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In This Issue:

Take Action

- Take Action: Tell Congress to Fund #RentReliefNow in Next COVID-19 Relief Package!
- Take Action: Submit Comments to Oppose HUD's Anti-Transgender Change to Equal Access Rule

HUD

- Trump Administration Eliminates Affirmatively Furthering Fair Housing Rule, NLIHC and other Advocates Condemn Action, Rhetoric
- HUD Publishes Proposed Anti-Transgender Rule in the *Federal Register*
- John Gibbs, Acting Assistant Secretary for HUD's Office of Community Planning and Development, Nominated to Head Office of Personnel Management

Coronavirus, Homelessness, and Housing

- Join NLIHC's National Call on Coronavirus, Housing, and Homelessness Today at 2:30 pm ET

Coronavirus – Congress

- House Financial Services Committee Holds Hearing on HEROES Act
- Representatives DeLauro and Kennedy Introduce "We Need Eviction Data Now Act"

Coronavirus – HUD

- NLIHC, NHLP Send Letter to HUD Detailing its Legal Authority on Eviction Moratorium

Coronavirus – USDA

- USDA Rural Development Issues Post-CARES Act Protections

Coronavirus – Other

- Recording Available of NLIHC's July 20 National Call on "Coronavirus, Housing, and Homelessness"
- *Tenant Talk Live* Webinar for Residents, August 3: Leveraging Resident Management Councils
- Additional Coronavirus Updates - Monday, July 27, 2020

Housing Leadership Awards

- Celebrate Bill Faith, Jennifer Ho, and Shauna Sorrells, the 2020 Housing Leadership Award Honorees, on August 26!

Congress

- NLIHC to Testify at Congressional Hearing on Equitable Disaster Recovery; DHRC to Issue Disaster Recovery Reform Recommendations

Budget and Appropriations

- House to Vote on FY21 THUD Spending Bill and Amendments

Census

- Trump Memorandum Would Exclude Undocumented People from 2020 Census

Our Homes, Our Votes: 2020

- “Early Voting & Vote-by-Mail” Voter Mobilization Webinar on August 20

Research

- Implementation of Exclusionary Zoning in New Jersey Allowed High-Income Areas to Avoid Economic Integration

Resources

- UCLA Report Urges Acquiring Hotels for Use as Affordable Housing

Fact of the Week

- Shortfall between Average Hourly Wage and Housing Wage Greatest in Hawaii, Maryland, and California

From the Field

- New Hampshire Housing Advocates Secure Funding for Rental Assistance, Shelters, and Services for Homeless Veterans

Events

- Shriver Center to Hold Webinar on Environmental Justice in Federally Assisted Housing

NLIHC in the News

- NLIHC in the News for the Week of July 19

Coronavirus: Take Action

Take Action: Tell Congress to Fund #RentReliefNow in Next COVID-19 Relief Package!

While Congress debates what will be included in the next COVID-19 relief package, eviction moratoriums are expiring, expanded unemployment insurance will end within days, and rent is due soon. Advocates must keep pressure on lawmakers to ensure key housing provisions are included in the final spending bill. NLIHC and our partners across the country are urging Congress to: implement a national eviction moratorium for the duration of the pandemic; provide at least \$100 billion in emergency rental assistance, and provide \$11.5 billion in Emergency Solutions Grants funding for homeless shelter and service providers. Any final bill must include these essential housing provisions of the HEROES Act that passed in the House of Representatives.

Take action today! Contact your members of Congress by [phone](#) or [send them an email](#) and demand #RentReliefNow!

Make your voices heard at this critical moment by reaching out to your members of Congress directly and tagging them on social media with the hashtag #RentReliefNow! Find social media images and sample tweets at: <https://bit.ly/32SoL9j>. Engage the media in your communities through op-eds and letters to the editor; urge news outlets to write stories about the issue and the solutions needed. See NLIHC's [media toolkit](#) for assistance.

The time to act is now. Thank you for your advocacy!

Take Action: Submit Comments to Oppose HUD's Anti-Transgender Change to Equal Access Rule

HUD has published its anti-transgender change to the Equal Access Rule in the [Federal Register](#). [Submit comments](#) to HUD to oppose this harmful proposal that would remove protections against discrimination for transgender and gender-nonconforming people experiencing homelessness, severely limiting their ability to access emergency shelters and services. Read more about HUD's proposed rule in this *Memo to Members and Partners* – and visit the *Housing Saves Lives* campaign website (<https://housingsaveslives.org/>) where you can learn more and submit your comments opposing the rule. Comments must be submitted by September 22.

NLIHC, True Colors United, National LGBTQ Task Force, National Housing Law Project, and other national organizations launched the *Housing Saves Lives* campaign to oppose HUD's anti-transgender rule. The campaign website, HouseSavesLives.org, provides advocacy tools, resources to help draft your unique comment, and the latest news on the rule. The website will continue to be updated throughout the comment period.

Read the proposed rule at: <https://bit.ly/39spAaj>

HUD

Trump Administration Eliminates Affirmatively Furthering Fair Housing Rule, NLIHC and other Advocates Condemn Action, Rhetoric

The Trump Administration abruptly issued its final rule, “[Preserving Community and Housing Choice](#),” which repeals 2015 regulations implementing the statutory obligation to “affirmatively further fair housing” (AFFH). NLIHC and 14 other civil rights and housing organizations issued a [media statement](#) condemning the administration’s action as well as the president’s use of incendiary racial rhetoric about the move for political gain.

The 2015 regulations, which were suspended by HUD Secretary Ben Carson in 2018 (see *Memo*, [5/21](#)), were the first significant regulations since the Fair Housing Act of 1968 requiring federal agencies, particularly HUD, as well as states, counties, and cities to affirmatively further fair housing if they receive HUD funds. The Fair Housing Act not only banned discrimination, but it also required meaningful actions to undo decades of federal, state, and local discriminatory policies and practices that resulted in segregated communities.

The [announcement](#) about the final rule on July 23 follows President Trump’s recent false Twitter claim that the AFFH rule was having “a devastating impact on these once thriving suburban areas,” would “destroy the suburbs,” and was “not fair to homeowners.” The preamble to the final rule states that after reviewing Secretary Carson’s proposed AFFH rule (see *Memo*, [1/13](#)), “the President expressed concern that the HUD approach did not go far enough,” and “The President therefore asked HUD to reconsider the rule to see whether HUD could do more...to empower local communities and to reduce the regulatory burden of providing unnecessary data to HUD. After review, and based on prior internal discussions, HUD produced the current rule.”

As NLIHC has noted, Secretary Carson’s proposed rule was not a fair housing rule; it considered housing that might be “affordable” to be the same as housing that is available to people in the Fair Housing Act’s protected classes based on race, color, national origin, sex, familial status, disability, or religion. The proposed rule might mislead people to think that HUD proposed to comply with the Fair Housing Act’s requirement to affirmatively further fair housing. President Trump’s final rule strips away that façade and completely abandons the obligation to affirmatively further fair housing.

In its final form the “AFFH” rule in essence is reduced to three lines, two of which are in a definition section [24 CFR part 5.150]. One defines “fair housing” to mean “housing that, among other attributes, is affordable, safe, decent, free of unlawful discrimination, and accessible as required under civil rights laws.” The other defines “affirmatively further” to mean “to take *any* action rationally related to promoting *any* attribute or attributes of fair housing” (emphasis added). Theoretically, to “affirmatively further fair housing” a city could merely donate one abandoned building in a disinvested neighborhood to a developer to rehabilitate and rent to low-income households, some of whom might use Housing Choice Vouchers to make it affordable. States, local governments, and public housing agencies receiving HUD funds (“program participants”) must certify that they are affirmatively furthering fair housing. The third line states that such a certification “is sufficient if the program participant takes any action that is rationally related to promoting one or more attributes of fair housing.” Although the final rule is voluminous, the bulk of the document simply removes from all HUD regulations reference to the Assessment of Fair Housing (AFH) that the 2016 rule required.

The Administrative Procedure Act (APA) requires any meaningful change to HUD regulations to undergo a 60-day public review and comment. This final rule did not undergo any review and comment. According to the preamble, the APA exempts from notice-and-comment rulemaking any “matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.” Therefore, HUD asserts that this rule is exempt because the rule applies only to the AFFH obligation of grantees (including states, local governments, and public housing authorities). HUD notes that the Administrative Conference of the United States (ACUS) in 1969 urged Congress to amend the APA to remove the exemption, but Congress declined. However, HUD issued statements of policy that had the effect of voluntarily adopting ACUS’s recommendation, and that policy remains in force [24 CFR 10.1] and can no longer be repealed. Nevertheless, HUD asserts that the Secretary retains the authority to waive the requirements of 24 CFR 10.1 in individual cases. HUD’s explanation of the waiver is in a confusing, convoluted footnote.

Consistent with previous statements, the preamble of the final rule makes a number of false claims:

- “HUD began to use this AFFH certification as a vehicle to force states and localities to change zoning and other land use laws.”
- “Once in place, the Analysis of Impediments (AI) process [from a 1994 Consolidated Plan rule] became a vehicle for interest groups and HUD to impose even greater and more controversial obligations on state and local grantees.”
- “The [Analysis of Fair Housing (AFH) of the 2015] regulation specifically required a detailed analysis of the grantee jurisdiction’s ‘zoning and land use’ laws.”
- The 2015 rule’s “assessment tool” forced public housing authority grantees to analyze and consider data and policies beyond their jurisdictional control and typical subject-matter expertise.
- The preamble repeats the gross exaggeration that the Assessment of Fair Housing (AFH) was “unworkable” and that there was a “high failure rate.”

In reality, jurisdictions were not forced changes to zoning laws or undertake greater controversial obligations. While the initial assessment tool did require a detailed and rigorous analysis, as a result of the Paperwork Reduction Act requirement for several rounds of public review and comment, a streamlined version was offered for smaller PHAs and those partnering with other PHAs or the jurisdiction in which they operated. Ultimately, a final assessment tool for PHAs was never issued and no PHA ever had to complete one. Additionally, HUD suspended the AFH in early 2018 (see *Memo*, [1/8](#)) when only 49 AFHs had been submitted for HUD review (out of what over a period of years would be more than 1,200). While 17 were not immediately approved by HUD on first review, the 2015 rule, recognizing that this new process would entail a learning curve, had an iterative process that entailed HUD explaining what it would take to gain acceptance and to resubmit an AFH with adjustments. Consequently 32 AFHs out of the first batch of 49 were accepted prior to the rule’s suspension.

“Housing justice and racial justice are inextricably linked. The AFFH regulation was an important step to rectify decades of racist housing policies that created today’s segregated neighborhoods and all its associated harm to children, families, and the country,” said Diane Yentel, NLIHC president and CEO in the press statement. “Secretary Carson has worked to undermine fair housing since the day he stepped into the HUD building, so this action is not surprising. But it is abhorrent for Trump to use a critical fair housing tool for election year race-baiting, particularly during a time of reckoning for racial injustices.”

Read the full media statement condemning the action at: <https://bit.ly/3f2yxbw>

“[Preserving Community and Housing Choice](#)” is at: <https://bit.ly/2P5Xk45>

More information about AFFH is on pages [7-14](#), [7-21](#), [7-27](#), and [7-35](#) of NLIHC’s *2020 Advocates’ Guide*.

HUD Publishes Proposed Anti-Transgender Rule in the *Federal Register*

HUD published proposed anti-transgender changes to the Equal Access Rule in the [Federal Register](#) on July 23. This proposed rule change would weaken protections for transgender individuals experiencing homelessness and seeking emergency shelter, allowing shelter providers to deny admission or access to services consistent with an individual’s gender identity. The proposed rule will now enter a 60-day public comment period ending on September 22, after which HUD is required to consider comments before making the rule final.

Features of the harmful proposed changes include:

- Revisions to the definition of gender identity to mean actual or perceived gender-related characteristics (deleting the current rule’s “the gender by which a person identifies, regardless of the sex assigned to that person at birth and regardless of the person’s perceived gender identity).
- Allowing shelter providers to place and accommodate individuals on the basis of their own policies for determining someone’s sex.
- Allowing shelter providers to deny admission using a range of factors, including the provider’s “good faith belief” that an individual is not of the sex that the shelter serves (e.g., a women’s shelter), an individual’s sex as reflected in official government documents, or the gender with which a person identifies.
- Allowing shelter providers to use physical characteristics as “reasonable considerations” to determine a person’s biological sex. This may include factors such as height, presence of facial hair, the presence of an Adam’s apple, and other physical characteristics that HUD claims “when considered together, are indicative of a person’s biological sex.”

Despite admitting that data is lacking, HUD bases its justification on anecdotal evidence and dangerous stereotypes, exaggerated “religious freedom” assertions, and unfounded regulatory burdens on shelters. Amid a global pandemic and racial injustices plaguing our country, it is unconscionable for the administration to dedicate resources and time to dismantling anti-discrimination laws and policies.

HUD’s justification includes various false claims:

- Claim #1: The “2016 rule restricted single-sex facilities in a way not supported by Congressional enactment.”

What the 2016 rule actually did was to allow people to go to a federally funded shelter consistent with their gender identity – a step that is not prohibited by statute. In fact, the Violence Against Women Act prohibits discrimination on the basis of gender identity in programs (including shelters) that receive federal funds from programs subject to VAWA. VAWA allows sex-segregated shelters to consider a person’s sex but requires grantees to provide comparable services to individuals who cannot be served by sex-specific programming.

- Claim #2: The “2016 rule minimized local control.”

The 2016 rule established a consistent nationwide policy for HUD and taxpayer-funded shelters. Shelters that do not receive HUD funds are not impacted by the 2016 rule.

- Claim #3: The “2016 rule burdened those shelters with deeply held religious convictions.”

HUD cites no evidence that the existing rule places an undue burden on faith-based shelter providers. In fact, the Center for American Progress made a FOIA request in 2017 to HUD regarding any waivers or accommodations made under the 2012 and 2016 Equal Access Rule. The agency failed to locate any waiver requests or complaints from service providers indicating that any religious exemptions had been requested in the current or prior administrations. Aside from a single anecdotal account and conjecture about how religious organizations may be discouraged from participating in HUD programs, HUD’s proposal provides no concrete evidence demonstrating that religious providers are unduly burdened by current HUD rules. In fact, the anecdotal account referenced above involves a single shelter that has sued to stop the application of a local antidiscrimination law on religious grounds; the lawsuit does not even involve the application of the Equal Access Rule itself.

- Claim #4: The “2016 Rule has manifested privacy issues.”

HUD's proposal relies upon harmful stereotypes about transgender people (particularly transgender women) and fails to provide any evidence that HUD's nondiscrimination policy creates widespread privacy or safety concerns. Once again, HUD relies on individual anecdotes without providing data to demonstrate a larger issue. HUD cynically invokes survivors of domestic and sexual violence to attempt to lend credibility to its discriminatory proposal. However, HUD fails to acknowledge the view of domestic and sexual violence advocates, who have repeatedly made their stance clear. In 2016, over 300 domestic violence and sexual violence organizations across the country signed a [National Consensus Statement](#). These leaders agree: transgender women being served alongside other women is appropriate and not a safety issue. They updated the letter in 2018, available [here](#). Furthermore, in a [statement](#) made on July 2, 2020, the National Task Force to End Sexual and Domestic Violence condemned HUD's anti-transgender proposal. More generally, nondiscrimination protections similar to the 2016 Equal Access Rule have been adopted in over 20 states and over 300 localities. These protections have [helped increase fairness and opportunity for vulnerable people](#), and research shows these protections have not produced [any increase](#) in public safety issues.

HUD's proposed rule does not provide an analysis of the impact of the Supreme Court's landmark ruling in *Bostock v. Clayton County, Georgia* on application of the rule. *Bostock v. County* ruled that Title VII of the Civil Rights Act of 1964 bars discrimination in employment based on gender identity and sexual orientation, extending protections to members of the LGBTQ community. The Supreme Court issued its ruling during the time HUD's anti-transgender rule was sent to the House Financial Services Committee and the Senate Committee on Banking, Housing, and Urban Affairs for a 15-day period. HUD had ample time to consider the *Bostock v. County* case and rescind its anti-transgender rule altogether. The decision not to do so was subject of criticism from Members of Congress who voiced their opposition to the administration's efforts to remove anti-discrimination laws for the LGBTQ community (see *Memo*, [7/13](#))

Read the proposed rule at: <https://bit.ly/3fVo5DL>

Read NLIHC's comparison of the texts of the proposed anti-transgender rule changes and the 2016 final rule at: <https://bit.ly/3f5FWad>

Read the joint press statement from NLIHC and other [Housing Saves Lives](#) partners on HUD's announcement of the proposed rule at: <https://bit.ly/2CWWWBS>

Go to HousingSavesLives.org to submit your comment opposing the rule and to keep up with the latest news and resources.

John Gibbs, Acting Assistant Secretary for HUD's Office of Community Planning and Development, Nominated to Head Office of Personnel Management

President Donald Trump announced on July 20 his intent to nominate John Gibbs, acting assistant secretary of HUD's Office of Community Planning and Development (CPD), to be director of the federal government's Office of Personnel Management (OPM). OPM serves as the human resources agency and personnel policy manager for the federal government.

Prior to his brief tenure at HUD, Mr. Gibbs led teams in Japan to train nonprofits how to use technology for churches to reach people experiencing homelessness. Before that, Mr. Gibbs was a software engineer at Symantec, Palm, and Apple, helping to develop technology products.

The White House announcement is at: <https://bit.ly/3jyd2ma>

Coronavirus, Homelessness, and Housing

Join NLIHC's National Call on Coronavirus, Housing, and Homelessness Today at 2:30 pm ET

[Join](#) today's (July 27) national call on coronavirus, housing, and homelessness at 2:30-4 pm ET to hear Senator Patty Murray (D-WA) discuss the Republicans' proposed coronavirus relief package, the Democrats' response, and how advocates can help ensure that [essential housing and homelessness components](#) of the House-passed "HEROES Act" and "Emergency Housing Protections and Relief Act of 2020" are included in the next coronavirus relief package. We will also hear updates from Janet Golrick, acting deputy assistant secretary for grant programs at HUD, and Jessie Handforth Kome, director of the Office of Block Grant Assistance at HUD. The call will also include updates from the field.

Register for the national call at: <https://tinyurl.com/ru73qan>

See the full agenda [here](#).

Coronavirus – Congress

House Financial Services Committee Holds Hearing on The HEROES Act

The House Financial Services Committee held a [remote hearing](#) on July 23 on "The HEROES Act: Providing for a Strong Economic Recovery from COVID-19." Witnesses included Shaun Donovan, former HUD secretary and former director of the Office of Management and Budget; Robert Reich, former secretary of the Department of Labor; John Rogers, chairman, co-CEO and chief investment officer of Ariel Investments, and Dr. Steven Davis, labor economist and professor of international business and economics at the University of Chicago Booth School of Business.

The witnesses offered testimony and answered questions about the current state of the labor, housing, and rental markets, and provided potential policy solutions to address the growing economic crisis caused by the ongoing coronavirus pandemic. The looming cessation of expanded federal unemployment benefits, the expiration of eviction moratoriums, and strategies for economic recovery were the primary focus of the hearing.

Former Secretary Donovan provided detailed testimony on the current eviction crisis, including recommendations for Congressional action to improve HUD's implementation of funds, a concern frequently voiced by Republican House members during the hearing. He fielded questions from representatives concerning additional supports needed to keep people in their homes, repeatedly highlighting the efficacy of the Section 8 voucher program, Emergency Solutions Grants, and increased funding for legal aid and housing counseling services. Former Secretary Reich also fielded questions about the current state of housing, often characterizing the looming eviction crisis and widespread homelessness that would result as imminent and "catastrophic."

Watch the full hearing and access witness testimony at: <https://tinyurl.com/yyfhqnp5>

Representatives DeLauro and Kennedy Introduce "We Need Eviction Data Now Act"

Representatives Rosa DeLauro (D-CT) and Joseph Kennedy III (D-MA), along with seventeen Democratic co-sponsors, introduced the "We Need Eviction Data Now Act" ([H.R. 7743](#)) on July 23. The bill would require the

HUD secretary to create a national database to standardize and track evictions nationwide, and to create a Federal Advisory Committee on Eviction Research to make policy recommendations based on the data collected.

There has been an ongoing eviction crisis in this country, but the lack of national data on the frequency of evictions hinders lawmakers' ability to create policies to address the problem. The national eviction moratorium included in the CARES Act expired on July 25, and many states have already allowed their eviction moratoriums to expire. Researchers from the Eviction Lab predict that [approximately 28 million people may be evicted in the coming months](#), three times as many people as those who lost homes in the 2008 financial crisis.

NLIHC President and CEO Diane Yentel voiced support for the bill: "This impending eviction crisis underscores the critical need for the 'We Need Eviction Data Now Act,' which would create a national database to track evictions, providing advocates and policymakers at all levels of government with the data they need to better ensure housing stability among America's lowest-income and most marginalized renters. We look forward to working with Representatives DeLauro and Kennedy to enact this legislation."

Read details about the bill at: <https://tinyurl.com/y56bt6xn>

Read the press release from Representative DeLauro's office at: <https://tinyurl.com/y5sjhpf3>

Coronavirus – HUD

NLIHC, NHLP Send Letter to HUD Detailing its Legal Authority on Eviction Moratorium

NLIHC and the National Housing Law Project (NHLP), along with 168 other organizations, sent a [letter](#) to HUD Secretary Ben Carson on July 20 stating that HUD has the legal authority to enact an eviction moratorium to protect low-income renters assisted by various HUD programs. HUD has a moral obligation to enact an eviction moratorium in anticipation of a gap between the CARES Act eviction protections ending on July 24 and a possible extension of the eviction moratorium and/or emergency rental assistance in the HEROES Act. A gap in coverage, even for a few days, will leave tenants vulnerable to housing instability, eviction, and homelessness.

Congress authorized the HUD Secretary to "make such rules and regulations as may be necessary to carry out his functions, powers, and duties." In light of the declared public health emergency, HUD has the power to declare a moratorium on eviction for all of its programs for the duration of the emergency. The letter cites statutory provisions for the Public Housing, Housing Choice Voucher, and HUD-assisted multifamily programs, each prohibiting evictions or terminating assistance, except for "good cause." Furthermore, because the those "good cause" eviction provisions are defined by HUD regulations, HUD can redefine good cause by rule in light of the pandemic emergency or HUD can waive any contrary regulatory eviction provisions or "good cause" definitions, since any right to evict is not mandated by statute.

The letter adds that if Congress fails to provide additional protections for renters, HUD should prohibit filing eviction actions based on notices to vacate that were served for a period (e.g., one year) following the expiration of the 30-day notice period in the CARES Act (August 24).

The letter is at: <https://bit.ly/3htziw2>

Coronavirus – USDA

USDA Rural Development Issues Post-CARES Act Protections

The U.S. Department of Agriculture’s (USDA’s) Rural Development sent a July 20 [email](#) to its Multifamily Housing partners providing three Q&As on how its Multifamily Housing programs will be affected as the CARES Act eviction moratorium and resident protections end on July 25. The protections outlined in the questions and answers in the email apply to all Rural Development rental housing including Section 515 and 538 rental programs, the Sections 514 and 516 farm labor programs, and the RD Voucher program. While these protections are important for Rural Development residents, they are substantially weaker than protections extended to HUD Multifamily Housing residents (see *Memo*, [7/13](#)).

The protections extended to Rural Development residents include:

- Late fees accrued during the moratorium *cannot* be retroactively collected. Only late fees assessed after August 1 may be charged.
- For owners who have a 90-day moratorium on mortgage payments from RD or a private Section 538 lender, late payments cannot accrue nor can an eviction for nonpayment of rent commence until after the 90-day period.
- Rural Development will continue to accept requests for 90-day mortgage payment moratoria from owners who have not already requested forbearance. Requests will be accepted as long as the National Emergency is in place, or through December 31, 2020.
- Rural Development has suspended verifications on income and living expenses for zero income recertification, which are set out in Handbook 2-3560 Attachment 6-B.
- Rural Development rental housing units must follow any applicable local and state guidance after the federal moratorium is lifted.
- Tenants who have been laid off due to COVID-19 do not qualify for income annualization. However, rent should be calculated based on current income.

Rural Development urges Multifamily Housing owners and agents to work with tenants to assist them in maintaining housing, including processing interim certifications or arranging payment plans for past-due balances. Rural Development also encourages agents to be accurate but flexible in verifying income by accepting information by phone or email and to accommodate residents when income cannot be verified due to business closures.

The National Housing Law Project (NHLP), a partner in many of NLIHC’s advocacy efforts, conducted an [analysis](#) of Rural Development’s email. NHLP states that Rural Development only provides light post-Cares Act protections compared to protections afforded residents in private, HUD-subsidized properties (see *Memo*, [7/13](#)) In addition, Rural Development does not require owners to post or distribute any information to residents about the protections outlined in the email.

The Rural Development email is at: <https://bit.ly/30Ap7yR>

The National Housing Law Project analysis is at: <https://bit.ly/39unTZR>

More information about USDA Rental Housing Programs is on page [4-74](#) of NLIHC’s *2020 Advocates’ Guide*.

Coronavirus – Other

Recording Available of NLIHC’s July 20 National Call on “Coronavirus, Housing, and Homelessness”

NLIHC’s most recent national call on “Coronavirus, Housing, and Homelessness” took place on July 20. Senator Ron Wyden (D-OR), ranking member of the Senate Finance Committee, discussed the current state of discussions in Congress and how advocates can ensure that the essential housing and homelessness components in the House-passed “[HEROES Act](#)” and “[Emergency Housing Protections and Relief Act of 2020](#)” (H.R. 7301) are included in the next coronavirus relief package. Marc Dones of National Innovation Service discussed a framework for achieving racial equity in addressing homelessness during COVID-19, and John Pollock of the National Coalition for a Civil Right to Counsel introduced a [new tool from Stout](#) that predicts the number of renter households who will not be able to pay rent and will be at risk of eviction in the coming months. Karen Koch of the Florida Supportive Housing Coalition, Scott Bruton of the Coalition for Nonprofit Housing and Neighborhood Economic Development, and Greg Payne of the Maine Affordable Housing Coalition provided updates from the field. NLIHC’s Sarah Saadian, Joey Lindstrom, and Lisa Marlow discussed updates from the Hill, needed advocacy actions, and communication tools and tactics.

NLIHC hosts national calls on the Coronavirus, Housing, and Homelessness every week. On today’s call, we will be joined by Senator Patty Murray (D-WA). Register for today’s call (Monday, July 27 at 2:30 pm ET) at: <https://tinyurl.com/ru73qan>

Watch a recording of the July 13 call at: <https://tinyurl.com/y3xyrnqx>

View July 13 presentation slides at: <https://tinyurl.com/y5fl68g9>

Tenant Talk Live Webinar for Residents, August 3: Leveraging Resident Management Councils

[Join](#) resident leaders and NLIHC staff for the next *Tenant Talk Live* webinar to learn about leveraging resident management councils, as well as 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 **Monday, August 3 at 6 pm ET** (5 pm CT, 4 pm MT, 3 pm PT). Register at: <https://bit.ly/3dNekGP>

Motivation, Inc.’s Keith Swiney will discuss how Resident Management Councils (RMCs) can leverage their power toward fee management of new rehabbed properties and beyond. Mr. Swiney believes the RMC is the single most powerful resident tool for controlling activities and, when married to the 24 CFR 963 Alternative Procurement Method, residents are unstoppable.



J. Keith Swiney

The most recent episode of *Tenant Talk Live* included a presentation by NLIHC staff on how to enhance your advocacy through social media and better engage with other low-income resident leaders. Here is the recording: <https://youtu.be/beQ51S4zQ3Q>

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/3dNekGP>

Additional Coronavirus Updates - Monday, July 27, 2020

National Updates

Congress

“To avoid a tsunami that could put millions of people out on the street, Congress should extend and expand the national eviction moratorium, provide emergency rental assistance, and increase funding for families experiencing homelessness,” wrote Senator Elizabeth Warren (D-MA) in an op-ed in the [New York Times](#). Senator Warren [introduced](#) the “[Protecting Renters from Evictions and Fees Act](#),” which would extend and broaden the eviction moratoriums included in the CARES Act to protect all renters in the U.S. for a full year.

Senate Minority Leader Chuck Schumer (D-NY) has [criticized the emerging Republican coronavirus relief package](#) for failing to fund rental assistance, extend unemployment benefits, and provide hazard pay for essential workers. “Unfortunately, by all accounts the Senate Republicans are drafting legislation that comes up short in a number of vital areas, such as extending unemployment benefits or funding for rental assistance, hazard premium pay for frontline workers, or investments in communities of color being ravaged by the virus, and many other necessary provisions,” [Senate Minority Leader Chuck Schumer](#) (D-NY) wrote in a letter to colleagues.

Department of Health and Human Services (HHS)

HHS Secretary Alex Azar on July 23 [renewed](#) the COVID-19 national public health emergency declaration, effective July 25.

Advocacy

The NLIHC-led Disaster Housing Recovery Coalition will continue to advocate 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](#).

The National Housing Law Project and NLIHC, joined by 168 other organizations, [sent a letter](#) to HUD Secretary Ben Carson, urging the agency to use its legal authority to enact its own eviction moratorium to protect low-income renters. The letter provides policy recommendations to HUD to address the expiration of the CARES Act eviction moratorium on July 24 (see article elsewhere in Memo).

NLIHC Research Analyst Dan Threet joined the *Off-Kilter Podcast* for the first episode of a two-part series looking at the looming eviction cliff. Listen [here](#).

According to an [analysis from the Center on Budget and Policy Priorities](#), emerging data demonstrate that a growing number of households are struggling to afford food, and that millions of households are behind on rent. An estimated 13.1 million adult renters (one in five) were behind on rent for the week ending July 7, and rates were much higher for Black and Latino renters. The analysis also found that renters who are parents or otherwise live with children are more than twice as likely to be behind on rent.

[Children's Defense Fund](#) urged Congress to provide robust housing assistance and fully extend the eviction moratorium. Without significant federal intervention, millions of children could lose their homes.

The National Housing Law Project surveyed 100 legal aid and civil rights attorneys in 38 states. The survey found that 85% of respondents expect a dramatic surge in eviction cases once moratoria expire, and 85% of respondents don't know how they will handle this surge. Read a summary of the results [here](#).

Reporting

[Reuters](#) reported on the dangers of evicting people during a pandemic. As the number of evictions increases in areas where the coronavirus is rising, displaced families are doubling up with relatives or moving into shelters. "In these cases where social distancing is difficult or impossible, the likelihood of them contracting and spreading coronavirus increases exponentially," said NLIHC President and CEO Diane Yentel.

In the face of illegal evictions reported across the country, advocates are urging Congress to extend the federal eviction moratorium in another relief bill and to include penalties for landlords who attempt to skirt the rules. "There should also be clearly delineated enforcement mechanisms and steep penalties for landlords who flout the law," NLIHC's Diane Yentel told the [New York Times](#).

[NPR's "Morning Edition"](#) reported on advocates' concerns that without federal intervention, the wave of evictions already happening across the country will become a tsunami. Like so many other parts of this crisis, people of color will be disproportionately harmed. "It's very clear that without a sustained federal intervention, there will be a wave of evictions and a spike in homelessness across the country," said NLIHC's Diane Yentel.

[USA Today](#) reported on data from the U.S. Census Bureau, which found that 24 million Americans reported having little to no chance of being able to pay next month's rent. Black and Hispanic households represent a disproportionate share of those in danger. "Our housing system reflects tremendous disparities in race. And

people of color are most at risk for evictions. These inequities are being compounded by COVID-19,” said NLIHC’s Diane Yentel.

[Vice](#) examines how mass evictions due to Congressional inaction could be significantly destabilizing for communities of color. According to the U.S. Census Bureau, approximately 56% of the nearly 24 million people who have little to no confidence in their ability to pay next month’s rent are Black or Latinx.

[ProPublica](#) found that the federal eviction moratorium was largely successful in keeping millions of renters from facing eviction during the pandemic. As the protections fade, landlords are preparing to return to court. “The next three weeks are going to be critically important. There will be a bill at the end of it, one way or another, and the scope and extent of it will determine if a tsunami of evictions will happen,” said NLIHC’s Diane Yentel.

In an article on the looming eviction crisis in the [Los Angeles Times](#), NLIHC’s Diane Yentel calls attention to the need for Congress to provide broad rental assistance and other protections for tenants. While expanded unemployment insurance has been significant and helpful, it is insufficient to ensure housing stability for low-income renters.

An article in [Marketplace](#) highlights advocates’ warnings of a potential wave of evictions when the expanded unemployment insurance benefits and eviction moratoriums expire at the end of the month. The article highlights that the tsunami of evictions will disproportionately impact people of color. “People of color are most at risk of eviction. They are disproportionately rent burdened,” said NLIHC’s Diane Yentel.

[NBC News](#) reported on the significant challenges facing low-income renters as the expanded unemployment benefits and federal eviction moratoriums expire at the end of July. Without significant federal intervention, our country will experience an avalanche of evictions. The people disproportionately impacted by evictions, including people of color, seniors, people with disabilities, and families with children, are those most vulnerable to the pandemic.

An [analysis from the Center for Public Integrity](#) examined 8,089 eviction cases filed between March 27 and July 10 and found a clear pattern: landlords are filing eviction cases in poor, non-white neighborhoods across the jurisdictions it examined. “It’s deeply troubling. We’ve known for some time that there is a tremendous risk of extremely low-income renters being harmed by this crisis and being evicted, and we’ve known that such evictions would have a disproportionate impact on Black and brown and extremely low-income and historically marginalized people,” said NLIHC’s Diane Yentel.

The [Hill](#) discusses the wave of evictions that may come as the federal eviction moratorium expires July 24 at midnight. The article highlighted a series of bills, encompassing measures from the House-passed HEROES Act, that Senate Democrats are pushing to protect low-income renters.

The [New York Times](#) editorial board outlines the urgent need for Congress to take immediate steps to protect low-income renters and, in the coming months, to take action that will ensure every American has access to affordable housing.

[MSNBC’s Ali Velshi](#) explains the looming eviction crisis and why millions of Americans could be forced out of their homes if Congress doesn’t intervene now.

The [Lily](#) examines the disproportionate impact evictions have on Black women, and how the pandemic is expected to exacerbate this disparity.

[Marketplace](#) reported that across the country, rental assistance programs have been quickly overwhelmed by need.

[CNBC](#) reported on the expiration of the federal eviction moratorium, the need for Congress to act swiftly, and what tenants can do if they are worried about eviction.

The [Washington Post](#) discusses housing advocates' calls for Congress to intervene to prevent a significant rise in evictions. The article highlighted the House-passed emergency rental assistance bill.

Matt Desmond of Princeton University's Eviction Lab spoke with [NPR's "Morning Edition,"](#) calling attention to the millions of Americans who are facing the threat of eviction as the federal eviction moratorium is set to expire July 24.

[Shelterforce](#) interviewed with advocates, researchers, lawyers, and other experts to explore how an eviction crisis would impact evicted individuals and their families, shelter systems, public health, and the rental housing market.

The COVID-19 Eviction Defense Project estimates that between [19 million and 23 million renter households](#) are at risk of eviction by September 30, 2020. The data indicate that both geography and discrimination play significant roles.

An op-ed in the [Hill](#) makes the case that dramatic federal intervention is needed to ensure that the public health crisis is not exacerbated by an eviction crisis. Failing to act will exacerbate the public health crisis and the racial justice crisis in housing.

The [Appeal](#) examines how our country's flawed legal system will exacerbate the impending evictions cliff. COVID-19 is placing Black and Latinx people at a disproportionately higher risk of eviction, fueling our existing housing crisis.

The [Los Angeles Times](#) explores how the coronavirus pandemic is worsening Black Americans' housing crisis. Across the United States, Black people faced the greatest housing insecurity before COVID-19, and now, along with Latino workers, they face the greatest job losses as a result of the pandemic

State and Local News

A list of state and local emergency rental assistance programs is available [here](#) from NLIHC.

Arizona

An [Arizona judge](#) upheld Governor Doug Ducey's eviction relief program after a Phoenix landlord challenged the governor's eviction moratorium.

[Arizona's Rental Eviction Prevention Assistance Program](#) is so backlogged that employees are reviewing applications submitted as far back as April. Fewer than 7% of renters who have applied for the program have received assistance, even after the Arizona Department of Housing announced it would simplify the application process and hire more reviewers. While nearly 80% of funding for the program remains unspent, the total amount tenants have requested is nearly \$9 million, almost twice the amount that Governor Doug Ducey allocated for rent assistance.

California

[San Francisco Mayor London Breed](#) on July 21 announced a plan to fund the Homelessness Recovery Plan to help the city create more housing and shelter for people experiencing homelessness. The investments will make 6,000 additional placements available through Coordinated Entry, including 4,500 placements in Permanent Supportive Housing. The plan will include placements to ensure that residents who have been temporarily residing in hotels during the pandemic are not forced back on the streets.

The [Los Angeles Times](#) reported that the plaintiffs in a [lawsuit](#) accusing San Diego officials of failing to protect people with disabilities experiencing homelessness during the pandemic have amended their lawsuit. The lawsuit accuses the city of pushing people experiencing homelessness into the Convention Center shelter instead of hotel rooms. “By expending taxpayer funds on a congregate setting, instead of non-congregate settings, the city knew that it was effectively excluding homeless individuals with disabilities, who rely on the city’s homeless programs, from accessing shelter and services during the COVID-19 pandemic and/or placing them at greater risk of contracting COVID-19,” the amended complaint alleges.

[City Lab](#) examines how residential overcrowding is driving the high rates of COVID-19 among Latinos in San Francisco’s gentrified Mission District.

According to a [new study](#), tens of thousands of households in [Santa Clara County](#) could become homeless in the next if policymakers do not enact robust renter protections.

[Santa Barbara County](#) is shifting its focus from people experiencing homelessness into hotel rooms amid the pandemic to helping them make the transition directly to permanent housing.

Colorado

Housing and homelessness [advocates in Colorado](#) are warning that homelessness will rise unless Congress acts. Cathy Alderman of the Colorado Coalition for the Homeless, an NLIHC state partner, discussed why preventing mass evictions should be a public health priority.

Last month, about [12% of Colorado renters](#) and 4.5% of homeowners said that they had missed their housing payments.

Connecticut

[Connecticut housing advocates](#) expect a flood of eviction notices as the federal eviction moratorium and enhanced unemployment insurance benefits expire.

Florida

After funding for a hotel voucher program ran out on July 17, dozens of people experiencing homelessness who were residing in a Fort Lauderdale hotel were [forced to leave](#). Some residents were transported to area shelters on July 17, and all residents were expected to vacate the hotel by Sunday, July 19. The [Sun Sentinel](#) and [Miami Herald](#) also covered the eviction of the residents from the Rodeway Inn & Suites.

A [Palm Beach County nonprofit](#) reported that thousands of low-income renters are at risk of eviction and homelessness due to the pandemic. Since March 1, Adopt-A-Family CEO Matt Constantine reported that the organization has received more than 2,000 calls from families in need of assistance. The organization is serving nearly twice as many families compared to 2019.

Hawaii

An opinion piece in the [Civil Beat](#) discusses the urgent need for bold action to prevent a tidal wave of evictions and an increase in homelessness in Hawaii. Even with the state’s eviction moratorium, there are widespread reports of landlords illegally evicting tenants and imposing aggressive tactics to pressure the tenant to leave “voluntarily.”

Idaho

An Ada County judge on July 20 ruled that Idaho tenants have the [right to a jury trial in eviction proceedings](#). The [ruling](#) reversed a law that has been in place in Idaho since 1996. Idaho Legal Aid services have already received twice the requests for need compared to this time last year.

Indiana

The Hoosier Housing Needs Coalition developed a “yardstick” to measure [four necessary steps](#) for the state to take before Governor Eric Holcomb should consider lifting the eviction moratorium.

Illinois

The [Telegraph](#) editorial board examines how the pandemic is revealing the urgency of addressing our country’s housing and homelessness crisis.

The [Cook County Board](#) on July 16 approved a [resolution](#) that will use an “equitable funding formula” with a heavy emphasis on economically disinvested areas to distribute \$51 million of CARES Act funds among municipalities to reimburse direct costs incurred while responding to the pandemic. Board commissioners sent a [second resolution](#) to the Finance Committee that would allocate nearly \$82 million from the Coronavirus Relief Fund to support local businesses, assist renters, and fund hotels providing shelter for people experiencing homelessness.

Kentucky

Social service organizations are bracing for a homelessness crisis to hit rural Americans as eviction moratoriums and federal unemployment benefits end soon. As many as [240,000 Kentuckians could face eviction](#) as federal coronavirus relief benefits are terminated.

Louisiana

After just four days, Louisiana had to shut down the \$24 million COVID-19 Emergency Rental Assistance Program after it was [inundated with applicants seeking aid](#). According to the Louisiana Housing Corporation, the program was expected to help about 10,000 residents, but after receiving four times as many applications, it had to be suspended.

Maine

[Maine landlords](#) can resume filing evictions on August 3, and housing advocates are concerned that the state will see a rise in evictions as the supplemental unemployment insurance benefits expire. “Tenants are in a very tenuous position,” said Greg Payne, director of the Maine Affordable Housing Coalition, an NLIHC state partner.

A new study from the Maine Affordable Housing Coalition, an NLIHC state partner, found that [Maine families in subsidized housing](#) have barely been able to keep up with rent payments. Some are falling behind on other bills, using food pantries, or relying on federal and state assistance.

Maryland

[Montgomery County Executive Marc Elrich](#) on July 21 recommended that the County Council appropriate \$20 million from the CARES Act to expand rental assistance for eviction and homelessness prevention. “With the Courts lifting the stay on evictions after July 25 and the schedule to hear nonpayment of rent cases after August 31, I believe it is imperative that we support tenants using all our resources. I recognize that \$20 million is not the full amount we will need, but it represents a significant initial allotment to meet immediate challenges,” said County Executive Elrich.

Governor Larry Hogan on July 20 [announced](#) that eight counties will receive more than \$2.3 million in the first round of Maryland Eviction Prevention Partnership grants.

Massachusetts

Massachusetts Governor Charlie Baker [extended the statewide eviction moratorium](#) until October 17. Housing court administrators estimated that they could be [flooded with 20,000 eviction cases](#) when the moratorium was initially set to expire in August.

Minnesota

[Minneapolis organizers](#) have begun to move people residing in the Powderhorn Park encampment to other parks due to size and safety concerns of the Powderhorn encampment. The Minneapolis Park and Recreation Board on July 15 voted to restrict the growing number of encampments in parks across the city.

Nebraska

More households across central [Nebraska are struggling to pay rent due to COVID-19](#). Tri-city homeless shelters are preparing for a potential rise in people requesting emergency housing. According to the associate executive director at the Crossroads Center Rescue Mission in Kearney, resident numbers in the organization's shelters rose 30% over the past week.

Nevada

[Clark County is seeking to protect tenants](#) whose housing security has been impacted by the pandemic. The ordinance would prohibit landlords from refusing to rent, negotiate, or make available a property to someone based on their source of income or if they were previously evicted for reasons caused by the pandemic.

Nevada's [\\$30 million rental assistance program](#), funded through the federal Coronavirus Relief Fund, began taking applications on July 20. Learn more about the CARES Housing Assistance Program at <https://housing.nv.gov/>

New Jersey

[More than 60,000 New Jersey residents](#) are vying for the state's \$100 million COVID-19 Emergency Rental Assistance Program. It is unclear how many of the 60,838 applicants will be approved for assistance.

An op-ed in the [Philadelphia Inquirer](#) urges the New Jersey Legislature to act quickly to prevent an eviction and foreclosure tsunami caused by the pandemic.

[Representative Mikie Sherrill](#) (D-NJ) held a virtual meeting with the Housing Alliance of Morris County on housing security and homelessness response during the pandemic.

New Mexico

The New Mexico Department of Health told [KOAT News](#) that the state is using federal funding to convert 18 hotels across the state into non-congregate shelters for people experiencing homelessness, law enforcement officers, health care workers, and members of local tribes.

New York

The New York Housing Conference, joined by 51 elected officials, former housing agency leaders, and nearly 100 organizations, sent a [letter to Congressional leaders](#) on July 17, urging them to prioritize rental assistance

and aid to states and localities. The letter calls on Congress to fund \$100 billion in rental assistance and \$915 billion for state and local governments.

The population of New York City's jails has nearly halved because of pandemic-related releases. A group of nonprofits and activist organizations have [urged the city's housing authority to end its longstanding policies](#) that discriminate against justice-involved people or people who have been previously incarcerated.

An article in the New York City [Patch](#) discusses the findings of NLIHC's *Out of Reach 2020* report, highlighting NLIHC's warning that the coronavirus pandemic likely will increase hardship for low-income renters.

North Carolina

"Even with extended unemployment, North Carolina would benefit greatly from a federal rental and utility assistance package," wrote [Governor Roy Cooper in a letter to Congress](#) outlining his policy priorities for the next coronavirus relief package. Governor Cooper also asked Congress to urge FEMA to provide 100% federal reimbursement for non-federal cost share for state and local costs of responding to COVID, robust and flexible dollars to state and local governments, and other priorities.

Ohio

Northeast Ohio advocates are concerned that [thousands of Ohioans](#) will face evictions after the federal moratorium expires on July 24. Studies estimate that as many as 713,255 Ohio renters could face eviction this year.

The [Daily Record](#) examines how the coronavirus pandemic has created an additional layer of problems for people experiencing homelessness in Ohio. The Coalition on Housing and Homelessness in Ohio, an NLIHC state partner, continues to call on Governor Mike DeWine to allocate \$100 million of remaining CARES Act dollars to emergency rental assistance and urge the U.S. Senate to pass \$100 billion in emergency rental assistance.

The [Dayton Daily News](#) discusses housing experts' concerns that without a statewide rental assistance program, thousands of Ohio families will face eviction and homelessness. The Ohio Poverty Law Center and more than 100 other advocacy organizations have asked Governor Mike DeWine to earmark \$100 million in federal Coronavirus Relief Funds for emergency rental assistance.

The [Columbus Dispatch](#) Editorial Board discusses the dangerous threat of evictions and utility cut-offs that looms as temporary eviction moratoriums expire. The paper expresses support for the Coalition on Homelessness and Housing in Ohio's (COOHIO) call for \$100 million of Ohio's federal coronavirus relief funds to be allocated for emergency rental assistance.

The [Statehouse News Bureau](#) highlights NLIHC's *Out of Reach 2020* report findings and how the pandemic has worsened Ohio's housing crisis. Advocates are urging Governor Mike DeWine to allocate at least \$100 million of federal relief funds for emergency rental assistance.

Pennsylvania

An op-ed in the [Philadelphia Inquirer](#) discusses the urgent need for Congress to extend the eviction moratorium through at least December and offer assistance that meets the immense housing needs of all people across Pennsylvania.

Texas

The [Wall Street Journal](#) reported that Houston is expected to suffer significantly more evictions than most major cities. This is because Houston has stopped providing protections at the local level after Texas' eviction moratorium expired in May. Tenant advocates and housing attorneys expect that evictions could soon surpass historical averages. The rise in evictions coincides with surging coronavirus cases.

The [Texas Tribune](#) examines how lack of access to federal assistance and fear of the legal system have prompted many undocumented immigrants to self-evict. While undocumented tenants have the same rights as anyone else during the eviction process, housing attorneys and immigration advocates say that they are often hesitant to exercise these rights.

The [Texas Homeless Network](#) is urging Congress to intervene to prevent low-income renters from being evicted and forced into homelessness. Without emergency rental assistance and an extended and expanded eviction moratorium, the number of people experiencing homelessness in Texas will rise to an estimated 40,000.

The [Houston Chronicle](#) highlights the story of a Houston family that was recently evicted alongside several of their neighbors in an apartment complex.

Washington

[Seattle is allocating \\$13 million](#) from the Washington State Department of Commerce COVID-19 Emergency Housing Grant to help people experiencing homelessness amid the pandemic.

Washington DC

An article in the [DC Line](#) urges the DC Council and Mayor Muriel Bowser to revise the budget to increase funding for preventing and ending homelessness. Compared to other jurisdictions, DC's overall response to COVID-19 has been considered slow and passive by some, particularly for the thousands of DC residents experiencing homelessness, 87% of whom are Black.

Wisconsin

Governor Tony Evers allocated \$25 million to rental assistance, but it is [insufficient to meet the urgent housing needs of Wisconsin renters](#). "I think we'll run out of money way before we put a dent into that list [of applications]," said George Hinton, the executive director of the Social Development Commission in Milwaukee.

Guidance

Department of Housing and Urban Development

[COVID-19 FAQs for Tribes and Tribally Designated Housing Entities](#) - Updated July 17

[COVID-19 Grants Management: ESG Homelessness Prevention Eligibility During Eviction Moratoria](#)

FEMA

[Reconstitution: Reopening after Coronavirus FAQ](#) - July 21

Housing Leadership Awards

Celebrate Bill Faith, Jennifer Ho, and Shauna Sorrells, the 2020 Housing Leadership Award Honorees, on August 26!

[Join a live-stream celebration](https://bit.ly/32zdn2h) of the 2020 Housing Leadership Awards honorees **Bill Faith, Jennifer Leimaile Ho, and Shauna Sorrells**. These outstanding affordable housing leaders will be honored at the **38th Annual Housing Leadership Awards Celebration** being live-streamed on August 26 at 4-5 pm ET. Attendance is free to the public. Register today at: <https://bit.ly/32zdn2h>

The Dolbeare Lifetime Service Award will be bestowed to **Bill Faith**, executive director of the Coalition on Homelessness and Housing in Ohio and former NLIHC board member and chair, for his many years of leadership, dedication and tireless work to secure decent, safe, and affordable homes for the lowest-income people in Ohio and across the U.S. The award is named for NLIHC's founder Cushing Niles Dolbeare, a pioneer of the of the affordable housing movement.



Bill Faith

The Sheila Crowley Housing Justice Award is named after former NLIHC President and CEO Sheila Crowley, who led NLIHC for more than 17 years. **Jennifer Leimaile Ho**, commissioner of Minnesota Housing and former senior advisor at HUD and deputy director of the U.S. Interagency Council on Homelessness (USICH), will receive the Crowley Award for her outstanding work to end homelessness and housing poverty in the U.S. since 1999 at Hearth Connection, USICH, HUD, Minnesota Housing, and beyond.



Jennifer Ho

The third award is named for Senator Edward Brooke (R-MA), who championed low-income housing as a U.S. senator and later as chair of the NLIHC board of directors. **Shauna Sorrells**, former NLIHC executive-committee board member, director of the Office of Public Housing Programs at HUD, and chief operating

officer at the Housing Opportunities Commission of Montgomery County (HOCMC), will receive the 2020 Edward W. Brooke Housing Leadership Award posthumously for her outstanding commitment to ending homelessness and housing poverty in the U.S. over many years at HUD, at HOCMC, and on the NLIHC board of directors.



Shauna Sorrells

Recognize these outstanding individuals by making a donation to NLIHC in their honor!

Donate as an individual at: <https://bit.ly/34ng1FP>

Donate as an organization at: <https://bit.ly/2WyFnOb>

Your donation will be recognized in the Leadership Awards program. The contribution will support NLIHC’s mission to achieve socially just public policy to ensure the lowest-income people have decent, accessible, and affordable homes.

Register for the event at: <https://bit.ly/32zdn2h>

Congress

NLIHC to Testify at Congressional Hearing on Equitable Disaster Recovery; DHRC to Issue Disaster Recovery Reform Recommendations

NLIHC President and CEO Diane Yentel will testify at a House Transportation and Infrastructure hearing on equitable disaster recovery this week. The hearing, held by the Economic Development, Public Buildings, and Emergency Management Subcommittee, will focus on “[Experiences of Vulnerable Populations During Disaster](#)” and is scheduled for 10 am ET on July 28. The House Transportation and Infrastructure Committee has oversight authority over FEMA and its operations and has worked recently to bolster the agency’s staffing and Public Assistance programs to assist state and local governments in responding to COVID-19 and concurrent disasters. The hearing will focus on how historically marginalized populations – specifically low-income households, communities of color, and individuals living with disabilities – are affected by disasters and what can be done to ensure the nation’s response to disasters are equitable. These populations are typically hardest hit by disasters but receive the least amount of aid to recover afterwards.

NLIHC advocates for equitable disaster recovery through its Disaster Housing Recovery Coalition (DHRC), a group of over 850 national, state, and local organizations. The DHRC continues to advocate for pivotal disaster recovery reform legislation such as the “[Reforming Disaster Recovery Act](#)” which permanently authorizes and reforms HUD’s primary disaster recovery grant program, as well as the “[Housing Survivors of Major Disasters](#)

[Act](#),” which helps ensure that all disaster survivors are able to access FEMA assistance. In response to the COVID-19 pandemic, the DHRC hosts [recurring national calls](#) regarding coronavirus, housing, and homelessness.

On the day of the hearing, NLIHC will release a report, “Fixing America’s Broken Disaster Housing Recovery System Part Two: Policy Framework Reform Recommendations.” [Part 1 of the series](#) identified how America’s disaster housing recovery framework exacerbates and reinforces racial, income, and accessibility inequities at each stage of response and recovery. Part 2 of the report will identify specific local, state, and national policy recommendations to redesign our national disaster housing response and recovery system to center the needs of the lowest-income survivors and their communities. Both reports were written by NLIHC and the Fair Share Housing Center of New Jersey with critical input from DHRC members, including many with first-hand experience recovering after disasters.

You can watch the July 28 Transportation and Infrastructure hearing at: <https://bit.ly/3hzpalq>

Read Diane Yentel’s testimony at: <https://tinyurl.com/y6gs4sq4>

Read Part 1 of “Fixing America’s Broken Disaster Housing Recovery System” at: <https://bit.ly/301ALDX>

Budget and Appropriations

House to Vote on FY21 THUD Spending Bill and Amendments

The House is scheduled to vote on a series of spending bills as soon as July 29, including the Transportation, Housing, and Urban Development (THUD) appropriations bill for fiscal year (FY) 2021. Despite limited budget caps, the bill ([H.R. 7617](#)) provides a significant increase in funding to housing programs that service low-income people and communities, and contains several provisions to stop the implementation of harmful HUD policy proposals.

Several amendments to the bill will also be considered by the House. Representatives Alexandria Ocasio-Cortez (D-NY), Ayanna Pressley (D-MA), Earl Blumenauer (D-OR), Juan Vargas (D-CA), Gregory Meeks (D-NY), Carolyn Maloney (D-NY), Nydia Velazquez (D-NY), Rashida Tlaib (D-MI), Al Green (D-TX), and Pramila Jayapal (D-WA) introduced an [amendment](#) to block HUD from implementing its proposed changes to the Disparate Impact rule of 2013 (see *Memo*, [7/19/2019](#)). If enacted, HUD’s proposed changes would make it far more difficult for people experiencing various forms of discrimination to challenge the practices of businesses, governments, and other large entities engaging in discriminatory behavior.

The same members of Congress, joined by Representative Denny Heck (D-WA), also introduced an [amendment](#) that would block HUD’s implementation of its proposed changes to the Affirmatively Furthering Fair Housing (AFFH) rule of 2015 (see *Memo*, [1/13](#)). The proposed changes would undo years of efforts to rectify historic, government-driven patterns of housing discrimination and segregation by allowing communities to ignore the essential racial desegregation obligations of fair housing laws. NLIHC strongly supports the adoption of both of these amendments and urges their inclusion in the final House bill.

Additionally, Representative Debbie Lesko (R-AZ) proposed [two amendments](#) that would rescind the bill’s prohibition on implementing HUD’s proposed anti-transgender changes to the Equal Access Rule (see *Memo*, [6/8](#)). HUD’s proposal would weaken enforcement of the Equal Access Rule of 2016, which provides protections to LGBTQ people experiencing homelessness and seeking emergency shelter and services. The 2016 rule requires housing, facilities, and services funded through programs administered by HUD to allow trans people experiencing homelessness access to accommodations in accordance with their gender identity.

Trans people, and particularly trans women of color, are at an elevated risk of homelessness, sexual violence, and physical assault, making access to emergency shelter and services crucial. NLIHC opposes this amendment and urges the House not to adopt it into their final THUD spending bill.

View the text of H.R. 7617 at: <https://tinyurl.com/y6y6ezs7>

Read NLIHC's analysis at: <https://tinyurl.com/y4dl7yr7>

See NLIHC's updated budget chart at: <https://tinyurl.com/y6tnabuo>

Census

Trump Memorandum Would Exclude Undocumented People from 2020 Census

President Donald Trump issued a [memorandum](#) to the Secretary of Commerce on July 21 declaring it the policy of the United States to exclude undocumented people from the 2020 Census. However, under Section 2 of the Fourteenth Amendment of the U.S. Constitution, “representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed.”

“[An Overview of How Census Data Are Used to Apportion the House of Representatives](#),” a fact sheet from the Center on Poverty and Inequality at Georgetown Law, states that the “U.S. Constitution, as revised by the Fourteenth Amendment, requires a census of the “whole number of persons in each State” for the legislative apportionment of the House of Representatives. As such, the Census Bureau has long followed the constitutional mandate of counting a state’s total resident population for apportionment and has successfully defended this policy when challenged in court. The apportionment count is calculated using both the total resident population (which includes citizens and non-citizens who live in the U.S.) and the population of overseas federal employees. The bureau does not count citizens of foreign countries who are on a temporary visit (such as a business trip) to the U.S. or who are a part of the diplomatic community.”

An issue brief, “[The Cornerstone of Our Democracy: The Census Clause and the Constitutional Obligation to Count All Persons](#),” from Constitutional Accountability Center explains:

Following more than seven months of debate, Congress adopted the Fourteenth Amendment, insisting that total population, not voter population, was the basis for our Constitution’s system of representation. “As the Framers of the Constitution and the Fourteenth Amendment comprehended, representatives serve all residents, not just those eligible or registered to vote.” The Fourteenth Amendment, which was approved by the people and became a part of the Constitution in 1868, reaffirmed that our Constitution’s system of equal representation for all depends on a count of the nation’s entire population, including non-citizens. As this history shows, the purpose of the census required by the Constitution has never been to count just citizens, but rather to count “the whole body of the people.”

Of course, as it stood at the end of the 18th century, the Constitution’s promise of equal representation for all persons was grievously undermined by the Three-Fifths Clause, which provided that, for the purpose of determining representation in Congress, enslaved persons would be counted as three-fifths of a person. Following a bloody Civil War fought over slavery, the Fourteenth Amendment fixed this shameful injustice in the text of our charter and reaffirmed the need for an accurate count of all persons to apportion representatives among the states.

Speaker of the House Nancy Pelosi (D-CA) in a [media release](#) stated that by seeking to exclude undocumented immigrants from being counted in the 2020 Census, the President is violating the Constitution and the rule of law. “The Constitution is clear: it requires an ‘actual Enumeration’ of the ‘whole numbers of persons’ for the population count and congressional apportionment,” Speaker Pelosi stated. There is no ambiguity about its command.” Speaker Pelosi added, “The Trump Administration’s relentless, politically-motivated attempt to illegally include a citizenship question on the 2020 Census was unequivocally rejected by the Supreme Court last year.”

The Memorandum is at: <https://bit.ly/2ZQYTZz>

The Center on Poverty and Inequality at Georgetown Law Fact Sheet is at: <https://bit.ly/2E4gkxj>

The issue brief from the Constitutional Accountability Center is at: <https://bit.ly/32L6SJO>

Our Homes, Our Votes: 2020

“Early Voting & Vote-by-Mail” Voter-Mobilization Webinar on August 20

NLIHC’s next [Our Homes, Our Votes 2020 webinar](#) (August 20 at 3 pm ET) will focus on “Voter Mobilization: Early Voting and Vote-By-Mail.” The *Washington Post* reports that at least 76% of American voters will be able to cast their ballots by mail for the upcoming election, which provides voter-engagement campaigns with a longer window to get out the vote. Vote-by-mail will be even more important this year as voters may be reluctant to vote in person due to the pandemic. This session will review how to best maximize early voting opportunities and increase voter turnout in states with expanded vote-by-mail and other early voting options. Register for this webinar and NLIHC’s entire 15-month “[Third Thursdays at Three](#)” webinar and podcast series on nonpartisan voter and candidate engagement, free to the public, at: <https://bit.ly/2Luj0F3>

NLIHC’s *Our Homes, Our Votes: 2020* provides training and resources to resident leaders, housing providers, social service professionals, community organizers, and others on key aspects of effective voter engagement. The “Third Thursdays at Three” webinar series is a 15-part effort to explore best practices, new ideas, and legal considerations for 501(c)(3) nonpartisan election engagement on issues such as voter registration, candidate engagement, election education, and getting out the vote. [View recordings of previous sessions \(1-11\) on our website.](#)

[Register here for the “Third Thursdays at Three” series!](#)

Upcoming topics in the “Third Thursdays at Three” series include:

Session 12: Voter Mobilization Part 1 – Early Voting and Vote-by-Mail

Thursday, August 20 at 3 pm ET

Session 13: Voter Mobilization Part 2 – Protecting Low-Income People from Voter Intimidation and Voter Caging Tactics

Thursday, September 17 at 3 pm ET

Presenters will explore community efforts to staff polling locations with well-trained volunteers to protect against intimidation efforts. Ultimately, educating voters in advance about going to the polls even if they have been told their registration is not current is the best practice, along with ensuring that everyone casts at least a

provisional ballot. The discussion will also highlight the importance of establishing relationships with election officials who monitor polling locations in advance of Election Day.

Session 14: *Election Day! Getting Out the Vote*

Thursday, October 15, 2020 at 3 pm ET

Presenters will review the most effective Election Day get-out-the-vote practices such as coordinating rides to the polls, hosting “walk to the polls” groups in low-income housing communities with nearby polling locations, using snacks and music to keeping people in line at busy polling locations, and using Election Day visibility volunteers with signs reminding people to vote. The discussion will also explore effective “knock-and-drag” efforts throughout Election Day for identifying who has not yet voted and sending volunteers to their doors.

Session 15: *After the Vote—Holding Candidates to their Promises*

Thursday, November 19, 2020 at 3 pm ET

Once the election is over, it is important to hold candidates to their promises. Learn how to track the success of your voter turnout efforts to demonstrate to newly elected officials that low-income renters are an important and active constituency. Presenters will discuss the best ways to constructively remind elected officials of their campaign promises while establishing relationships with new legislative staff members.

Don’t miss these important training opportunities. Put “Third Thursdays at Three” in your calendar and [register for the presentation series today.](#)

Research

Implementation of Exclusionary Zoning in New Jersey Allowed High-Income Areas to Avoid Economic Integration

An article in *Housing Policy Debate*, “[Exclusionary Zoning: Policy Design Lessons from the Mount Laurel Decisions](#),” reports that inclusionary zoning incentives offered by New Jersey’s Council on Affordable Housing (COAH) succeeded in encouraging high-income municipalities to create housing policies to meet state-defined affordable housing goals, but the policy design also encouraged them to pass off affordable housing obligations to low-income municipalities. The author argues that a mandatory inclusionary zoning program could have done more than New Jersey’s voluntary program to integrate neighborhoods economically.

The study examines New Jersey’s inclusionary zoning program, which was the result of the Mount Laurel decisions by the Supreme Court of New Jersey and the 1985 Fair Housing Act passed by the New Jersey state legislature. As a result of those laws, every municipality across the state has a constitutional obligation to make an “appropriate variety and choice of housing” available. Municipalities that failed to meet obligation and refused to allow affordable housing to be built could be sued by developers. Subsequent suits ruled that a municipality’s development approval decisions could be overridden by the courts. The Council on Affordable Housing (COAH), which set specific affordable housing requirements, offered municipalities protection from lawsuits if the municipality submitted and COAH approved their affordable housing plans. Participating municipalities could also participate in regional contribution agreements (RCAs), in which one municipality could transfer up to 50% of its new affordable housing requirement to another municipality at a fixed price per housing unit.

The paper addresses two questions about COAH’s program. First, did the structure of incentives succeed in encouraging municipalities with the greatest need for affordable housing to create housing plans to meet the need? Second, was there a pattern of high-income municipalities using RCAs to send housing units to low-income municipalities? The author gathered the affordable housing requirements of New Jersey municipalities from COAH’s published reports, municipality data from the 1990 and 2000 Decennial Census (including median household income, population demographics, and unemployment rates), and data on RCAs that took place between 1987 and 1999.

To answer the first question—whether the inclusionary zoning program attracted high-income municipalities—the author examined which municipalities joined the program. Of the 566 municipalities in New Jersey, 317 (about 56%) joined the program during either the first or second round (1987-1993 and 1994-1999). Results indicated that every 10% increase in a municipality’s median income increased the probability that it joined by roughly 1.53%, so higher-income municipalities were in fact more likely to join the program. Municipalities with the greatest need for more affordable housing were slightly more likely to join the program. A 10% increase in new construction needs led to an increase of 0.24% in the probability of joining, and a 10% increase in rehabilitation needs led to a 0.7% increase in the probability of joining. Municipalities under a court’s jurisdiction, already undergoing some form of a housing lawsuit, were substantially less likely to join the program. The author speculates that these municipalities may have viewed joining the program as unnecessary, since they were already given court-ordered remedies for their lack of affordable housing.

The author also examined the 98 municipalities that used RCAs to transfer their affordable housing requirements to a different jurisdiction between 1987 and 1999, as well as the 42 municipalities that were on the receiving end of those agreements. The study found that the richest and poorest municipalities were most likely to engage in an RCA. High-income municipalities and those with large new construction obligations were very likely to send units elsewhere. A 100% increase in the median income of a given municipality was associated with a 24% increase in the likelihood they would send units elsewhere, and a 100% increase in the new construction obligation was associated with a 6.4% increase in the likelihood it would send units elsewhere. Receiving municipalities were poorer and had relatively larger Black populations.

The author concludes that the use of RCAs allowed richer municipalities to avoid constructing as much affordable housing. While the incentive-based structure drew in some municipalities, the author argues that stricter enforcement of building requirements may have created more opportunities for economic integration for lower-income families in New Jersey.

The full article can be found at: <https://bit.ly/3j40tPu>

Resources

UCLA Report Urges Acquiring Hotels for Use as Affordable Housing

The UCLA Luskin Institute on Inequality and Democracy recently published a second installment in its *Housing Justice in the Time of COVID-19* series. The new report, [Hotel California: Housing the Crisis](#), outlines a policy strategy for acquiring hotels for use as affordable housing. The report describes Project Roomkey, a current California program that places individuals experiencing homelessness in hotels. The authors argue that Los Angeles County should acquire and convert hotels into social housing and describe challenges that arise from using hotels as emergency housing.

The authors outline the immense need for additional shelter, noting that 365,000 renter households in Los Angeles County are at risk of eviction once eviction moratoriums are lifted. The initial report in the UCLA series estimated that between 36,000 and 120,000 of them could become homeless, adding to the already high

number of unsheltered individuals residing in L.A. In response, California instituted Project Roomkey, an initiative that aims to place people experiencing homelessness in 15,000 hotel and motel rooms. While California was the first state to implement a statewide plan for emergency, non-congregate sheltering, the initiative is not without its limitations. Since its launch in April, Project Roomkey has only been able to procure 3,601 rooms. Staffing limitations, NIMBY opposition, and lack of hotel participation have impeded progress.

The authors advocate more hotels as housing, using Project Roomkey’s concept as a jumping-off point. They argue for the use of eminent domain and other strategies to acquire hotels and convert them to permanent, affordable housing. The authors argue that such a strategy could help more households access housing; provide greater housing stability compared to other emergency non-congregate plans; and offer more opportunities for community control and tenant power.

The report can be accessed at: <https://bit.ly/3eSnn98>

Fact of the Week

Shortfall between Average Hourly Wage and Housing Wage Greatest in Hawaii, Maryland, and California



Source: NLIHC, *Out of Reach* 2020.

From the Field

New Hampshire Housing Advocates Secure Funding for Rental Assistance, Shelters, and Services for Homeless Veterans

Responding to requests from housing advocates, New Hampshire Governor Chris Sununu’s Office for Emergency Relief and Recovery has announced \$57 million in CARES Act funding for housing stabilization,

homeless shelter modification, and services for veterans experiencing homelessness. The [NH Housing Relief Fund](#), funded at \$35 million, launched on June 30.

Administered through the state's five area Community Action Programs (CAP), the housing stabilization program provides two avenues for support for NH residents struggling with housing costs as a result of the COVID-19 pandemic: 1) one-time grants for household expenses including utilities, mortgage payments, or rent; and 2) short-term rental assistance for those in need of more comprehensive support. Since the launch of the NH Housing Relief Fund, CAP agencies have received 3,692 applications. The launch of the housing stabilization program coincided with the end of the state's moratorium on evictions on July 1.

The governor also announced the Homeless Shelter Modification program. Funded at \$15 million, grant funds will be administered by the state's housing finance agency and made available to existing shelters for physical modifications and operating costs. The goal of the program is to enable shelters to meet new public health guidelines to keep shelter guests safe. Governor Sununu announced another \$7 million for homeless veterans from the state's Coronavirus Relief Fund.

"We are pleased with this comprehensive approach to housing stabilization," said Elissa Margolin, director of Housing Action NH, a NLIHC state partner. "Like other states, New Hampshire is particularly vulnerable to a full-scale evictions crisis since we have a very limited affordable rental housing supply."

Housing Action NH has partnered with the state's 46 shelters, the Bureau of Housing Supports at NH DHHS, and the NH Emergency Operations Center to implement emergency shelter decompression and isolation/quarantine measures for homeless shelters. "The coalition model centered on partnership and peer-support has never been more important," said Elissa. "Our work during the pandemic has demonstrated that coalitions generate effective program implementation as well as effective advocacy."

NLIHC's 2020 [Out of Reach](#) report places New Hampshire as having the 15th most expensive housing wage in the nation, at \$23.43. The state's *Residential Rental Costs Survey* report shows vacancy rates below 1%.

To learn more about Housing Action NH, contact Elissa Margolin at elissa@housingactionnh.org.

Events

Shriver Center to Hold Webinar on Environmental Justice in Federally Assisted Housing

The Shriver Center on Poverty Law will hold a webinar on "Poisonous Homes: The Fight for Environmental Justice in Federally Assisted Housing." The webinar, which will be held on Tuesday, July 28 at 2 pm ET, is based on a [new report](#) released by the Shriver Center and Earthjustice that chronicles how decades of environmental racism have systematically put residents of federally assisted housing in direct proximity to the country's most hazardous waste sites. Register at: <https://bit.ly/3ffEXVM>

Across the country, tens of thousands of families living in federally assisted housing are living on dangerously contaminated land where they face an urgent and ongoing environmental and health crisis. Despite the risks, the federal government is still moving people into housing that is potentially hazardous, without notification to the residents, and continues to invest redevelopment dollars into housing located near these sites.

The webinar will feature stories of community activism in the face of this crisis and learn how advocates are working with residents towards a comprehensive solution driven directly by impacted communities.

Speakers will include Emily Coffey, staff attorney, Shriver Center on Poverty Law; Debbie Chizewer, managing attorney, Earthjustice; and Akeeshea Daniels, environmental justice activist.

The free webinar will be held on Tuesday, July 28 at 2 pm ET. Register at: <https://bit.ly/3ffEXVM>

The *Poisonous Homes: The Fight for Environmental Justice in Federally Assisted Housing* report is at: <https://bit.ly/38H4t3>

NLIHC in the News

NLIHC in the News for the Week of July 19

The following are some of the news stories that NLIHC contributed to during the week of July 19:

- “Renters brace for evictions as moratorium ends” *Politico*, July 24 at: <https://tinyurl.com/y3a2djzf>
 - “24 million Americans fear missing next rent payment as benefits dry up,” *USA Today*, July 24 at: <https://tinyurl.com/y2lx9obd>
 - “Landlords jump the gun as eviction moratorium wanes,” *New York Times*, July 23 at: <https://tinyurl.com/y62e2nhg>
 - “Feds dismantle anti-discrimination housing rule,” *CNN.com*, July 23 at: <https://tinyurl.com/yyonxjb2>
 - “Seeking suburban votes, trump to repeal rule combating racial bias in housing,” *NPR*, July 21 at: <https://tinyurl.com/y25er9bc>
 - “Fair housing groups slam Trump's suburban racial rhetoric,” *Associated Press*, July 18 at: <https://tinyurl.com/yxqjnxnl>
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