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Congress

Senator Brown Demands President Trump Take Decisive Action to End Homelessness

Senator Sherrod Brown (D-OH) wrote a [letter](#) to President Trump on July 24 responding to a Fox News interview with the president during which he commented on addressing homelessness in America. Senator Brown discusses the need for affordable housing, notes how recent proposals from the Trump administration have negatively impacted the housing crisis, and demands the president take decisive action to address homelessness in the U.S.

The letter praises the success of programs such as HUD-Veteran Affairs Supportive Housing (HUD-VASH) vouchers and HUD's Youth Homelessness Demonstration Program, among others, for addressing homelessness but notes that underfunding of federal housing programs results in only one in four eligible households receiving assistance. The letter cites data from NLIHC's [The Gap: A Shortage of Affordable Homes](#) and [Out of Reach](#) reports to demonstrate the need for federal rental assistance and a greater supply of affordable homes. Senator Brown notes that the Trump administration has repeatedly proposed cutting funding for or eliminating critical HUD programs, which would only exacerbate the homelessness crisis. Senator Brown also urges the president to stop proposing policies that would increase homelessness among vulnerable populations such as veterans, older adults, people with disabilities, transgender individuals, mixed-status immigrant families, and low-income households.

"America is facing a housing affordability crisis that is pushing millions of people into housing instability, eviction, and homelessness," wrote Senator Brown in the letter. "Ending homelessness is a bipartisan issue. If you truly want to tackle this issue, I stand ready to work with you."

Read Senator Brown's letter at: <https://tinyurl.com/y5bvg47f>

NLIHC Holds Capitol Hill Briefing on the Housing Affordability Crisis in America and Solutions

NLIHC held a Capitol Hill [briefing](#), "Out of Reach: What State and Local Data Tell Us About Solutions to America's Housing Crisis," on July 26. The briefing informed more than 70 congressional office staffers on the scope of the national affordable housing crisis; the impact of the affordable housing crisis on Latino communities; the necessity of investing in decent, safe affordable housing; and policy solutions to homelessness and housing poverty.

Andrew Aurand, NLIHC senior vice president of research, provided an overview of NLIHC's two newest reports, [Out of Reach](#) and [The Gap: A Shortage of Affordable Homes](#). *Out of Reach* compares rents and wages nationally and at state, county and city levels, and shows that both average renter wages and state minimum wages are insufficient for people to afford modest rental apartments across the country. *The Gap* explores the availability of rental homes affordable to low-income and extremely low-income renters and finds a national shortage of seven million affordable and available homes for the lowest-income households.



Andrew Aurand, NLIHC senior vice president for research



Agatha So, UnidosUS senior policy analyst

Agatha So, UnidosUS senior policy analyst, described the acute impact the shortage of affordable housing has on Latino families. Latino families are regularly subjected to discrimination in the housing market and have the lowest Housing Choice Voucher participation rate of any racial or ethnic group. Ms. So noted also that Latinos disproportionately bear the brunt of high housing costs, and are projected to experience the largest increase in housing cost burden of any racial group in the U.S. in the coming years.

Shalonda Rivers, president of the 22 Avenue Apartments Cordoba Tenant's Association and a member of NLIHC's board of directors,

spoke about the importance of investing in decent, safe, affordable housing. Sharing photos and videos taken from her own federally-assisted housing complex, Rivers highlighted the dangerous conditions that arise when affordable housing stock does not receive adequate continued federal financial investments and falls into disrepair.



Shalonda Rivers, president of the 22 Avenue Apartments Cordoba Tenant's Association and a member of NLIHC's board of directors

NLIHC Senior Policy Director Sarah Mickelson closed the briefing with a review of policy solutions to address the nation's affordable housing crisis and ensure that the lowest-income renters are able to find decent, stable, accessible, affordable housing. She noted that rental assistance programs help bridge the gap between rents and incomes for low-income families and she emphasized the need to expand the stock of deeply affordable housing. Finally, Ms. Mickelson suggested that emergency assistance for families experiencing a major economic shock would help stabilize households and prevent them from falling into needing more prolonged and extensive assistance or, in the worst cases, homelessness.

Read *Out of Reach 2019* at: <https://bit.ly/2Ye3Ht7>

Read *The Gap: A Shortage of Affordable Homes* at: <https://bit.ly/2UIMWQA>

Watch the recording of the briefing at: <https://tinyurl.com/y4lhx447>

Budget and Appropriations

House Passes Budget Deal; Senate to Vote this Week

The House passed a two-year FY20-21 budget deal ([H.R. 3877](#)) on July 25 by a vote of 284-149. Congressional leadership and the White House announced on July 23 that they had reached an agreement to lift the low federal spending caps on defense and domestic programs by \$321 billion for the next two fiscal years. The Senate will vote on the deal this week before leaving for a five-week recess.

The proposed deal provides a significant increase for defense and domestic spending over the levels set by the Budget Control Act of 2011. The proposal will increase domestic spending above current levels by \$27 billion for FY20 and \$29.5 billion for FY21. Under the agreement, domestic programs will receive a 4.5% increase in funding over FY19 levels, which is \$15 billion less than the amount included in the previous House-approved spending bills. Although the dollar amounts for defense spending are higher than nondefense, the percentage

increase is more modest, with defense spending growing by 3.1% for FY20 under the bill. The legislation also raises the federal debt ceiling until July 31, 2021.

Now that congressional leadership has reached an agreement, the Senate will begin working on its spending bills. The robust spending package passed by the House earlier this year is likely the high-water mark for housing and community development programs – advocates should urge their members of Congress to fund those programs at the House-approved levels. For more details on the House bill, see NLIHC’s [analysis](#) and [budget chart](#).

Disaster Housing Recovery

‘Reforming Disaster Recovery Act of 2019’ Introduced in Senate

Senator Brian Schatz (D-HI) and Todd Young (R-IN) introduced the “[Reforming Disaster Recovery Act of 2019](#)” in the Senate on July 26. The legislation, S. 2301, is a companion to a House bill of the same name introduced by Representatives Al Green (D-TX) and Ann Wagner (R-MO), which passed unanimously out of the House Financial Services Committee on July 16.

The bills are an important milestone for equitable disaster housing recovery and rebuilding. The DHRC’s members worked closely with bill sponsors over the past two years to draft and advance this legislation. The final bill includes virtually all the [critical reforms](#) proposed by DHRC members to help ensure the federal government’s long-term disaster recovery program – Community Development Block Grant–Disaster Recovery (CDBG-DR) grants – better serve the lowest-income survivors and their communities. If enacted, the bill would help target CDBG-DR resources to survivors with the greatest needs, ensure greater data transparency and oversight, protect civil rights and fair housing, and encourage disaster mitigation and resiliency.

The Senate bill also includes some improvements from the House bill, including:

- Creating an Office of Disaster Recovery and Resilient Communities at HUD to coordinate the agency’s disaster response;
- Requiring FEMA, HUD and SBA to develop a common application; and
- Allowing HUD to provide housing assistance to people experiencing homelessness and at risk of homelessness who are not receiving housing assistance from FEMA.

NLIHC President and CEO Diane Yentel was quoted in a [press statement](#) released by Senator Young’s office on the importance of the legislation. “Our country’s disaster housing recovery system consistently leaves the lowest-income people and communities behind,” said Diane Yentel, president and CEO of the National Low Income Housing Coalition. “Senator Schatz’s and Senator Young’s bill is an important step towards ensuring that federal recovery and rebuilding dollars better reach those who need it most - the lowest income people and their communities. NLIHC and our Disaster Housing Recovery Coalition of over 800 organizations urge Congress to quickly enact this important bill.”

Read the text of the bill at: <https://bit.ly/2OuLbrA>

Read a fact sheet on the bill at: <https://bit.ly/32W7Kso>

Read Senator Young’s press release at: <https://bit.ly/2ycOrNu>

Puerto Rico Governor Resigns, DHRC Calls for Democratizing the Recovery Process

Puerto Rico Governor Ricardo Rosselló announced on July 24 that he would resign from office, after massive island-wide protests and the start of impeachment proceedings in the Puerto Rico House of Representatives. His resignation stems in part from corruption charges related to the handling of disaster recovery funds. In response to the resignation, the NLIHC-led Disaster Housing Recovery Coalition (DHRC) Puerto Rico Working Group released a [press statement](#) calling for a democratization of the recovery process by creating a committee of Puerto Rican civic, community, and nonprofit leaders to oversee the use of disaster recovery dollars.

“Exclusive federal control over Puerto Rican finances and disaster recovery funding is the wrong approach and would only exacerbate the inadequate recovery strategy that has left thousands of Puerto Ricans still living in damaged homes almost two years after Hurricanes Maria and Irma,” said NLIHC President and CEO Diane Yentel in the statement. “Such an approach reinforces a myth that Puerto Ricans are second-class citizens, unable or unwilling to control their own recovery. From the scenes in San Juan and across the island this week, and from the resilience and perseverance of Puerto Ricans since the disasters of 2017, we should all feel confident that our fellow Americans in Puerto Rico are ready, willing, and able to write a new chapter in their fight for an equitable recovery.”

The statement features statements from DHRC partners Ayuda Legal Puerto Rico, the Disaster Law Project, FURIA, Inc., Fundación Fondo de Acceso a la Justicia, OXFAM, Red de Fundaciones de Puerto Rico, and Planners for Puerto Rico.

The full press statement is at: <https://bit.ly/2MjyAoN>

House Passes Two Bills to Make Federal Disaster Recovery Fiscal Information More Accessible

The House voted on July 24 to pass a pair of bills that aim to improve public access to fiscal information about the use of federal disaster recovery funds.

The “[Post-Disaster Assistance Online Accountability Act](#),” sponsored by Representatives Mark Meadows (R-NE) and Scott Peters (D-CA), would direct the Office of Management and Budget (OMB) to collect quarterly data on both the total amount of disaster recovery funding distributed by federal agencies and basic information about all disaster recovery projects being funded. These data would subsequently be published online by OMB making them accessible to the public. Unfortunately, the bill requires such data to be disaggregated by ZIP code, a geography often considered too large to allow for meaningful analysis.

The second bill, the “[Disclosing Aid Spent to Ensure Relief \(DISASTER\) Act](#),” also sponsored by Representatives Peters and Meadows, would require OMB to submit an annual report on all disaster-related assistance provided by the federal government. That report would include information on mitigation spending, loans, grants, obligations and administrative costs associated with disaster-relief efforts by relevant agencies.

Read the text of the Post-Disaster Assistance Online Accountability Act at: <https://bit.ly/30V2IL2>

Read the text of the DISASTER Act at: <https://bit.ly/2OhRMWh>

NLIHC Sends Letter to FEMA Expressing Concerns about Housing Recovery for Low-Income Mobile Home Residents

NLIHC President and CEO Diane Yentel sent a [letter](#) on July 23 to FEMA Acting Administrator Mark Gaynor on behalf of the Disaster Housing Recovery Coalition (DHRC) expressing significant concerns about the agency's failure to address the disaster housing recovery needs of low-income mobile home residents.

The letter notes that FEMA consistently requires applicants to its Independent Assistance (IA) program to prove eligibility for the program in the form of title documents. Many residents of manufactured housing lease their homes, those who own their homes frequently do not have title documents, and others typically do not have control over the land on which they live. For all these reasons, mobile home residents have far less access to IA. DHRC partner California Rural Legal Assistance, Inc., has been working with residents of a mobile home park in Santa Rosa, CA, where FEMA has repeatedly denied assistance applications after the park owners decided not to rebuild.

The letter concludes with a call for FEMA to move quickly to ensure that no residents of mobile home parks damaged or destroyed by recent disasters face homelessness and to end the denial of assistance for artificial reasons.

Read the full letter to FEMA at: <https://bit.ly/2LNm8hF>

Additional Disaster Housing Recovery Updates - July 29, 2019

The following is a review of additional disaster housing recovery developments since the last edition of *Memo to Members and Partners* (for the article in the previous *Memo*, see [7/22](#)).

Federal Action

In [testimony](#) before the House Homeland Security Committee, the Government Accountability (GAO) Office provided updates on actions taken by FEMA after a May GAO report found FEMA did not adequately make its assistance programs accessible to individuals with disabilities and older Americans. Although the GAO found FEMA has made limited changes to improve accessibility, the office expressed concerns the changes are being made before fully training staff members.

Midwest Flooding

Ohio

[Tornado survivors in the Miami Valley](#) who were denied disaster assistance by FEMA are in limbo as they attempt to navigate the appeals process.

Oklahoma

[Six new FEMA Mobile Disaster Recovery Centers](#) have opened in Cherokee, Ponca City, Kingfisher, Alva, Spiro and Claremore counties in response to the flooding and severe weather experienced by the state this season.

West Virginia Flooding

The West Virginia legislature decided to [wait until its next legislative session](#) to act on allegations of slow spending in its efforts to rebuild housing lost to the 2017 floods. Legislators cited the need to continue studying the issue over the break.

California Wildfires

As of July 19, more than [7,500 properties](#) have been cleared of debris from the 2018 Camp Fire. The Town of Paradise had its third meeting regarding its water system recovery plan.

Officials from Bastrop County, TX [visited](#) the town of Paradise to talk about best practices in disaster recovery and how Bastrop County, the scene of a disastrous 2011 fire, has worked to rebuild its community.

Hurricane Michael

Florida

DHRC member and NLIHC state partner the Florida Housing Coalition is holding a webinar on how housing staff can best leverage the new “Rebuild Restore” program to help low-income homeowners repair after Hurricane Michael. You can register [here](#).

Low-income residents of Quincy, FL, are blaming Hurricane Michael for their [rapidly increasing utility bills](#). The town voted to create a surcharge on power bills to pay for some recovery efforts, but low-income residents are arguing the costs are too high.

Only [175 out of 971](#) families in FEMA’s Temporary Shelter Assistance Program have found permanent homes and transitioned out of their temporary units.

2017 Disasters

Hurricane Maria: The U.S. Department of Commerce [announced](#) it would be awarding a \$1.2 million grant to Operation Hope, Inc., in Atlanta, GA, to provide workshops on small business development. A vast majority of the island has been designated an Opportunity Zone under the “Tax Cuts and Jobs Act of 2017.”

Hurricane Harvey: After finding that only four individuals had received financial assistance from a City of Houston-administered housing program, local reporters are asking individuals who have not received assistance to [share their stories](#).

Take Action

Engage Your Members of Congress During August Recess!

It is critical for advocates to engage directly with policymakers to urge them to take action to address the issues of housing affordability and homelessness – and there is no better time for this engagement than during the congressional recess when senators and representatives are back in their home states and districts. The Senate is on recess from August 5 to September 9, and the House is on recess starting July 29.

To help you in these efforts, NLIHC created an [advocacy toolkit](#) with key information about areas where advocates can help influence important issues before Congress. The toolkit includes a list of our three most urgent priorities, as well as legislation NLIHC supports.

We hope you will use the upcoming congressional recess to urge your members of Congress to take action, cosponsor bills, and champion affordable housing solutions for the lowest-income people.

The advocacy toolkit is available at: <https://tinyurl.com/y3o3xp8q>

Administration

Trump Administration Issues Proposed Rule to Kick Millions of Low-Income People Off SNAP

The Trump administration published a [proposed rule](#) in the *Federal Register* on July 23 that would end “broad-based categorical eligibility” for the Supplemental Nutrition Assistance Program (SNAP). If implemented, as many as 3 million low-income people would be kicked off the program, and 1.5 million children would no longer qualify for free school meals.

Broad-based categorical eligibility automatically qualifies families receiving benefits through the Temporary Assistance for Needy Families program for SNAP benefits as well. Additionally, for low-income families with incomes modestly above SNAP benefit limits, broad-based categorical eligibility standards allow SNAP-administering agencies to consider expenses that make up a large share of income, such as rent, utilities, and childcare, when determining benefit eligibility and amounts. States are also able to opt-out of federal asset testing limits and adopt their own less restrictive asset tests for eligibility. Children in families receiving SNAP benefits automatically qualify for free school lunches, effectively streamlining the application process and ensuring that children in low-income families can receive nutritious meals during the school day.

Over 40 states currently use broad-based categorical eligibility to provide SNAP benefits to a greater number of low-income families. Eliminating asset testing also allows these families to save money without fear of being removed from the program. Under the proposed rule, 3 million families currently receiving SNAP benefits would no longer qualify for the program, and 1.5 million children would no longer receive free school lunches.

The proposed rule is subject to a 60-day comment period beginning on July 24. The Food Research and Action Center (FRAC) is leading a [comment campaign](#) encouraging organizations and individuals to write in opposition to the proposal. NLIHC opposes the rule and encourages advocates to submit comments against it.

Participate in FRAC’s comment campaign at: <https://bit.ly/30Rlva4>

Read FRAC’s full statement: <https://bit.ly/2YmPLvX>

Read the proposed rule: <https://bit.ly/2Y179He>

Our Homes, Our Votes: 2020

Senator Klobuchar Proposes Expansive New Affordable Housing Plan

Senator Amy Klobuchar (D-MN) joined 2020 Democratic presidential candidates Senators Elizabeth Warren (D-MA), Cory Booker (D-NJ), Kamala Harris (D-CA), Kristen Gillibrand (D-NY), and Bernie Sanders (D-VT) and former HUD Secretary Julián Castro in calling for expanding affordable housing opportunities for those with the greatest needs. Senator Klobuchar announced on July 25 a “[Housing Plan](#)” that would increase investments in rural rental assistance, make the Housing Choice Voucher program available to all qualifying households with children, incentivize more construction of affordable housing in high-opportunity

neighborhoods, create an emergency fund for renters, and strengthen protections for justice-involved renters, among other things.

Senator Klobuchar’s plan comes just in time for affordable housing to be addressed during the July 30-31 Democratic presidential debates. The housing crisis has worsened significantly in recent years, most harming the lowest-income renters, and constituents are demanding the presidential candidates respond. And the candidates *are* responding as in no other presidential contest in recent memory, proposing major new investments in new and proven solutions. While the first Democratic debates missed an opportunity to address the nation’s housing affordability crisis, NLIHC calls on the moderators of the second round of debates not to repeat that omission.

According to a [national public opinion poll](#) commissioned by NLIHC’s *Opportunity Starts at Home* multisector affordable homes campaign, support for major federal investments in housing solutions has grown dramatically over the last several years. Today, most people in America (85%) believe ensuring everyone has a safe, decent, affordable place to live should be a “top national priority.” Eighty percent believe – on a bipartisan basis - that Congress should “take major action” to make housing more affordable for low-income people. The public overwhelmingly supports major federal investments in programs like the national Housing Trust Fund, rental assistance through tax credits or vouchers, and emergency cash assistance to help low-income families experiencing a financial set-back avoid eviction.

This latest housing proposal from Senator Klobuchar is another example of presidential candidates and members of Congress increasingly willing not just to work around the edges of the housing crisis, but instead to introduce and advance bold, ambitious solutions to tackle it head on. The size and scope of these housing proposals are unlike anything we have seen in generations.

NLIHC has launched a nonpartisan [Our Homes, Our Votes 2020](#) voter and candidate engagement project to raise the issue of affordable housing in the 2020 elections, to urge candidates to discuss how they will deal with the crisis, to track their comments and proposals, and to engage more low-income renters in the voting. Learn more at: <https://www.ourhomes-ourvotes.org/>

Senator Klobuchar Holds Affordable Housing Roundtable in Iowa City

Presidential candidate Senator Amy Klobuchar (D-MN) held a roundtable on affordable housing issues on July 26 in Iowa City, IA at the Cross Park Place, a permanent supportive housing complex. Cross Park Place is the first affordable housing project to be developed in the state of Iowa with funding from the national Housing Trust Fund.

In attendance were a wide range of state and local housing advocates, including Lauren Johnson, the coordinator of [Our Homes, Our Votes, Our Iowa](#) for the Polk County Housing Trust Fund. During the event, Senator Klobuchar described her affordable housing plan and heard from participants and residents about the issues they were facing and how affordable housing impacted employment and the local economy. She highlighted the issues facing both urban and rural issues and the commonalities across Iowa, her home state of Minnesota, and across the country. She also talked about the need for affordable housing for seniors and the importance of seniors being able to age in place. For more information on Senator Klobuchar’s housing proposal, please see a related article in this *Memo to Members and Partners*. Visit [Our Homes, Our Votes IA](#) to watch videos and see pictures from the event.

NLIHC’s [Our Homes, Our Votes: 2020](#) project is tracking what all 2020 presidential candidates are saying about affordable housing. Check out the candidate profiles for more information.

Former HUD Secretary Castro Proposes Housing Plan for Indigenous Communities

Former HUD Secretary and 2020 presidential candidate Julián Castro issued a blueprint of proposals to support Indigenous communities that includes provisions to address affordable housing. In announcing his plan, Secretary Castro spoke about his experience visiting the Pine Ridge Reservation in South Dakota and the affordable housing challenges facing the indigenous people there.

Secretary Castro's [People First Indigenous Communities](#) plan is designed to strengthen tribal sovereignty, honor treaty commitments, ensure justice for Indigenous women, and advance tribal-federal partnerships. The plan includes:

- Ending tribal veteran homelessness by codifying housing protections for Native American veterans through a national investment of \$5 billion a year to combat homelessness.
- Investing an additional \$2.5 billion over 10 years to ensure the full funding of the Indian Housing Block Grant program, the Indian Community Development Block Grant program, and the Native Hawaiian Housing Block Grant program.
- Streamlining processes to access funds and reassess funding formulas under the Native American Housing Assistance and Self Determination Act of 1996 that determine grant sizes to ensure they are consistent with community needs.

For more information about Secretary Castro's housing proposals, visit [Our Homes, Our Votes: 2020](#) where NLIHC is tracking all the presidential candidates' comments and proposals related to affordable housing.

Former Vice President Biden Calls for Goal of Housing for All Formerly Incarcerated Individuals

Former Vice President and presidential candidate Joe Biden released a "[Plan for Strengthening America's Commitment to Justice](#)" which sets a national goal of ensuring 100% of formerly incarcerated individuals have housing upon reentry.

The plan states: "If incarcerated individuals do not find housing upon reentry, that lack of housing can be completely destabilizing and limit their likelihood of successfully staying out of the criminal justice system and fulfilling their potential. Biden will work toward a goal of ensuring 100% of formerly incarcerated individuals – at the federal and state level – have housing upon release. He'll start by directing the U.S. Department of Housing and Urban Development to only contract with entities that are open to housing individuals looking for a second chance. And, he'll expand funding for transitional housing, which has been drastically cut under the Trump Administration."

Register Today for July 31 *Our Homes, Our Votes 2020* Webinar!

NLIHC's [Our Homes, Our Votes: 2020](#) nonpartisan voter and candidate engagement effort is offering NLIHC members and partners a webinar, [Let's Get It Started](#), on July 31 at 1:00 p.m. ET. The session will provide an overview of the *Our Homes, Our Votes: 2020* project and what you can do to engage voters and candidates in the presidential, state and local elections. Registration is [now open](#).

Learn why it is imperative for housing organizations and other nonprofits to be involved in voter and candidate engagement, how you can make a difference in elections in a nonpartisan way, how you can use a

comprehensive toolkit of voter and candidate engagement resources, and how NLIHC partners in the early voting states like Iowa and New Hampshire are already reaching out to the presidential candidates to ensure they address the issue of housing affordability.

Speakers will include Diane Yentel, NLIHC president and CEO; Joey Lindstrom, NLIHC manager of field organizing; Elissa Margolin, Housing Action New Hampshire director; and Lauren Johnson, Polk County (Iowa) Housing Trust Fund policy and communications coordinator.

The *Our Homes, Our Votes: 2020* project provides strategies and tools for nonpartisan candidate engagement and voter registration, education, and mobilization. The project seeks to get candidates to address issues of homelessness and affordable housing and commit to real solutions. Through *Our Homes, Our Votes: 2020* advocates and residents across the country will engage in the electoral process and stress to candidates at every level—federal, state, and local—that affordable housing is a critical issue they must address.

Inspired to learn more? *Our Homes, Our Votes: 2020* has an archive of webinars on voter engagement that features concrete tips and best practices that will be essential to engaging voters—and candidates—on affordable housing. Topics include:

- An exploration of legal considerations;
- Effectively engaging candidates while remaining nonpartisan;
- Voter registration of low-income renters and allies; and more!

Affordable homes are built with ballots. Register for the July 31 webinar at: <https://rebrand.ly/6eyagt>

HUD

HUD's Proposed Changes to Disparate Impact Regulations Clear OIRA

The Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) [cleared](#) HUD's proposed changes to the disparate impact regulations on July 19. According to HUD's [Spring Regulatory Agenda](#), the agency wants to amend the [February 15, 2013 final rule's](#) interpretation of the Fair Housing Act's disparate impact standard and to clarify how to apply the disparate impact standard to state laws governing the insurance industry.

When the proposed changes are published in the *Federal Register*, NLIHC will alert our members and provide a summary and preliminary analysis. Once a thorough assessment of the proposed amendments are made, NLIHC will urge advocates to submit comments and will provide a sample comment letter.

HUD sent the proposed changes to OIRA on February 1 (see *Memo*, [2/11](#)). HUD previously published an advance notice of proposed rulemaking (ANPR) in the *Federal Register* on June 20, 2018 (see *Memo*, [6/25/18](#)). In the ANPR, HUD acknowledged that the Supreme Court upheld the use of disparate impact theory to establish liability under the Fair Housing Act in cases where seemingly neutral policies or practices have a discriminatory impact on protected classes of people. HUD went on to state that the Court “did not directly rule upon it [the disparate impact rule],” hence HUD sought public input on whether the regulation is consistent with the Court's ruling in *Texas Department of Housing and Community Affairs v. Inclusive Communities*. NLIHC [submitted comments](#) in response to the ANPR.

For many years HUD interpreted the Fair Housing Act to prohibit housing policies or practices that have a discriminatory effect even if there was no apparent intent to discriminate. All eleven courts of appeal that considered the issue agreed. There were minor variations, however, in how the courts and HUD applied the

concept of discriminatory effects. The February 15, 2013 regulation was therefore issued to establish uniform standards for determining when a housing policy or practice with a discriminatory effect violates the Fair Housing Act.

The final rule standardized a three-step “burden-shifting” approach that HUD has used and that most appeals courts have applied.

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

The OIRA posting indicating that the proposed rule change cleared OIRA is at: <https://bit.ly/2SFpUZw>. Select “Department of Housing and Urban Development” from “Regulatory Review Completed in Last 30 Days.”

The Spring Regulatory Agenda synopsis of the proposed changes to the disparate impact rule is at: <https://bit.ly/2Y4uOXm>

The June 20, 2018 Advance Notice of Proposed Rulemaking is at: <https://bit.ly/2lqfXAT>

NLIHC’s comment letter in response to the ANPR is at: <https://bit.ly/2PvX9hd>

More about disparate impact is on [page 7-8](#) of NLIHC’s *2019 Advocates’ Guide*.

HUD Posts New “Housing Search and Leasing” Chapter for Voucher Guidebook

HUD’s Office of Public and Indian Housing (PIH) has published a fifth new chapter, “Housing Search and Leasing,” to the 13-chapter [Housing Choice Voucher Guidebook](#) it is incrementally revising (see *Memo*, [6/17](#)). The previous guidebook (7420.10G) is from 2001. The new Housing Search and Leasing chapter along with the four previous new chapters are at: <https://bit.ly/2XbzFEO>

More information about the Housing Choice Voucher program is on [page 4-1](#) of NLIHC’s *2019 Advocates’ Guide*.

Native American Housing

Bipartisan Bill Would Increase Homelessness Assistance in Tribal Areas

Senators Tina Smith (D-MN) and Lisa Murkowski (R-AK) and Representatives Denny Heck (D-WA) and Sean Duffy (R-WI) introduced the “Tribal Access to Homeless Assistance Grants Act” ([S. 2282](#) and [H.R. 4029](#)) on July 25. This bill aims to address homelessness among Native Americans living on tribal lands by making Tribes and tribally designated housing entities (TDHEs) eligible for HUD Homeless Assistance Grants.

According to a HUD report, [Housing Needs of American Indians and Alaska Natives in Tribal Areas](#), between 42,000 and 85,000 American Indians and Alaska Natives living on tribal lands are experiencing homelessness. Doubling up to prevent homelessness is also common in tribal areas, often leading to overcrowding; nearly 16% of households across tribal areas live in overcrowded conditions, compared to 2.2% nationally.

The bill would increase the federal resources available to Tribes and TDHEs for combatting homelessness in tribal areas. Tribes and TDHEs would be able to submit funding requests through their local Continuums of Care (CoCs) and act as administrators of homeless assistance grants in their areas. Community organizations and local governments organize through a CoC – which serves as a local or regional planning system – before applying for McKinney-Vento HUD Homeless Assistance Grants. Nonprofits, local government entities, and other eligible applicants then submit funding requests for projects and programs serving people experiencing homelessness through the CoC. This bill would allow Tribes and TDHEs to fully participate with the CoC system, which they are currently unable to do. NLIHC supports this bipartisan bill.

Learn more about the Senate bill at: <https://tinyurl.com/y39I74wd>

Learn more about the House bill at: <https://tinyurl.com/y2lpsv4a>

Research

Housing-Insecure Adults Are Less Likely to Have Access to Primary and Preventive Care, More Likely to Suffer Poor Health

A study published in the *Journal of the American Board of Family Medicine*, “[Adults with Housing Insecurity Have Worse Access to Primary and Preventive Care](#),” found that adults with housing insecurity were more likely to lack sources of healthcare, to delay preventive-care check-ups, and to have poorer health. Housing insecure adults were more likely to be women, minorities, singles, middle-aged, and low-income.

Among 228,131 adult participants in the 2011 to 2015 Behavioral Risk-Factor Surveillance Survey, 14.3% reported housing insecurity, defined as always or usually being worried during the past 12 months about having enough money to pay the rent or mortgage. Respondents with housing insecurity were more likely to report chronic diseases and have more days of poor physical or mental health. Housing insecure adults were three times more likely than those who were housing secure to delay care due to cost, have 35% higher odds of delaying annual check-ups, and have 19% higher odds of not having a usual source of care.

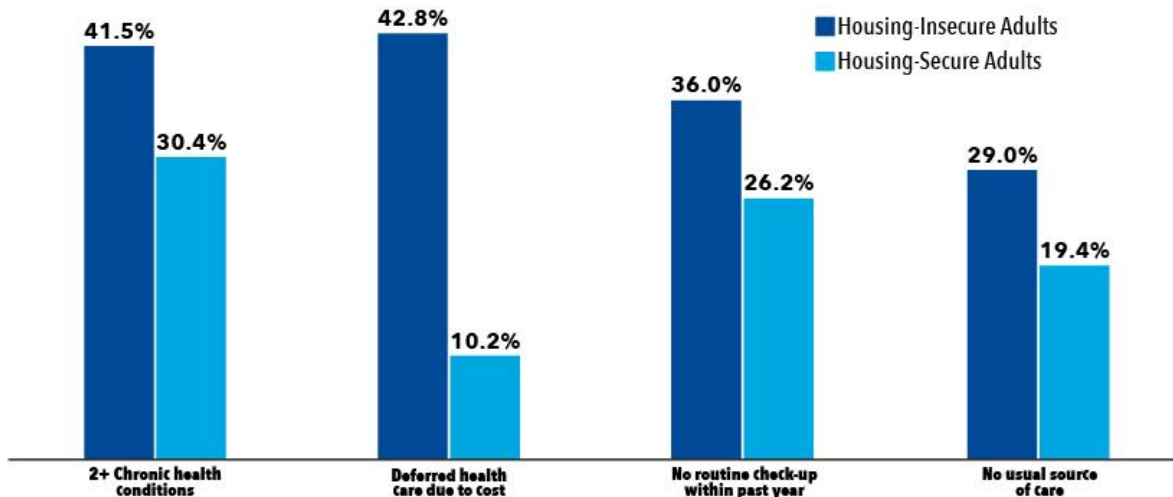
The authors suggest that poor health may be a consequence of lacking primary and preventative care. They note that screening patients about their social determinants of health, including housing insecurity, can improve patient care by better informing providers of those factors and can generate other community referrals, including to providers of housing vouchers and other assistance. They also cite the need for a clearer standard for measuring housing insecurity.

“Adults with Housing Insecurity Have Worse Access to Primary and Preventative Care” is available at: <https://bit.ly/2YpM7kT>

Fact of the Week

Housing-Insecure Adults Have Lower Rates of Access to Health Care and Greater Rates of Chronic Conditions

Health And Access to Health Care by Housing Security



Note: Housing-Insecure = Always or usually worried about paying rent or mortgage in the past twelve months. Source: Martin, P. et. al. (2019). Adults with Housing Insecurity Have Worse Access to Primary and Preventive Care. *Journal of the American Board of Family Medicine*, 32(4): 521-530.

Source: Martin, P. et. al. (2019). Adults with Housing Insecurity Have Worse Access to Primary and Preventive Care. *Journal of the American Board of Family Medicine*, 32(4): 521-530.

Opportunity Starts at Home

Campaign Adds Three New Multi-Sector Fact Sheets to Website

The [Opportunity Starts at Home](#) multi-sector affordable homes campaign recently published three new multi-sector fact sheets on its website, further showcasing the many intersectionalities of housing policy. The three newest fact sheets are: [Housing & Environment](#); [Housing & Disability Rights](#); and [Housing & Domestic Violence](#).

ANTI-DOMESTIC VIOLENCE ADVOCATES ARE HOUSING ADVOCATES

Domestic violence can cause housing instability and homelessness for women and their children.

"Victims of domestic violence struggle to find permanent housing after fleeing a relationship. Many have left in the middle of the night with nothing but the clothes on their backs, and now must entirely rebuild their lives. As long-term housing options for victims are staying longer in emergency domestic violence shelters. As a result, a frequently full and must turn families away." Quoted from [National Network to End Domestic Violence](#)

"Among homeless mothers with children, more than 80 percent previously experienced domestic violence." ([Aparicio, 2012](#))

In a study examining housing problems and homelessness after separation in a women who had experienced domestic violence, 38% reported homelessness ([G. Morris, 2003](#)).



"A victim of domestic violence will often leave an abuser multiple times before the violence, therefore, experiencing multiple periods of homelessness" (Browne 1997)." Quoted from [National Network to End Domestic Violence](#)

Survivors report that, if a domestic violence shelter did not exist, the consequences were severe: becoming homeless; losing everything (including children); taking actions; or continued abuse/risk of death. ([Lyon, Lane & Menard, 2008](#))

ENVIRONMENTAL ADVOCATES ARE HOUSING ADVOCATES

To Solve the Climate Crisis, We Must Solve the Housing Crisis .

"The relationship between housing and transportation emissions is not complicated...By making housing shockingly expensive near jobs and transit, cities force low-income and working-class people to live far away from where they work...People who are priced out move further away, resulting in sprawl that covers up farmland and open space, clogs freeways, and increases greenhouse gas emissions. Across most of California's economy, greenhouse gas emissions have been trending steadily down. But ballooning car traffic on city streets and freeways is negating much of that progress. In California, about 40% of greenhouse gas emissions are from transportation, and they are increasing. In some California counties, two-thirds of emissions are from vehicles. Cities across the U.S. face issues similar to those in California, too many of which have largely closed the doors to new residents — only to force them into similar patterns of crushing commutes and worsening pollution." ([Kamman & Warner, 2019](#)).

There Are Vast Amounts of Energy Efficiency Potential in the Nation's Affordable Housing Stock

"Electric and gas utilities in the U.S. invest billions of dollars annually to help their customers become more energy efficient, often by making repairs and improvements to customers' homes and buildings. These investments are smart—they improve lives by reducing energy expenses, create healthier, more comfortable houses and offices, and improve community building stock. The resulting energy efficiency produces a better utility system with less pollution, creates local jobs, and delivers other public benefits. Yet studies show vast amounts of cost-effective efficiency potential available in our nation's affordable housing, in multifamily affordable housing in particular. In other words, a lot of the energy delivered to affordable housing is wasted—it simply goes out the windows or up the chimney. This is an alarming outcome because residents of affordable housing can least afford to waste valuable energy—savings from efficiency could materially improve their household budgets, and efficiency repairs such as improving ventilation systems can produce significant health benefits." Quoted from [Energy Efficiency For All](#)



Existing multi-family affordable housing buildings are a vast source of efficiency potential for utilities. Several studies estimate cost effective efficiency gains of 20 to 30 percent are available

DISABILITY RIGHTS ADVOCATES ARE HOUSING ADVOCATES

PEOPLE WITH DISABILITIES ARE OFTEN "PRICED OUT" OF STABLE, AFFORDABLE, ACCESSIBLE HOUSING.

"Nationally, the average rent for a modest one-bedroom rental unit was \$961, equal to 113% of the national average monthly income of a (SSI) household. This is usually impossible for a single person with a disability to afford." ([People with Disabilities](#))

SSI supplements provided for people with disabilities who were. Even with this additional income, many people with disabilities were still unable to afford units. State SSI in Alaska to a low of \$10

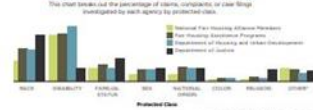
3 states and the District had 100% of monthly SSI rates exceeded 150% of SSI"

([People with Disabilities](#))

PROPORTIONATELY DISAPPORTIONATELY

Comments refusing to make reasonable accommodations or modifications are easier to deflect. Additionally, even though HUD has spent millions on the FIRST program attempting to educate architects and builders about accessibility requirements, many architects and builders continue to design and construct obviously inaccessible apartment buildings using ADA's standards."

Discrimination by Protected Class



There are now 12 multi-sector fact sheets on the campaign's website in total. Each fact sheet compiles landmark research to help policymakers, opinion leaders, and the public understand the deep connections between housing and many other national priorities, from healthcare to education to economic growth. Housing advocates are encouraged to download these fact sheets to help them reach out to potential allies in other fields to make the case for cross-sector collaboration. To broaden the movement for affordable homes, we must ensure allies in other sectors fully appreciate the extent to which housing affordability influences their own priorities and goals.

See the full list of fact sheets [here](#).

From the Field

Maine Passes Lead Poisoning Prevention Act

Governor Janet Mills signed "An Act to Strengthen the Lead Poisoning Control Act" (L.D. 1116) into law on June 27. The new law requires all Maine children to receive blood lead testing at ages one and two. Such testing will allow families to gain early awareness of any lead poisoning exposure to protect their children from irreversible harm. The law also expedites efforts to improve Maine's housing stock and make it healthier for future generations. The Maine Affordable Housing Coalition (MAHC), an NLIHC state partner, worked closely with Governor Mills and a bipartisan group of Maine legislators to introduce and pass the bill.

Maine's housing stock is the sixth oldest in the nation. More than half of Maine's children are born in counties with greater than 27% of housing built before 1950, placing them at high risk for lead exposure. Research performed by Health Justice Innovations and released by MAHC in March found that only about half of one-

year-old and fewer than 30% of two-year-old children statewide are being tested for lead poisoning - a screening rate that places Maine last among all New England states. The research also estimated that nearly 1,800 children in Maine have been poisoned by lead over the past five years, and another 853 children were likely poisoned but were not screened, so they have not received the benefit of any intervention or protection. The new higher levels of screening will ensure more children with elevated blood lead levels are identified and protected from further harm.

The new law enjoyed bipartisan, bicameral support and was endorsed unanimously by the Legislature's Health & Human Services Committee before being passed "under the hammer" – meaning, without any meaningful objection – by both the House and Senate. Governor Mills included funding for the measure within the state budget that was also passed by the legislature.

The devastating effects of lead exposure on children are undisputed, ranging from developmental delays that can affect lifelong achievement to serious muscular and nervous system damage and even immediate or premature death. The most recent empirical research demonstrates that even the lowest levels of exposure can result in permanent brain damage.

"Maine is now just the second state in the nation to both require that all one- and two-year-old children get tested for lead exposure and also align its intervention protocols with the blood lead level standards established by the U.S. Centers for Disease Control," said Greg Payne, executive director of the Maine Affordable Housing Coalition. "Hundreds of children will benefit every year from this change, saving an enormous amount of heartache, developmental struggles, economic loss, and health care and special education costs."

MAHC will now focus its efforts on ensuring the new law is effectively implemented and used to better protect Maine children from the irreparable, but entirely preventable, harms of lead poisoning.

For more information about the Maine Affordable Housing Coalition or the new law, contact Greg Payne at: gpayne@mainehousingcoalition.org or 207-245-3341

NLIHC in the News

NLIHC in the News for the Week of July 21

The following are *some* of the news stories that NLIHC contributed to during the week of July 21:

- "Cities grappling with affordable housing shortage problems: long commutes, homelessness, costly rent," *WCVB.com*, July 26 at: <https://tinyurl.com/y4qhp3we>
 - "Here's where the 2020 presidential candidates, including Elizabeth Warren and Kamala Harris, stand on affordable housing," *MarketWatch*, July 25 at: <https://tinyurl.com/y2gfkznr>
 - "Amy Klobuchar just released a housing plan. Here's what's in it," *Curbed*, July 25 at: <https://tinyurl.com/y5usamyp>
 - "Amid affordable housing crisis, Orange County may eliminate duplex for low-wage families," *Orlando Sentinel*, July 25 at: <https://tinyurl.com/yy4ht4jf>
 - "The zoning puzzle plaguing tech hubs," *Axios*, July 24 at: <https://tinyurl.com/y6fouazz>
 - "Bay Area workers take second jobs to get by," *Miami Herald*, July 23 at: <https://tinyurl.com/yxsqdp2r>
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NLIHC News

NLIHC Seeks Communications/Media/Graphic Design and Research Interns

NLIHC is accepting applications for our fall internship positions: one for communications/media/graphic design and one for research. Interns are highly valued and fully integrated into our staff work. We seek students passionate about social justice issues, with excellent writing and interpersonal skills, to work from late August/early September until mid-December.

The available positions are:

Communications/Media/Graphic Design Intern. Prepares and distributes press materials, assists with media research and outreach for publication releases, works on social media projects, maintains a media database and tracks press hits. Also assists with sending out e-communications; revises collateral print material such as brochures, flyers, and factsheets; and updates content on the NLIHC website. Some graphic design experience is highly desired.

Research Intern. Assists in ongoing quantitative and qualitative research projects, writes weekly articles on current research for the *Memo to Members and Partners* e-newsletter, attends briefings, and responds to research inquiries. Quantitative skills and experience with SPSS a plus.

Fall interns are expected to work 25 hours a week. NLIHC provides modest stipends.

A cover letter, resume, and writing sample are required for consideration. In your cover letter, please specify the position(s)/semester for which you are applying. Applicants for the communications/media/graphic design internship should also submit examples of your graphic-design work.

Interested students should send their materials to: Paul Kealey, chief operating officer, National Low Income Housing Coalition, 1000 Vermont Avenue, NW, Washington, DC 20005 via email to: pkealey@nlihc.org

Where to Find Us – July 29

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

- [UnidosUS 2019 Annual Conference](#), San Diego, CA, August 3
- Independence Social Service Summit, Independence, MO, August 16
- [NeighborWorks Training Institute](#), New Orleans, LA, August 19
- [Utah Housing Coalition Conference](#), Park City, UT, August 27–28
- [2019 National Community Action Partnership Annual Convention](#), Chicago IL, August 29
- [National Association of Latino Elected Officials National Policy Institute on Emergency Response and Management](#), Long Beach, CA, September 13
- [Non-Profit Housing Association of Northern California's 40th Annual Housing Conference](#), San Francisco, CA, September 20
- National Alliance of Resident Services in Affordable and Assisted Housing, New Orleans, LA, September 25-26
- [Housing & Community Development Network of NJ Annual Conference](#), New Brunswick, NJ, October 18
- New Mexico Coalition to End Homelessness Conference, Albuquerque, NM, October 24

- [Housing Action Illinois 2019 Housing Matters! Conference](#), Bloomington, IL, October 24-25
- Rural Housing Summit, San Jose, CA, November 7

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