HoUSed Campaign Call for Universal, Stable, Affordable Housing!

Join today's (May 9) national HoUSed campaign call from 2:30 to 4:00 pm ET. We will provide updates on the reconciliation bill, the FY2023 funding bill, and the "Eviction Crisis Act" and discuss how you can engage your members of Congress on all three. Lily Milwit from the National Homelessness Law Center will join the call to share insights about state and local legislation being passed to criminalize people experiencing homelessness and explain how advocates can fight against these measures. Janna Huang with the Center on Budget and Policy Priorities will share updates on ways to access the expanded Child Tax Credit. We will also hear from NLIHC's End Rental Arrears to Stop Evictions (ERASE) project team about new emergency rental assistance spending and demographic data from the U.S. Department of the Treasury, receive updates from the field, and more.

HUD

HUD's Multifamily Office Proposes Changes to Rent Comparability Guidance

HUD's Office of Multifamily Housing Programs (Multifamily) is proposing changes to the Rent Comparability Study (RCS) guidance included in Chapter 9 of its *Section 8 Renewal Policy Guidebook*. Multifamily's intent is to ensure that Housing Assistance Payment (HAP) contracts with the owners of private, Section 8-assisted properties align with market rents. Another purpose is to streamline transactions when HAP renewals are required. A cover Memorandum invites input regarding a number of the proposed changes. The proposed revised Chapter 9, as well as a "redline" version identifying proposed changes in the text, are available on the Multifamily Housing Policy Drafting Table. Stakeholders have until May 23 to submit comments via email at S8RPG@hud.gov. Multifamily plans to hold a listening session during the last week of the comment period.

The proposed revision to Chapter 9 explains that a Rent Comparability Study (RCS) is used to determine contract rents for each unit type covered by a project-based Section 8 HAP contract. Contract rents are estimated based on rents paid at comparable properties, which are properties that (1) are not receiving project-based assistance; (2) are in the same market area as properties with project-based assistance; and (3) are similar to properties with project-based assistance "as to neighborhood (including risk of crime), type of location, access, street appeal, age, property size, apartment mix, physical configuration, property and unit amenities, utilities, and other relevant characteristics."

Some of the proposed changes Multifamily requests stakeholder input about include:

- Revising the option to renew a HAP contract without an RCS by replacing the rent cap of 75% of the Fair Market Rent (FMR) with a cap of 90% of the Small Area FMR (SAFMR). Multifamily believes this option would be more appealing to owners, especially owners of smaller properties.
- Allowing an owner to update an old RCS by submitting a letter from an RCS appraiser indicating that current rents are not lower than in the original RCS.
- Clarifying that the valuation of services and amenities must take into account whether similar services and amenities are available in the surrounding community, assuring that the valuation is in line with the market appeal to tenants.
- Allowing RCS appraisers to use properties subject to rent control if rent control is widespread in the market area.
- Allowing the inclusion of internet service in comparability analysis, if supported by actual comparables in the market area.

Read the proposed revised Chapter 9 of the *Section 8 Renewal Policy Guidebook* at: https://bit.ly/3vZaDrR

The "redline" version of the proposed revised Chapter 9 can be found at: https://bit.ly/3ycOpFx

Access Multifamily's *Section 8 Renewal Policy Guidebook* at: https://bit.ly/3LFJ2m7

Read more about Project-Based Rental Assistance on page 4-67 of NLIHC's *2022 Advocates' Guide*.

HUD's Office of Fair Housing Issues Guidance Regarding Marketing, Application, and Waitlist Processes for HUD-Assisted Multifamily Housing

HUD's Office of Fair Housing and Equal Opportunity (FHEO) released "Guidance on Compliance with Title VI of the Civil Rights Act in Marketing and Application Processing at Subsidized Multifamily Properties." The guidance explains how Title VI of the "Civil Rights Act of 1964" applies to the marketing, application, and waitlist processes of HUD-assisted multifamily properties, which include Section 8 Project-Based Rental Assistance (PBRA), Section 202 Supportive Housing for the Elderly, and Section 811 Supportive Housing for Persons with Disabilities. The eight-page document clarifies how certain marketing, rental application processing, and waitlist management practices can perpetuate segregation or otherwise discriminate in violation of Title VI. It also provides suggestions for implementing more inclusive practices that are less likely to produce discriminatory results. Meanwhile, HUD's Office of Multifamily Housing Programs (Multifamily), which administers the PBRA, 202, and 811 programs, issued "Implementation Sheet for HUD's Title VI Guidance," a four-page document providing a shorter outline of FHEO's document.

Title VI prohibits intentional discrimination on the basis of race, color, or national origin. Title VI regulations also prohibit discriminatory effects, which occur when a facially neutral policy or practice disproportionately affects members of a group identified by race, color, or national origin; when an entity's policy or practice lacks a substantial, legitimate justification; and when one or more alternatives exist that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin. Note that Title VIII of the "Civil Rights Act of 1969" (the "Fair Housing Act") added to race, color, and national origin the categories of sex, disability, family status, and religion (known as the "protected classes"). The FHEO and Multifamily materials, however, focus solely on Title VI.

Marketing

When groups protected by Title VI are underrepresented at a property, compared to their representation in the market area, housing providers should evaluate whether their marketing efforts contribute to that result and should consider alternatives. Certain marketing practices can perpetuate segregation or otherwise discriminate. These practices include relying solely on word-of-mouth, posting "For Rent" signs on a property, or relying on referrals from a single community organization or small number of community organizations that serve limited populations.

Title VI compliance can be assured by, for example, distributing flyers and blank applications to local organizations with ties to different populations throughout a property's market area, such as social service providers, legal aid offices, health clinics, and grocery stores. Properties with many units can create websites advertising available units, eligibility requirements, and application processes. Such an approach would more effectively market the properties to those who have difficulty calling or visiting during business hours. Advertising through neighborhood newspapers and radio stations oriented to various racial and ethnic groups (including in non-English language media) can also help reach a broader audience.

Application Process

Some application practices can risk perpetuating segregation or otherwise discriminate, such as requiring applications to be picked up and/or submitted in person during business hours. Such practices impose burdens on people who cannot travel due to inflexible work schedules, child or elder caretaking responsibilities, or limited transportation options.

Title VI compliance can be assured by offering fillable-form applications on property websites or enabling blank applications to be printed from websites, and allowing applications distributed to various community locations to be obtained, completed, and then returned at a person's convenience via mail, email, web-based formats, drop boxes, and other methods.

Applicant Screening

On April 4, 2016, HUD issued guidance regarding criminal records screening, noting that housing providers should not rely on arrest records. Providers should consider the nature, severity, and recency of criminal records, as well as any extenuating circumstances. A property's criminal-records screening policy should be available to prospective tenants and should specify the types of records that will be considered (such as convictions only) and explain that evidence of mitigating circumstances will be considered.

When evaluating a household's rental history, providers should consider the accuracy, nature, relevance, and recency of negative information. For example, records from an eviction in which the household prevailed or that was settled without either party admitting fault do not necessarily demonstrate poor tenant history. Extenuating circumstances should be considered as well, such as an unexpected medical emergency.

Waitlist Management

The marketing discussed above should take place at least 60 days before a waitlist is opened. Applicants should be put on a waitlist based on a lottery system, rather than on a first-come basis. Households with housing insecurity or who are homeless may have difficulty if a stable mailing address is required; properties should also communicate with applicants by phone or email. Also, when updating or purging waitlists, properties should attempt to reach out to applicants using phone or email if mail is returned as undeliverable.

Read FHEO's "Guidance on Compliance with Title VI of the Civil Rights Act in Marketing and Application Processing at Subsidized Multifamily Properties" at: https://bit.ly/3s0r460

Read Multifamily's "Implementation Sheet for HUD's Title VI Guidance" at: https://bit.ly/3vRm6tu

Read "Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions" at: https://bit.ly/3vX3yZ3

Read more about discriminatory effects on NLIHC's Racial Equity and Fair Housing webpage, under Disparate Impact.

Read more information about Section 8 Project-Based Rental Assistance on page 4-67 of NLIHC's *2022 Advocates' Guide*.

Read more information about Section 202 Supportive Housing for the Elderly on page 4-73 of NLIHC's *2022 Advocates' Guide*.

Read more information about Section 811 Supportive Housing for Persons with Disabilities on page 4-78 of NLIHC's *2022 Advocates' Guide*.

Research

Report Highlights Challenges of Using Emergency Housing Vouchers and Strategies for Overcoming Them

The National Alliance to End Homelessness (NAEH) has released a report, "Using EHVs to Get People Housed: Focus Group Discussions on Challenges and Current Strategies," describing homeless services leaders' experiences using Emergency Housing Vouchers (EHVs) for people experiencing homelessness. The report shows that while homeless services leaders welcomed a new program designed to help people experiencing homelessness access housing, they faced barriers getting eligible households leased up. These barriers included difficulty finding affordable and available housing, the persistent effects of housing discrimination, and staffing shortages.

The EHV program was created and funded through the "American Rescue Plan of 2021" and provides 70,000 vouchers to Public Housing Authorities (PHAs) to assist individuals experiencing homelessness or at risk of homelessness. As of the end of February 2022, 17.5% of the vouchers had been used for lease ups. More recent data available through HUD's EHV dashboard reveal that 28% of the vouchers have now been used.

NAEH researchers conducted focus groups with 47 homeless services leaders representing 35 Continuums of Care (CoC) and one Public Housing Authority (PHA) to learn about the challenges and strategies involved in EHV implementation. Interviewees explained that finding available and affordable units was a major challenge of implementing the EHV program, leading to low lease-up rates. Some of this difficulty may be attributed to the tight rental market, with record low vacancy rates and only 36 affordable and available units for every 100 extremely low-income renters. Additionally, many EHV holders were looking for housing at the same time, leading to competition among EHV holders. Participants also cited as a barrier a lack of buy-in from landlords, many of whom did not want to participate in the voucher program. CoC and PHA staff developed several strategies to mitigate these difficulties, including hiring housing navigators, negotiating with landlords to make the program more appealing, and offering landlords incentives such as providing an additional month's rent or paying for apartment improvements to bring a unit up to inspection standards.

Partnerships between CoCs and PHAs also proved somewhat challenging. CoCs identify EHV-eligible households while PHAs administer vouchers, but CoC staff expressed frustration that while PHAs had final decision-making power, they often lacked experience working with populations experiencing homelessness. This led to disagreements about which populations to prioritize, as PHAs worried that higher-need households – including people experiencing chronic or unsheltered homelessness – would not be able to maintain their vouchers. To overcome these worries, CoCs helped educate PHAs about issues involved in homelessness. CoCs and PHAs also achieved success by conducting regular meetings and implementing shared tracking systems to stay in communication about the status of eligible households.

Focus group participants also emphasized the effects of structural discrimination, such as redlining and zoning ordinances that limit multi-family housing, that have persistent effects on the supply and availability of affordable housing. Focus groups highlighted staffing challenges as well, with many CoCs experiencing high turnover or difficulties hiring due to both low pay and exhausting work. To mitigate these challenges, CoCs used COVID relief funds to provide bonuses and wage increases. CoCs also created new roles specifically intended to implement the EHV program.

NAEH offers several other recommendations in the report to improve the implementation of the EHV program. NAEH recommends HUD not recapture vouchers, a fear among CoCs, as localities that are serving the highest-need populations may take longer to lease vouchers. The authors recommend that HUD and other entities expand platforms for technical assistance and collaboration across CoCs. The report also recommends expanding access to affordable housing through set-asides for people experiencing homelessness.

Read the article at: https://bit.ly/3vM8i4I

From the Field

Maine Governor Signs Two Bills to Expand Availability of Affordable Housing

Maine Governor Janet Mills signed two bills into law on April 27 to address Maine's shortage of affordable housing. LD 2003 eliminates all single-family zoning restrictions, allows accessory dwelling units (ADUs) in all zoning districts, provides support for communities to increase affordable housing, and reduces regulatory barriers to multi-family housing development. LD 201 extends an historic property rehabilitation tax credit, which can help finance affordable housing development. The Maine Affordable Housing Coalition (MAHC), an NLIHC state partner, led advocacy efforts that ultimately helped bring about the passage of both bills.

In 2021, the Maine legislature established the Commission to Increase Housing Opportunities by Studying Zoning and Land Use Restrictions, which released a report in December 2021 outlining its recommendations. LD 2003 incorporated each recommendation and was introduced in February 2022 by House Speaker Ryan

Fecteau (D-Biddeford). The Maine Municipal Association raised continual objections to the bill, leading to a scaled-back version that omitted provisions to create a state-level housing appeals board to review denials of affordable housing projects and block municipal growth caps. The revised bill received bipartisan support, and, despite the omissions, advocates view it as an important step toward addressing the state's affordable housing crisis.

According to research published in NLIHC's report *The Gap: A Shortage of Affordable Homes*, Maine is experiencing a shortage of nearly 20,000 homes available and affordable to extremely low-income renters, with only 51 homes for every 100 renters with extremely low incomes (ELI). Fifty-eight percent of ELI renters spend more than half of their incomes on rent, often sacrificing food, healthcare, and other basic needs. NLIHC's *Out of Reach* report shows that the average wage needed to afford a two-bedroom apartment is $21.39 an hour, far above Maine's minimum wage of $12.15 an hour. Across the country, systemic racism has left people of color more likely to be among the lowest-income renters facing a shortage of affordable housing, and people of color in Maine are likely to suffer disproportionately from the effects of housing insecurity caused by lost income during the pandemic.

A diverse coalition of more than 140 private and public sector organizations committed to ensuring that all Mainers are adequately and affordably housed, MAHC made LD 2003 a top priority bill in its 2022 state advocacy work. MAHC successfully mobilized the Maine State Chamber of Commerce, AARP Maine, National Resource Council of Maine, Maine Association of Planners, Maine Community Action Partnership, Grow Smart ME, and other organizations to bring about the passage of LD 2003. Supporters gave hours of testimony and sent hundreds of emails to their lawmakers.

"We know that our state is facing a crisis in providing homes for those who need them most," said Laura Mitchell, director of MAHC. "MAHC is so pleased that our partners in the state house and legislature understand that for the health and economy of Maine, we must expand opportunities for affordable homes in all communities. LD 2003 is a step in that direction. We have more work to do and believe that everyone has a role in making sure that all residents and new Mainers can find a home to thrive here."

Governor Mills signed LD 2003 and LD 201 into law on April 27 at the renovated Hodgkins School Apartments in Augusta, an affordable housing community for seniors that was financed using the Historic Rehabilitation Tax Credit. MAHC will continue to push for more resources and policies to meet the needs of Maine's lowest-income residents, and the organizations has offered suggestions about how everyone can play a role in solving the affordable housing crisis.

For more information about MAHC and these advocacy efforts, please contact Laura Mitchell at lmitchell@mainehousingcoalition.org

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Leadership Awards Celebration

Recording of 2022 Virtual Housing Leadership Awards Celebration Now Available

NLIHC and friends celebrated NLIHC's 2022 Housing Leadership Awards honorees, **the Congressional Progressive Caucus**, **Ann O'Hara,** and **Representative Ritchie Torres (D-NY)**, at the Virtual Housing Leadership Awards Celebration on April 28. A recording of the celebration, which recognized these leaders for their outstanding contributions to affordable housing for those most in need, is now available at: https://youtu.be/V6pU-DnU9-A

You can still recognize these outstanding leaders by donating to NLIHC in their honor at: https://bit.ly/LEADERS22

You can also text LEADERSHIP to 41444 to donate in honor of the awardees.

NLIHC Careers

NLIHC Seeks Housing Advocacy Organizer

NLIHC seeks a housing advocacy organizer who will be responsible for maintaining and expanding NLIHC membership and mobilizing advocates on federal policy priorities to advance the Coalition's mission. This position plays a key role in designing and implementing field strategies for various campaign efforts such as the NLIHC HoUSed campaign for long-term solutions to homelessness and housing poverty; the *Our Homes, Our Votes* non-partisan civic engagement project; coronavirus emergency rental assistance; federal budget priorities; and other campaigns. The housing advocacy organizer supports outreach activities, develops materials for use by state and local advocates, and supports low-income renters with organizing guidance and tools. The housing advocacy organizer reports to the manager of field organizing. This is a one-year position, with the possibility of extension.

Responsibilities/Duties

Field and Campaign Organizing, Education, and Activation

- Field and Campaign Organizing: Mobilize state partners, members, endorsers, and supporters on federal affordable housing policy issues. Generate letters and calls to legislative offices; assist organizations and constituents with meetings and media opportunities; generate resolutions, endorsements, and sign-ons; work with broad, issue-based campaigns to raise the issue of housing.
- Field Activity: Track field activity, including member participation in call-in days and e-mail actions; prepare reports on activities, as requested. Maintain and enhance member and contact database for

organizational/field needs; expand its use to distribute congressional profile data and timely, targeted calls to action that advance NLIHC goals.

- Education and Activation: Participate in meetings of national housing and other advocates to engage in strategy discussions, including HoUSed campaign policy group, Disaster Housing Recovery Coalition (DHRC), and others as necessary. Create, update, and distribute materials, as needed, including calls-to-action, postcards, fact sheets, endorsement forms, brochures, and stickers. Identify conference and other speaking opportunities for Coalition staff; exhibit and present, as needed.
- Communications: Write (on a rotating basis among housing advocacy organizers) a weekly article for NLIHC's e-newsletter, *Memo to Members and Partners*, highlighting the field work of state partners or other NLIHC members. Help maximize use of the NLIHC website and social media tools, including webinars, videos, and blogs, to engage members. Draft articles for the *Tenant Talk* publication produced for low-income renters. Assist communications staff in generating media ideas and opportunities for work happening in the field.

State Partners

- NLIHC State Partner Meetings: Assist in the planning and convening of biannual NLIHC state partners' meeting. Participate in state partner conference calls.
- State Activities: Track all field activity in the assigned states, including member participation in call-in days, email actions, and prepare reports on activities as requested. Promote activities of state partners through social media and NLIHC communication platforms.
- Growing the State Partner Coalition: Identify and cultivate potential new state partners in places where NLIHC is lacking a strong advocacy lead.

Membership

- Membership Recruitment: Identify sources for prospective members and coordinate ongoing membership drives, including among workgroup call participants, budget letter signers, HoUSed campaign endorsers, and Disaster Housing Recovery Coalition members. Engage potential new members through video and e-mail; track effectiveness of contact. Undertake activities to achieve annual increases in membership. Reply to all inquiries from current members and potential new members. Use all other interactions as opportunities to secure new memberships.
- Membership Engagement and Retention: Welcome new Coalition members and build relationships with members in assigned states through personal calls, e-mails, and other outreach. Provide prompt and accurate responses to all inquiries about membership concerns. Track status of all members, send renewal notices in timely manner, and follow up as needed. Undertake activities to achieve a 90% or higher member retention rate.
- Resident Outreach: Support resident participation in NLIHC and partner organizations activities. Assist in developing content for *Tenant Talk,* NLIHC's resident newsletter. Convene tenant groups, as determined by NLIHC management.
- Administration: Coordinate or assist in mailings to members and other partners. Maintain hard copy files of member records. Produce membership reports and lists, as needed. Maintain and update databases and contact lists, ensure accuracy of all data. Perform data entry and data cleaning; run reports and queries as needed to support work of NLIHC. Assist in implementation of member survey.

Organizational Support

- Meetings: Attend and participate in meetings with NLIHC Board of Directors; participate in staff meetings, state coalition meetings, trainings, and all Coalition events.
- Interns: Assist with the recruitment and supervision of Field interns.

- Other: Other duties as assigned to maximize organizational effectiveness toward achievement of NLIHC mission

Qualifications

Applicants must possess a bachelor's degree and preferably at least two years of work experience in policy campaigns, U.S. elections, and/or direct assistance to low-income communities (additional years of experience preferred; exceptional candidates with fewer may be considered). Applicants should have a strong commitment to social justice. Candidates should have strong analytical, writing, and organizational skills, as well as a keen attention to detail. Applicants should also be proficient in the Microsoft Office suite. Familiarity with Salesforce CRM database would be plus.

An equal opportunity, affirmative action employer, NLIHC offers a competitive salary and a generous benefits package. This is a full-time position located in Washington, DC (with flexible telework). This is a one-year position, with the possibility of extension.

Interested candidates should submit a resume, cover letter with salary requirement, two writing samples, and three references (references will not be contacted before consulting with candidate), to Brooke Schipporeit, manager of field organizing, and Bairy Diakite, director of operations, at: bschipporeit@nlihc.org and bdiakite@nlihc.org

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NLIHC in the News

NLIHC in the News for the Week of May 3

The following are some of the news stories that NLIHC contributed to during the week of May 3:

- "Housing investments at risk as Build Back Better withers" *The Hill*, May 2 at: https://bit.ly/3LUKVLQ
- "Eviction filings are up sharply as pandemic rental aid starts to run out" *NPR*, May 4 at: https://n.pr/3MTSTVJ
- "Editorial: Affordable housing an economic necessity" *The Republic*, May 6 at: https://bit.ly/3LRoGX3

NLIHC News

NLIHC Promotes Brooke Schipporeit to Manager of Field Organizing

NLIHC is pleased to announce that Brooke Schipporeit, one of the Coalition's housing advocacy organizers, has been promoted to the position of manager of field organizing. Brooke has served as an NLIHC housing advocacy organizer since January 2019. She has also held positions at Self-Determination Housing of Pennsylvania, RESULTS (Philadelphia), the Housing Alliance of Pennsylvania, and the Philadelphia Youth Sentencing and Reentry Project, among other organizations. Brooke holds a bachelor's degree in social work from Nebraska Wesleyan University and an MSW from the University of Pennsylvania School of Social Policy and Practice.

Brooke will oversee and support the work of NLIHC's field organizers and report to Sarah Saadian, NLIHC Senior Vice President for Public Policy and Field Organizing, whose role has been expanded to oversee field organizing as well as housing policy. NLIHC is confident that pulling the policy team and field team closer together will create powerful synergy and pay strong dividends.

Join us in congratulating Brooke and Sarah!

Where to Find Us – May 9

NLIHC President and CEO Diane Yentel and other NLIHC staff will be speaking at the following events in the coming months:

- Connecticut Coalition to End Homelessness, 19th Annual Training Institute – Keynote speaker, Hartford, CT, May 11
- Wisconsin Collaborative for Affordable Housing, "A Home for Everyone Conference 2022" – Milwaukee, WI, May 11-12
- University of Rhode Island/HousingWorks RI Get Housing Right Conference – Virtual, May 12
- Housing Alliance Delaware, "Housing Day 2022" – Virtual, May 16
- St. Ambrose University School of Social Work 24th Annual Social Justice Conference – Keynote speaker, Davenport, IA, May 19
- Princeton Community Housing Gala – Virtual, July 21
- Idaho Housing and Finance Association Annual Housing Conference – Keynote speaker, Boise, ID, August 22-23

NLIHC Staff

Andrew Aurand, Vice President for Research, x245
Sidney Betancourt, Housing Advocacy Organizer, x200
Jordan Brown, Research Intern
Victoria Bourret, ERASE Project Coordinator x244
Jen Butler, Senior Director, Media Relations and Communications, x239
Alayna Calabro, Policy Analyst–COVID-19 Response, x252
Josephine Clarke, Senior Executive Assistant, x226
Matthew Clarke, Writer/Editor, x207
Courtney Cooperman, Housing Advocacy Organizer, x263
Bairy Diakite, Director of Operations, x254
Lindsay Duvall, Senior Organizer for Housing Advocacy, x206
Emma Foley, Research Analyst, x249
Dan Emmanuel, Senior Research Analyst, x316
Ed Gramlich, Senior Advisor, x314
Sarah Gallagher, Senior Project Director, ERASE, x220
Kim Johnson, Senior Policy Analyst, x243
Paul Kealey, Chief Operating Officer, x232
Mike Koprowski, Director, Multisector Housing Campaign, x317
Kayla Laywell, Housing Policy Analyst, x231
Mayerline Louis-Juste, Senior Communications Specialist, x201
Steve Moore Sanchez, Development Coordinator, x209
Khara Norris, Senior Director of Administration, x242
Neetu Nair, Research Analyst, x291

Brenna Olson, Policy Intern
Jenna Parker, Field Intern
Noah Patton, Housing Policy Analyst, x227
Ikra Rafi, Creative Services Manager, x246
Benja Reilly, Development Specialist, x234
Gabrielle Ross, Housing Advocacy Organizer, x208
Sarah Saadian, SVP for Public Policy and Field Organizing, x228
Brooke Schipporeit, Manager of Field Organizing x233
Sophie Siebach-Glover, Research Specialist, x205
Kennedy Sims, Communications and Graphic Design Intern
Lauren Steimle, Web/Graphic Design Specialist, x246
Jade Vasquez, ERASE Project Coordinator, x264
Maya Ward-Caldwell, Fund Development Intern
Chantelle Wilkinson, Housing Campaign Manager, x230
Renee Willis, SVP for Racial Equity, Diversity, and Inclusion, x247
Rebecca Yae, Senior Research Analyst–COVID-19 Response, x256
Diane Yentel, President and CEO, x225