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HoUsed Campaign for Universal, Stable, Affordable Homes

Submit Comments by Midnight Tonight (7/31) to Support Federal Tenant Protections!

The Federal Housing Finance Agency (FHFA) has received more than 2,700 comments in response to its Request for Input (RFI) regarding the creation of tenant protections at multifamily properties with FHFA-backed mortgages (see *Memo*, [6/5](#)). National organizations and tenant leaders are calling for a robust response to the RFI, as any renter protections created by FHFA could cover a significant share of renters across the nation. Advocates have until **MIDNIGHT TONIGHT** to weigh in with FHFA to demand strong renter protections. Use NLIHC's [sample comment letter](#) and resources from www.tenantcomment.org to craft your comments and submit them using the direct portal [here](#).

Landlords and business interests have submitted hundreds of comments against tenant protections. It is now up to tenants and advocates to voice their strong support for federal renter protections like source-of-income discrimination measures, just cause eviction standards, and anti-rent gouging protections. Submit your comments and learn more about other tenant protections at www.tenantcomment.org NLIHC urges all organizations – local, state, and national – to join efforts to support federal renter protections by taking action now!

Take Action

NLIHC urges tenant leaders and other advocates to respond to relevant questions in the RFI; you do not need to respond to every RFI question, just those that you have some experience with or have ideas about. In addition to responding to the RFI questions, you can offer other suggestions for providing strong tenant protections. *Remember: comments will be made public on FHFA's website, so please do not include personal identifying information.*

Take action by:

- Submitting your own comments by 11:59 pm ET TODAY, July 31. It is crucial that FHFA hear from you and as many tenant leaders and other advocates as possible in support of renter protections. Use NLIHC's [sample comment letter](#) and resources from www.tenantcomment.org to craft your comments and submit them using a direct portal [here](#).
- Signing your organization on to NLIHC's [national support letter](#) by 5 pm ET TODAY. The letter calls on FHFA to create strong federal renter protections, including NLIHC's top priorities.

Read more about the Federal Housing Finance Agency and NLIHC's opportunities for engagement at: <https://tinyurl.com/mr473235>

Read submitted comments on FHFA's website (choose "Tenant Protections" in the drop-down menu): <https://www.fhfa.gov/AboutUs/Contact/Pages/input-submissions.aspx>

Join Today's (July 31) National HoUsed Campaign Call for Universal, Stable, Affordable Homes!

[Join](#) today's (July 31) national HoUsed campaign call from 2:30 to 4 pm ET. We will be joined by Salil Deo, cardiothoracic surgeon at the Louis Stokes Cleveland VA Medical Center and lead author of a [new report](#) on the connection between historic redlining and worse cardiovascular health among veterans. A colleague from the National Alliance to End Homelessness will join the call to discuss findings from HUD's recently released [Annual Homelessness Assessment Report \(AHAR\): Part 2](#), and NLIHC's Kim Johnson and Brooke Schipporeit will highlight how advocates can use NLIHC's updated [Congressional Recess Toolkit](#) to weigh in with their members of Congress on the importance of federal investments in affordable housing during August recess. We will also receive field updates, share the latest news from Capitol Hill, and more. [Register for today's call here.](#)

Homelessness and Housing First

HUD Annual Homelessness Assessment Report Demonstrates Impact of Pandemic Aid on Sheltered Homelessness

HUD released the [2021 Annual Homelessness Assessment Report \(AHAR\): Part 2](#) on July 27. Every year, HUD releases a two-part report that provides estimates of the scale of sheltered and unsheltered homelessness in the U.S. The [AHAR 2021: Part 1 report](#) provided a single-night estimate of people experiencing homelessness in sheltered and unsheltered settings at the state, local, and national levels (see *Memo*, [2/14/22](#)). *AHAR Part 2* provides a national estimate of people who utilized shelter programs at some point between October 1, 2020, and September 30, 2021. The new report estimates that approximately 1,214,000 people experienced sheltered homelessness during this period, a 17% drop from 2019. HUD attributes the decrease in part to safety net enhancements and protections implemented during the COVID-19 pandemic.

AHAR Part 2 provides estimates of the number of people experiencing sheltered homelessness at any point over the course of one year. To estimate homelessness, HUD used [several data sources](#): Homeless Management Information Systems (HMIS) data, Housing Inventory Count (HIC) data, and the U.S. Census Bureau's American Community Survey (ACS) data. HMIS data contain information on people who used emergency shelters, safe havens, transitional housing, rapid re-housing, and permanent supportive housing at any point during a one-year reporting period. HIC data, compiled by Continuums of Care (CoCs), represent the number of beds and units available for people experiencing homelessness on a single night. The report also uses ACS data to provide a profile of the total U.S. population and the number of households living in poverty.

The *AHAR 2021 Part 2* provides the first full year of data on homelessness since the declaration of the national COVID-19 emergency. In addition to finding that 1.2 million people experienced sheltered homelessness between October 2020 and September 2021, the report finds that people in adult-only households accounted for 67% of all people experiencing homelessness, and 31% were people in families with children. Sheltered homelessness overall decreased by nearly 17%

from 2019. Between 2019 and 2021, the number of people in family households experiencing sheltered homelessness decreased by 25%, and the number of people in adult-only households experiencing sheltered homelessness dropped 13%. Between 2019 and 2021, the rate of sheltered homelessness among unaccompanied youth decreased by 28,500 people or 24%.

HUD's report also estimates sheltered homelessness rates for several demographic groups, including veterans, households experiencing chronic homelessness, older adults, and Black, Indigenous, and people of color (BIPOC) households:

- Between 2019 and 2021, the number of veterans experiencing sheltered homelessness dropped by 18%. This represents a continuation of the decline in veteran homelessness that predated the pandemic. The Housing First model – which is used by the U.S. Department of Veterans Affairs (VA) in its two largest homelessness programs – has been instrumental in reducing veteran homelessness by [more than 55%](#) over the past decade (see *Memo*, [7/10](#)). In 2021, 72% of veterans experiencing sheltered homelessness had a disability.
- One in every four adults experiencing homelessness had a chronic pattern of homelessness in 2021 compared with 16% in 2019. Approximately 230,000 people in adult-only households experienced chronic homelessness in 2021. This was one of the few groups that experienced a rise in homelessness between 2019 and 2021, with homelessness increasing by 33%.
- Nearly 10,000 more people aged 65 and older experienced sheltered homelessness in 2021 than in 2019. The number of elderly people experiencing chronic homelessness increased by 73% over the same two-year period.
- BIPOC individuals continue to be overrepresented among people experiencing sheltered homelessness. While Black or African Americans represent only 13% of the overall U.S. population, they represent 39% of people experiencing sheltered homelessness. Additionally, Indigenous populations in poverty have considerably higher shares of people using shelter programs at some point during the year than other populations. About 12% of Native American households in poverty experienced sheltered homelessness during 2021.

In the report, HUD highlights that the impact of pandemic resources combined with protections aimed at reducing housing instability and loss of income are reflected in the data. Compared to 2019, nearly 20% fewer households accessing shelter were doing so for the first time. Inflow into the system decreased for both adult-only households and families with children. Pandemic resources – including eviction moratoriums and other critical homelessness prevention resources, like emergency rental assistance – likely helped reduce the flow of families into shelters. Yet programs working to house people already experiencing homelessness faced barriers to doing so given the severe shortage of affordable and available homes and limited housing resources.

“Perhaps the most important takeaway from the data in this report is the inextricable relationship between homelessness and housing instability more broadly,” writes HUD Secretary Marcia L. Fudge. “Data in this report illustrates how the safety net enhancements and housing loss protections made possible by federal executive action and the CARES Act and the American Rescue Plan all helped prevent a spike in homelessness even while millions of Americans faced the prospect of housing loss due to income losses and rising rents. We submit this report to

Congress at a time when many of these pandemic-era protections and programs have either expired or are winding down, but the number of people who are experiencing housing instability is greater than ever. I challenge you to read this report and consider how 2021 was an extraordinary year that may provide us with lessons in years to come about what it will truly take to prevent and end homelessness in America.”

Read the *2021 AHAR Part 2* at: <https://tinyurl.com/4wjy5mm6>

Budget and Appropriations

Members of Congress Return to Their Home States and Districts for August Recess – Take Action!

Members of Congress adjourned for August recess on July 27 – a day earlier than expected – after it became apparent that attempts to bring the fiscal year (FY) 2024 Agriculture, Rural Development and Food and Drug Administration spending bill to the floor of the U.S. House of Representatives for a vote would be futile. The U.S. Senate will now be in recess until September 5, while the House will be in recess until September 12.

Far-right members of the House Freedom Caucus are demanding steeper cuts to the House’s already austere funding levels for FY24, a proposition that would draw ire from Democrats and some moderate Republicans in the chamber and that would fail to pass the Senate. Meanwhile, in a show of bipartisanship, the Senate Committee on Appropriations completed its review of all 12 spending bills for FY24 with bipartisan support. Senate Appropriations Chair Patty Murray (D-WA) and Vice Chair Susan Collins (R-ME) have also pledged to enact a supplemental spending measure to help offset the restrictive funding caps put in place by the debt ceiling deal (see *Memo*, [6/5](#)).

The discrepancies between the House and Senate appropriations bills hint at what will likely be a tumultuous September on Capitol Hill. Congress has only until September 30 – the start of the new federal fiscal year – to enact all 12 appropriations bills or pass a continuing resolution (CR) in order to keep the federal government funded and avoid a shutdown. However, given the significant differences between the House and Senate FY24 spending bills, and given that far-right members of the House are indicating their unwillingness to vote for a clean CR that does not cut federal spending, members are raising alarms about a likely government shutdown on October 1.

While advocates across the country have done tremendous work to ensure that neither the House nor Senate FY24 spending bills drastically cut funding for vital HUD programs, including rental assistance and Homeless Assistance Grants, the road to enacting a final FY24 spending bill with sufficient HUD funding is steep. With members of Congress back in their home states and districts, August recess is the perfect time for advocates to set up in-district meetings with their members to stress the importance of increased HUD funding in any final appropriations bill.

Take Action

Thanks to the hard work of advocates across the country, who mobilized to weigh in with their elected officials, HUD's vital rental assistance, homelessness assistance, and tribal housing programs were spared from cuts in both the House and Senate bills. Yet we still have work to do to ensure these funding levels remain in a final bill, and that other critical programs, such as Public Housing, are also fully funded.

Keep making your voice heard, and tell Congress that it cannot balance the federal budget at the expense of people with the lowest incomes! Advocates can take action TODAY in the following ways:

- [Contact your senators and representatives](#) to urge them to expand – not cut – investments in affordable, accessible homes through the FY24 spending bill!
- August recess is the perfect time for advocates to schedule in-district meetings with their members of Congress to urge them to support higher funding for affordable housing and homelessness programs. Check out NLIHC's updated [Congressional Recess Toolkit](#) for information on how to set up in-district meetings, meeting tips, talking points, and more!
- Join over 2,000 organizations by signing on to a [national letter](#) from the Campaign for Housing and Community Development Funding ([CHCDF](#)), calling on Congress to oppose budget cuts and instead to support the highest level of funding possible for affordable housing, homelessness, and community development resources in FY24.

Want to Support NLIHC's Work? Become a Member!

One way to support NLIHC and this work is by becoming an NLIHC member. NLIHC membership is open to individuals, organizations, corporations, and government agencies, and annual membership dues are suggested amounts, meaning you can join at any amount that works for you.

You can join easily online at nlihc.org/membership, or contact outreach@nlihc.org with any questions.

Emergency Rental Assistance

NLIHC and Housing Initiative at Penn Release New Report Exploring How Jurisdictions Are Building on Treasury's ERA Program

NLIHC and the University of Pennsylvania's Housing Initiative at Penn (HIP) released on July 27 a new report, [Continuing Emergency Rental Assistance: How Jurisdictions Are Building on Treasury's ERA Program](#). The report examines which components of the U.S. Department of the Treasury's (Treasury) Emergency Rental Assistance (ERA) program are being retained by state and local jurisdictions, as well as the factors leading to their retention. The report finds that nearly half of surveyed jurisdictions will continue to provide emergency rental assistance beyond the depletion of Treasury ERA funds. Those jurisdictions not continuing to provide assistance cited lack of a dedicated funding source and lack of staff capacity as barriers.

The report draws on a survey of nearly 120 program administrators whose Treasury ERA application portals were closed or whose spending data indicated that more than 75% of their Treasury funds had been disbursed. The survey aimed to generate a broad understanding of how administrators were planning for the end of Treasury’s ERA program. Researchers also conducted 10 semi-structured interviews to further explore what factors contributed to program administrators’ decisions to continue emergency rental assistance and to retain other components of Treasury’s ERA program.

The report finds that jurisdictions are using a variety of funding sources to continue providing emergency rental assistance. Nearly half of jurisdictions continuing assistance are doing so in part using temporary federal funds (e.g., “American Rescue Plan Act” funds). More than half (57%) are using state and local funds at least in part. Among interviewees, plans to continue providing emergency financial assistance relied heavily on previously existing programs.

Nearly 65% of jurisdictions continuing an emergency rental assistance program, as well as 34% of jurisdictions not continuing an emergency rental assistance program, are retaining or planning to retain at least one component of Treasury’s ERA program (e.g., court partnerships, housing navigation, or technology infrastructure). Of those jurisdictions continuing emergency rental assistance, nearly two-thirds are allowing applicants to self-attest to certain eligibility criteria. Some jurisdictions are also determining household income via categorical eligibility (39%) or fact-specific proxy (16%). Just under 25% of surveyed jurisdictions are retaining at least one such flexibility in non-emergency rental assistance programs.

The report also finds that, in some instances, Treasury’s ERA program was the first direct assistance program that an agency had administered. Findings from interviews suggest that the program fundamentally changed agencies’ long-term focuses and cultures and led, in some cases, to expanded program infrastructure.

Read the report at: <https://bit.ly/3OA67La>

Disaster Housing Recovery

NLIHC-Endorsed “Disaster Assistance Simplification Act” Passed by Senate

The NLIHC-endorsed “[Disaster Assistance Simplification Act](#)” was passed unanimously by the U.S. Senate on July 28. The bill, which would create a uniform application for all federal disaster recovery programs, was passed out of the Senate’s Committee on Homeland Security & Governmental Affairs late last year. It will now head to the U.S. House of Representatives.

Under the bill, FEMA would manage the uniform application system, but other federal agencies would work together to update application questions and would share application data necessary to administer disaster assistance programs. Importantly, data from each program would continue to be governed by agency data sharing rules, creating the possibility that HUD could share bulk data from the Community Development Block Grant-Disaster Recovery (CDBG-DR) program with researchers via its data licensing system.

“The lowest-income and most marginalized disaster survivors are often hardest hit by disasters, and they continue to face the steepest, longest path to a complete and equitable recovery,” said NLIHC President and CEO Diane Yentel in a [press release](#) touting advocates’ support for the measure earlier this year. “For too long, a daunting application and appeals process has prevented low-income disaster survivors from accessing the critical assistance they need to get back on their feet. The creation of a universal application for disaster assistance, such as the one proposed in the Disaster Assistance Simplification Act, is an important first step in dismantling barriers created by the federal government and fixing our nation’s broken disaster housing recovery system.”

Read the text of the “Disaster Assistance Simplification Act” at: <https://bit.ly/3pSmWHa>

NLIHC Submits Comments on FEMA Resilience Program

NLIHC submitted [comments](#) on behalf of its Disaster Housing Recovery Coalition (DHRC) on July 25 regarding a [recent request](#) by FEMA for information regarding the Community Disaster Resilience Zone (CDRZ) program and the National Risk Index (NRI). The request, initially published on May 26, detailed several changes proposed by FEMA concerning the NRI, which is a formula-based analysis of resilience by census tract across the U.S. FEMA sought information from stakeholders regarding how to update the index to ensure that it adequately captures future disaster risk, as well as other ways to improve its formula to better reflect community-level risk.

The request also asked for feedback regarding the new CDRZ program, which was created by [legislation](#) supported by NLIHC and the DHRC in 2022. The CDRZ program would involve selecting census tracts around the country based on their vulnerability to disasters and then target these areas for FEMA assistance that would be used to plan and implement mitigation and resilience projects, decreasing communities’ risk of adverse disaster impacts.

In its comments regarding the NRI, NLIHC focused on the reliability of the model, suggesting that the formula does not yet provide a fully appropriate map of risk across the country. The letter pointed to multiple areas where the NRI’s conclusions seem to be incorrect, given community vulnerabilities on the ground. It also requested that the agency publish details regarding potential errors in its database – a common practice among other federal agencies.

Regarding the CDRZ program, NLIHC’s comments covered a range of topics. These topics included the need to target disaster resilience projects toward those households most likely to be severely impacted following a disaster, ensuring that community control mechanisms are created during the planning of any potential mitigation and resilience project, and guaranteeing that, in cases where household displacement is unavoidable, any displaced households are provided robust relocation assistance to ensure they can access permanent housing.

Disaster Housing Recovery Update – July 31, 2023

Congressional and National Updates

Congress remains [unlikely](#) to replenish FEMA's Disaster Relief Fund anytime soon. While lawmakers on both sides of the aisle recognize the urgency of the issue – FEMA is projected to run out of reserves in August – the congressional schedule and a host of pressing matters make a quick replenishment of the fund unlikely to occur.

Senators Cassidy (R-LA), Tillis (NC-R), Wyden (D-OR), Lujan (D-NM), Booker (D-NJ), and Schatz (D-HI) introduced an [amendment](#) to the “National Defense Authorization Act” (NDAA) that would insert the text of the “Reforming Disaster Recovery Act” (RDRA) into the package. The RDRA would permanently authorize the Community Development Block Grant-Disaster Recovery (CDBG-DR) program, speeding the distribution of long-term recovery funds to disaster survivors following congressional approval and ensuring that funds reach those most in need of assistance following disasters.

HUD recently [released](#) a *Fair Housing Civil Rights Guide* for grantees of the CDBG-DR program. The guide is meant to help states and localities utilize HUD funds in crafting programs that meet federal civil rights requirements.

HUD's Office of the Inspector General recently released a [report](#) addressing the agency's planned Disaster Recovery Data Portal. While the office found that the portal was still under development, the scope and utility of the proposed portal could both be increased. The portal is meant to streamline data sharing between HUD and FEMA programs to prevent duplication of federal benefits among recipients of disaster assistance.

HUD [announced](#) it would collect data on rental housing recovery after disasters in conjunction with its CDBG-DR program. Data collection will consist of the agency interviewing a variety of recipients and grantees regarding the success rates of CDBG-DR-funded recovery programs for rental housing.

FEMA is [planning](#) to decommission several systems that support the disasterassistance.gov website. The replacement fix may cause even greater headaches for disaster survivors.

The U.S. Department of Agriculture (USDA) published a [notice](#) detailing new flexibilities in its Section 504 Home Repair program for areas that have received a presidential disaster declaration. The new flexibilities will assist rural homeowners in accessing repair and recovery funds and grants.

In a [paper](#) released by the Brookings Institution, researchers argue that FEMA needs to reevaluate how it assesses and approves disaster declaration requests – a necessary step for any community looking to receive federal disaster assistance.

State and Local

California

FEMA announced that it would be [extending](#) federal disaster assistance between July 20 and September 1 in the aftermath of springtime floods that impacted California. Thirteen counties in

California received FEMA Individual Assistance approvals, including Tulare, Butte, Kern, Madera, Mariposa, Mendocino, Mono, Monterey, Nevada, San Benito, San Bernardino, San Luis Obispo, Santa Cruz, and Tuolumne counties.

Climate [extremes](#) in California are driving up mortality rates among low-income, rural residents of Mendocino County.

Florida

Lee County, Florida, is [hosting](#) a series of public meetings to decide how it should spend disaster recovery funds provided to the county by HUD via its CDBG-DR program.

Repair costs are resulting in [significant](#) impacts among middle-class communities on the Florida coast that were impacted by Hurricane Ian.

For many survivors of Hurricane Ian, persistent extreme heat is [proving](#) to be a second disaster – especially for individuals vulnerable to heat-related health impacts, such as individuals with disabilities and older residents.

Kentucky

Kentucky Governor Andy Beshear is [alleging](#) that political motivations are behind an examination of state disaster relief funds by Republican lawmakers. The lawmakers allege that 200 checks were sent from the state to the wrong people and are requesting an investigation.

Vermont

Vermont continues to [confront](#) the impact of catastrophic flooding earlier this month, which led to levels of damage not seen since Tropic Storm Irene in 2011. The homes of residents in one manufactured home park are too damaged to be repaired.

Vermont spent millions in flood mitigation efforts following flooding caused by 2011's Tropical Storm Irene. Those investments largely [paid off](#) during the recent floods. Areas that were located near flood mitigation projects begun at that time saw less flooding and little damage. Areas that had not invested in mitigation projects were hit hardest.

HUD

HUD and White House Announce Actions to Protect Renters, Lower Housing Costs, and Boost Housing Supply

[HUD announced](#) on July 27 that it will undertake a series of new actions to protect tenants. The White House signaled its support for these actions in a [fact sheet](#) while also proposing three additional initiatives. Meanwhile, in a [separate media release](#), HUD announced two other actions the agency will undertake to promote housing supply, and the White House announced a series of additional housing-related actions not involving HUD in another [fact sheet](#).

The tenant-focused actions outlined in the fact sheets and announcements would (1) provide \$10 million for tenant education and outreach at certain privately owned Section 8 Project-Based Rental Assistance properties; (2) propose a rule clarifying that the “Coronavirus, Aid, Relief, and Economic Security Act” (CARES Act) 30-day notice provision is still in effect; and (3) encourage public housing agencies (PHAs) and private owners of multifamily properties to explain in writing why tenant applicants were denied admission to a property due to issues flagged on tenant screening reports; and (4) increase resident engagement requirements when public housing is converted under the Rental Assistance Demonstration (RAD). The housing supply actions would involve creating an \$85 million competitive grant program for communities to address restrictive zoning and land use policies and releasing a supplemental RAD notice providing more flexibilities for housing providers, as well as promoting water- and energy-efficiency investments.

Renter Protections and New Funding for Tenant Education and Outreach

HUD announced that it will make \$10 million available for tenant education and outreach by releasing funding that has been authorized by Congress each year since 1997 but that has seldom been made available by HUD. Funds will support a new Tenant Education and Outreach (TEO) program, which HUD suggests will be developed from a set of previously underfunded programs (known as the TRN, OTAG, ITAG, and VAHPP programs) and that will help build the capacity of residents of properties assisted through the Section 8 Project-Based Rental Assistance (PBRA) program.

The \$10 million annual authorization was created by Section 514 of the “Multifamily Assisted Housing Reform and Affordability Act of 1997” (MAHRAA). The funds were intended to help residents of those properties gain the organizing and technical capacity to preserve homes threatened by private owners considering opting out of their PBRA Housing Assistance Program (HAP) contracts, or by owners considering prepaying their HUD-insured mortgages. A [link](#) in both the HUD and White House announcements briefly explains TEO and links to a lengthy and detailed [Notice of Funding Opportunity](#) (NOFO). It is important to know that this NOFA does not apply to public housing, Housing Choice Vouchers, or any other HUD programs. A cursory look at the 58-page NOFO indicates that HUD will make an award to an intermediary organization that in turn will administer funds to sub-grantees that are each eligible for up to \$300,000 to cover a three-year period.

Proposed Rule Clarifying 30-Day Notice CARES Act Provision

A [Notice of Proposed Rule Making \(NPRM\)](#) that has been under review by the Office of Management and Budget’s (OMB) Office of Information and Regulatory Affairs (OIRA) since July 6 should clear OIRA review soon. The NPRM would codify in regulation the CARES Act requirement that PHAs and properties assisted through various HUD project-based rental assistance programs (as well as other programs) must provide tenants with at least 30 days of advance notice prior to terminating their lease for nonpayment of rent. The 30-day notice requirement is a permanent provision, even though it was included in the CARES Act enacted during the height of the COVID-19 pandemic. Although the 30-day notice requirement remains in effect, HUD’s intent to codify it in regulation is meant to make the provision more effective. A 2022 survey of housing law attorneys conducted by the National Housing Law Project

(NHLP) found that 88% of those responding reported that courts inconsistently enforced or did not enforce the requirement at all. A detailed [NHLP memo](#) explains the 30-day notice provision, including a list on page 7 of the federal programs that trigger compliance with the 30-day notice requirement.

HUD issued an [Interim Rule](#) on October 7, 2021, while the pandemic was still a major concern. A failing of that Interim Rule was that it did not include the Housing Choice Voucher (HCV) program. NHLP asserts that the HCV program is subject to the 30-day notice requirement because a “covered project” is any project covered by the “Violence Against Women Act” (VAWA), which includes the HCV program. It will be interesting to review the NPRM when it has cleared OIRA and is published in the *Federal Register*.

Increasing RAD Resident Engagement Requirements

On the same day of the HUD and the White House announcements, HUD’s Office of Recapitalization (ReCap) announced joint Notice H-2023-08/PIH-2023-19, “[Supplement Notice 4B](#),” to the [basic RAD Notice](#). Among other provisions, Supplement 4B intends to expand resident engagement for public housing properties converting under the Rental Assistance Demonstration (RAD) to Project-Based Vouchers (PBV) or Project-Based Rental Assistance (PBRA). Section II of Supplement 4B (page 6) covers the resident engagement provisions. It deletes Section 1.8 of the basic RAD Notice and replaces it with a new Section 1.8 (pages 6-12). NLIHC will provide a detailed description of the resident engagement provisions highlighting the new features in a future *Memo to Members & Partners* article.

Ensuring Fair Tenant Screening Practices

HUD’s Office of Public and Indian Housing (PIH) sent a [message](#) to PHA executive directors on July 27 to remind them of their obligations and to share best practices for informing applicants rejected for housing assistance of the reasons why they were turned down. The HUD media release has a link for a similar message from the Office of Affordable Housing Programs; however, that link is not currently functioning. The PIH message recognizes that landlords increasingly rely on tenant screening reports as part of their selection criteria. These reports often include inaccurate information, like inaccuracies regarding criminal and eviction records as well as credit history. If prospective renters are not given the opportunity to review and correct the information in these reports, they may be repeatedly denied housing due to inaccurate information in tenant screening reports.

\$85 Million PRO Housing Competitive Grants

HUD also announced an \$85 million [Pathways to Removing Obstacles to Housing](#) (PRO Housing) competitive grants initiative that will provide communities with grants ranging from \$1 million to \$10 million to identify and remove barriers to affordable housing production and preservation. PRO will be targeted to communities with acute demand for affordable housing that want to identify, address, and remove barriers to housing production. The funds could be used for planning and policy activities that allow for higher-density zoning, rezoning for multifamily housing, reducing requirements related to minimum parking spots, and other land use restrictions. HUD [published on July 28](#) an advance version of a *Federal Register* notice

anticipated to be published on July 31 that is simply a preview of the PRO Housing NOFO that will be published on Grants.gov.

On the same day of the HUD and the White House announcements, HUD's Office of Recapitalization (ReCap) announced joint Notice H-2023-08/PIH-2023-19, "[Supplement Notice 4B](#)," to the [basic RAD Notice](#). Among other provisions, the HUD and White house releases characterize some of the changes as designed to provide PHAs and multifamily owners with additional tools that will enhance their ability to support repairs. A RadBlast on July 27 mentions expanding "Faircloth-to-RAD" tools and removing barriers to utilizing RAD/Section 18 blends. NLIHC will provide a detailed description of the resident engagement provisions highlighting the new features in a future *Memo to Members & Partners* article.

Read the White House fact sheet regarding proposed renter protections at:

<https://tinyurl.com/5a9ux5n5>

Read HUD's renter protections media release at: <https://tinyurl.com/4ucztzbu>

Read the White House fact sheet regarding "Actions to Lower Housing Costs and Boost Supply" at: <https://tinyurl.com/mspuusk4>

Read HUD's Removing Barriers to Building Housing media release at:

<https://tinyurl.com/33netz7v>

GAO Report Recommends HUD Collect and Maintain Reasonable Accommodation Request Data and Develop Strategy for Overseeing PHA Compliance

The Government Accountability Office (GAO) released a report, [HUD Rental Assistance: Enhanced Data and Strategy Could Improve Oversight of Accessibility Requirements](#) (GAO-23-105083), on July 20. GAO recommends that HUD systematically collect and maintain requests for reasonable accommodations from households with persons with disabilities for three major programs: the Public Housing, Housing Choice Voucher, and Section 8 Project-Based Rental Assistance programs. GAO also recommends that HUD develop and implement a strategy for overseeing HUD-assisted housing providers' compliance with reasonable accountability requests.

GAO's report explains that the "Fair Housing Act" and Section 504 of the "Rehabilitation Act" require providers of HUD-assisted housing to make reasonable accommodations for households that include someone with a disability. Reasonable accommodations are changes in policies, practices, services, and structures to help ensure that those households can use and enjoy their homes. Reasonable accommodation examples include structural modifications, such as building an entrance ramp or installing lever-style doorknobs, and policy modifications, such as providing a Housing Choice Voucher household extended time to search for a home to lease as well as a higher payment standard to enable a household to rent a larger unit to accommodate a live-in aide.

Discrimination on the basis of disability was the most common reason for fair housing complaints to HUD in fiscal years (FYs) 2017–2021. The majority of these complaints cited failure of housing providers to make reasonable accommodations. Analyzing American Housing Survey data from 2019, GAO found 42% of HUD-assisted renter households included a person with a disability, and of those households 45% had a voucher, 36% lived in a Section 8 PBRA property, and 19% lived in public housing.

A HUD-assisted household may request a reasonable accommodation at any time either orally or in writing. If a household thinks their request was wrongfully denied, they may file a fair housing complaint with FHEO.

HUD-assisted housing providers collect information on the disability status of households and report it to HUD. However, HUD program offices do not systematically collect or report information on the accessibility needs of households assisted by these programs, including whether they requested and received a reasonable accommodation, including a structural modification. According to FHEO, many PHAs do not track reasonable accommodation requests, hampering FHEO’s ability to proactively monitor and enforce compliance.

FHEO currently relies on tenant complaints to enforce disability rights laws, but given the high volume of complaints (about 45% of which in FY21 alleged failure to provide a reasonable accommodation) and inadequate staffing levels, FHEO cannot address all complaints. While securing additional funding to augment enforcement staff is not likely, collecting data on the number and status of reasonable accommodations requests would enable FHEO to devise a comprehensive strategy for overseeing compliance by using the data to identify potentially substantial non-compliance situations to proactively focus on high-impact targets. Aggregate data could help identify patterns of very high rates of denials for reasonable accommodations.

The report follows an [audit](#) by HUD’s Office of the Inspector General (OIG) on February 7, 2022 (see *Memo 3/7/22*), that found HUD’s Office of Public and Indian Housing (PIH) did not have adequate policies and procedures for ensuring public housing agencies (PHAs) properly addressed, assessed, and fulfilled requests for a reasonable accommodation from people with disabilities. OIG cites three reasons for these failures: (1) PIH compliance monitoring guidance did not require Field Office staff to review a PHA’s reasonable accommodation policies and procedures; (2) PIH guidance is not centralized; and (3) PIH did not think it was responsible for conducting civil rights front-end reviews and instead concluded that front-end civil rights reviews were the function of HUD’s Office of Fair Housing and Equal Opportunity (FHEO).

Read *HUD Rental Assistance: Enhanced Data and Strategy Could Improve Oversight of Accessibility Requirements* at: <https://tinyurl.com/2p8u2ch8>

Read the OIG audit, *HUD’s Office of Public and Voucher Programs: Requests for Reasonable Accommodation in Public Housing* (Audit Report Number 2022-BO-0001, February 7, 2022) at: <https://bit.ly/3C66TaO>

FHEO’s webpage regarding fair housing in relation to disabilities is at: <https://bit.ly/3pzhd0>

HUD Reminds PHAs of Eligible Uses of Public Housing Capital and Operating Funds for Air Conditioning

Richard Monocchio, principal deputy assistant secretary for HUD's Office of Public and Indian Housing (PIH), sent an [email](#) to public housing agency (PHA) executive directors reminding them that the Public Housing Capital Fund and Operating Fund may be used to provide air conditioning. In response to dangerous levels of heat and multi-day extreme heat events recently, PIH has identified and clarified strategies PHAs can implement to ease the impact of extreme heat on residents. PHAs can use Capital Funds to purchase and install air conditioning and use Operating Funds to pay the associated utility costs.

PIH recommends PHAs create cooling spaces in common areas such as lobbies, community rooms, community centers, or other non-dwelling spaces and make those spaces available to residents so they can escape the heat. PHAs are authorized to spend Capital Funds to purchase cooling equipment to create cooling spaces either on a permanent or a temporary basis. In addition, PHAs may use Operating Funds to pay for the associated costs of providing air conditioning in common areas.

Because the extreme heat can pose an immediate threat to the health and safety of residents, PHAs can take advantage of emergency procurement procedures or small purchase procedures to purchase air conditioning equipment. The email also provides access to [Extreme Temperature training materials](#) on PIH's [Disaster Preparedness](#) landing page.

Read HUD's email to PHAs at: <https://tinyurl.com/y32bwbxw>

More information about public housing is on [page 4-32](#) of NLIHC's *2023 Advocates' Guide*.

NLIHC Submits Comment Letter Responding to HUD Section 504 Disabilities Advance Notice of Proposed Rule Making

NLIHC submitted [comments](#) in response to an Advance Notice of Proposed Rulemaking (ANPRM) regarding updating the Section 504 regulations pertaining to nondiscrimination on the basis of disability. HUD's Office of Fair Housing and Equal Opportunity (FHEO) published the [ANPRM](#) in the *Federal Register* on April 25 (see *Memo*, [5/1](#)). NLIHC also signed on to a more detailed [comment letter](#) submitted by the Housing Justice Network and coordinated by the National Housing Law Project. NLIHC's letter responded to five of the 13 questions posed in the ANPRM.

Section 504 prohibits discrimination on the basis of disability in all programs and activities receiving federal financial assistance and in programs and activities conducted by federal executive agencies. The current regulations were published in 1988. FHEO requested public feedback regarding 13 questions with the intent to draft a Notice of a Proposed Rulemaking (NPRM) offering updated accessibility standards for further public review and comment. The background section of the ANPRM and the questions provide a basic primer on Section 504 and various issues that might confront people with disabilities. Comments were due by July 24.

NLIHC's comment letter responded to five questions posed by the ANPRM regarding:

- Appropriate steps to ensure effective communications with applicants, beneficiaries, and members of the public who have disabilities, and the requirement to provide auxiliary aids and services (Question 3).
- Challenges households face finding available, affordable, and accessible housing (Question 4).
- Challenges using a Housing Choice Voucher (Question 5).
- Reasonable accommodations (Question 10).
- Native American Tribes and tribal entities (Question 12).

Read the ANPRM at: <https://bit.ly/3LDaB1K>

Find an easier-to-read version of the ANPRM at: <https://bit.ly/3VaIj1X>

Read NLIHC's comment letter at: <https://tinyurl.com/mryet9ww>

Read the Housing Justice Network comment letter at: <https://tinyurl.com/223fet6s>

Events

Senior HUD Official to Join Next Monday's (8/7) "Tenant Talk Live" on Section 3

NLIHC will host the next session of "Tenant Talk Live" – a webinar geared towards tenant and resident leaders – next Monday, August 7, at 6 pm ET. The webinar will focus on Section 3, a statute that obligates HUD housing and community development funding to benefit low-income residents and community members. NLIHC staff will be joined by Michele Perez, assistant deputy secretary of HUD's Office of Field Policy and Management. Register for next Monday's Tenant Talk Live webinar [here](#).

Assistant Deputy Secretary Perez oversees HUD's regional and field offices. She launched her public service career at HUD's Midwest Regional office in Chicago, where she served as a community builder and later ensured the payment of prevailing wages in HUD-funded construction throughout the six-state region. Prior to joining HUD, Michele served as the chief operating officer of the Tahirih Justice Center, where she led strategy execution that supported immigrant survivors of gender-based violence seeking asylum in the United States. She previously served as vice president of management and administration, as well as a senior advisor to the president and CEO for diversity, inclusion and engagement, at the International Development Finance Corporation (formerly OPIC). Assistant Deputy Secretary Perez also served as a key advisor and consultant to the U.S. Department of Veterans Affairs (VA) chief of staff on human resources, strategic planning, and financial management. During her tenure at VA, she was also charged with the execution and coordination of workforce enterprise strategies for the Veterans Health Administration, the nation's largest integrated healthcare system. Michele holds a BS in human services from Cornell University and an MS in management from

the Catholic University of America. She speaks Spanish, French, and Kreyol and grew up in a Haitian and El Salvadoran household of immigrants in Miami, Florida.

Section 3 is a federal obligation tied to a significant portion of HUD funding. The Section 3 statute states that recipients of HUD housing and community development funding must provide, “to the greatest extent feasible,” job training, employment, and contracting opportunities for low-income and very low-income residents, “particularly those who are recipients of government assistance for housing.” Another Section 3 obligation is to support businesses owned or controlled by low-income people or businesses that hire them. Section 3 applies to all HUD funding for public housing and Indian housing, and to some extent the Rental Assistance Demonstration (RAD) program. Section 3 also applies to other housing and community development funding that entails construction-related activities, including for HOME Investment Partnerships, the national Housing Trust Fund, and Housing Opportunities for Persons with AIDS (HOPWA), as well as certain activities assisted with Community Development Block Grant (CDBG) funds. However, the Section 3 obligation is too often ignored by the recipients of HUD funds and not enforced by HUD; therefore, Section 3’s potential benefits for low-income and very low-income people and for qualified businesses is not fully realized. Many advocates and resident leaders are committed to oversight, monitoring, and enforcement of Section 3 obligations and working to ensure that the statute is carried out to its fullest potential. For more detailed information on Section 3 and its associated regulations, refer to [NLIHC’s 2023 Advocates’ Guide article on Section 3](#).

“Tenant Talk Live” webinars are held the first and third Monday of every month at 6 pm ET. For more information on future topics, view our website: <https://nlihc.org/tenant-talk-live-webinar>. To stay up to date on “Tenant Talk Live” events and connect with other attendees, join the [Tenant Talk Facebook group](#).

“Tenant Talk Live” would not be possible without tenants like you! We strive to connect and engage with residents and tenant leaders through our webinars. If you are a low-income tenant and have a topic you would like to propose for an upcoming “Tenant Talk Live,” or if you would like to participate as a speaker on an upcoming call or webinar, please email: sbetancourt@nlihc.org. Webinars like “Tenant Talk Live” also depend on the support of our members. Become an NLIHC member [here](#)!

From the Field

Florida Governor Signs Preemption Legislation Impacting Tenant Protections across State

Florida Governor Ron DeSantis last month signed into law [HB 1417](#), a controversial piece of legislation preempting local tenant protection ordinances throughout Florida. The preemption regulation would undo the work of local advocates in 35 cities and counties throughout Florida, including jurisdictions like Miami-Dade, Broward, Orange, Hillsborough, and Pinellas counties. Housing advocates are not certain how many pieces of legislation will be impacted [but estimate that 46 tenant protection ordinances will be preempted](#), including tenants’ bill of rights

ordinances, rent stabilization measures, laws strengthening the summons process, and source-of-income protections. With the preemption law now in effect, the power to address the needs of tenants will be shifted from local governments to the state. This shift has raised fears among advocates that the rights and protections previously secured by individual cities and counties may be weakened or disregarded, potentially leaving vulnerable tenants without adequate protections.

Tenant protections are passed in the form of laws and policies and aim to correct the power imbalance between renters and landlords. These laws also aim to promote housing stability, prevent harassment of renters, and end homelessness. During the pandemic, the federal government put in place some tenant protections, including the Centers for Disease Control and Prevention (CDC) eviction moratorium, which helped keep [1.55 million households](#) housed during the pandemic. While many state and local tenant protections existed prior to the pandemic, tenant protections grew exponentially during the pandemic, especially following the end of the eviction moratorium, when renters increasingly faced the threat of eviction again. Florida was one of the many states that saw local jurisdictions pass a large number of tenant protections during the pandemic, including more than [12 ordinances](#) enacted after the onset of the pandemic.

[Some of these ordinances](#) originated in Orange County. One ordinance provided anti-discrimination protections that had not been guaranteed by state law prior to the passing of the preemption legislation. In particular, the ordinance protected renters against source-of-income discrimination, which disproportionately affects low-income households, people of color, women, and people with disabilities. Orange County also passed a fair notice ordinance requiring landlords to give tenants at least 60 days' notice of rent hikes exceeding 5%. The Orange County Office of Tenant Services was created to enforce these ordinances but is now only able to enforce state law, including the new preemption legislation.

The bill was supported by trade groups such as Florida Realtors and Florida Apartment Association, both of which had previously sued Orange County for its rent stabilization initiative. Democrats in Florida's state legislature tried to introduce amendments to safeguard tenants' interests, but the Republican majority rejected all of them. However, advocates did achieve some minor victories, including the creation of a 30-day notice period for terminating month-to-month tenancies.

Facing new uncertainty about the future, some renters are turning to tenant organizing and teaming up with organizations like Florida Rising and Miami Workers Center. Jurisdictions like St. Petersburg are considering [creating a new program](#) that would offer free right to counsel to renters who are at risk for eviction. Leaders in the city are working to ensure that this program would be allowed under the new preemption legislation. Tenant organizers in St. Petersburg are also partnering with labor unions to strengthen their advocacy power. More generally, tenant organizers across the state are looking forward to continuing their work and implementing long-term solutions to housing stability.

The new state legislation is part of a series of preemption bills that critics argue will hinder local policymaking. A bill banning rent control in Florida ([SB 102](#)) has also been signed into law. In addition to the harmful bills in Florida, similar preemptions are impacting tenant rights across

other states. Currently, 28 states preempt the passage of rent control policies in some way, while three states preempt the passage of source-of-income ordinances. To learn more about these preemptive bills, read [NLIHC's ERASE report, *The State of Statewide Tenant Protections*](#). NLIHC also advocates for tenant protections at the federal level. Visit NLIHC's [Take Action page](#) to learn more about you can get involved.

Register Now to Receive Your Free Copy of August *Tenant Talk*!

NLIHC will release on August 17 the summer edition of *Tenant Talk*, our biannual newsletter engaging tenants, residents, and other low-income people in housing advocacy. *Tenant Talk: Taking Pride into our Work* will focus on the connections between the LGBTQ+ movement and the fight for housing justice and feature articles written by individuals with lived experience of housing insecurity, including housing advocates who identify as LGBTQ+. Sign up now to receive a free digital copy of the new *Tenant Talk* [here](#). If you would like to receive a free hard copy of *Tenant Talk* through the mail, please fill out this [quick-and-easy form](#), and let us know how many copies you would like. Please note that you can order up to five copies at a time.

Are you interested in other ways to stay involved with NLIHC? Here are some additional opportunities:

- Join NLIHC's Tenant Talk Live webinars, held the first and third Monday of every month. Tenant Talk Live webinars provide residents with the opportunity to connect with one another and NLIHC, share best practices, discuss federal housing policy, and learn how to lead in their communities. Register for these webinars [here](#) and view the schedule [here](#).
- NLIHC is seeking external authors for our "[On the Home Front Blog](#)." If you're a tenant, resident, or renter who would like to write a guest blog post about federal housing advocacy, we invite you to reach out to us today at outreach@nlihc.org.
- NLIHC hosts weekly webinars regarding different housing justice topics. Learn more about our webinars at: <https://nlihc.org/gap>
- Publications like *Tenant Talk* would not be possible without the support of our members. Become an NLIHC member [here](#)! Resident associations can join for \$15, and individuals can join for \$5.

Opportunity Starts at Home

New Article Examines Connections between Housing and Climate Change

The National Alliance to End Homelessness (NAEH) recently released an [article](#) exploring how climate change impacts homelessness. The article shows that climate change deeply impacts people with the fewest resources – and disproportionately communities of color – leading to higher rates of displacement, harm, and loss of life. The article also addresses the history of climate change and its impacts on people experiencing homelessness, while suggesting that

homelessness must be treated as an emergency made even more acute by the warming climate. Like [other recent articles](#), the NAEH article makes the case that environmental issues and housing challenges are inextricably linked and must therefore be addressed together. Read the article [here](#).

Research

New Research Explores Tenants' Diverse Experiences with Eviction Moratoriums

A study published by *Social Service Review*, [“A Little Bit of a Security Blanket”: Renter Experiences with COVID-19-Era Eviction Moratoriums](#), explores personal experiences with COVID-19-era eviction moratoriums through interviews with 60 tenants in Connecticut, Florida, and Ohio. The study finds that differing approaches to implementation, uneven information availability, administrative burdens, and discrimination led to varied tenant experiences. While some tenants reported that the moratoriums brought relief, others noted ongoing doubts that they would be protected from eviction and stress about mounting rental arrears. The authors suggest that tenant experiences could have been improved through better coordination with other programs (such as disability programs and rental assistance), the easing of administrative burdens, and greater outreach to tenants.

Tenants experienced uncertainty about the scope or applicability of the moratoriums' protections. Some respondents described “loopholes” to the moratoriums that would allow landlords to evict tenants. For example, the federal moratorium ordered by the Centers for Disease Control and Prevention (CDC) only disallowed eviction for nonpayment of rent but allowed eviction for other reasons. In Florida, gaps in state moratorium protections allowed the eviction of renters who could not prove their economic hardship was related to COVID-19. Some respondents reported that landlord pressure and “fake” eviction notices led them to move out even when they were protected by moratoriums.

In some states, administrative burdens created barriers for tenants interested in accessing eviction protections. The demands of implementing the moratorium may have contributed to inequalities and undermined its effectiveness. Florida placed responsibility upon tenants to use the moratorium as an affirmative defense against eviction but did not require that landlords or courts notify tenants about moratorium protections. Connecticut stood out for its broad protections that minimized administrative burdens by requiring landlords filing for eviction to include proof that they informed tenants of their rights and provided rental assistance resources.

Experiences with racism and power dynamics impacted some tenants' trust in moratorium protections. Some respondents reported that previous experience seeking help led them to believe the moratoriums might be applied in a discriminatory way. Other respondents wondered if their inability to qualify for assistance was related to their race. One respondent said that, although she knew her landlord could not evict her, she moved out after falling two months behind on her rent because the landlord had power that she did not want to fight.

The eviction moratoriums appeared to have mixed impacts on the mental and physical health of tenants. Some tenants reported reduced psychological distress about evictions and rent arrears, while others reported feeling a sense of anxiety over falling into a false sense of security about their housing. Many tenants reported continuing to prioritize rent payments over other needs, including healthcare. One tenant even reported that the stress of mounting rental arrears caused him to lose sleep and exacerbated existing health conditions.

Despite challenges, many tenants still benefited from pandemic-era eviction moratoriums because they slowed the eviction process and allowed them the opportunity to catch up on their rent. Tenants' ability to stay current and catch up on rent was often dependent on being able to access rental assistance resources. To optimize the impact of future moratoriums, the authors recommend that agencies expedite access to complementary resources such as emergency housing subsidies, income replacements, and disability benefits. The authors also advocate for reducing administrative barriers and improving public education about rights and resources for tenants.

Read the article at: <https://bit.ly/3rMLOMn>

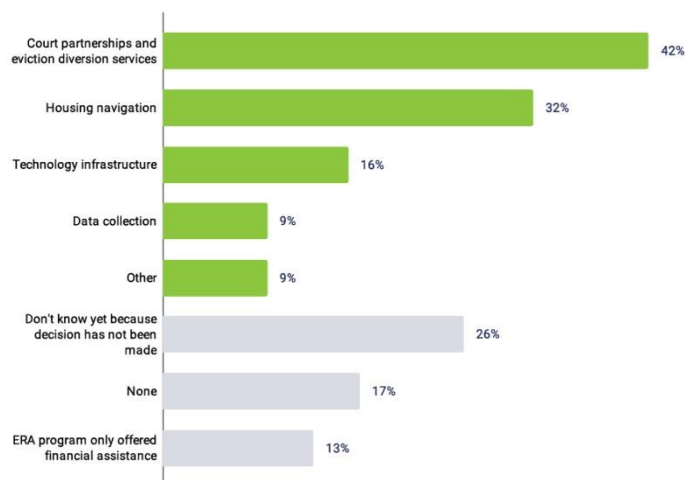
Fact of the Week

Jurisdictions Are Retaining Program Features Developed during Treasury's ERA Program

Components of Treasury ERA program being retained (n=118)

Source: NLIHC & HIP, 2023, "Continuing Emergency Rental Assistance: How Jurisdictions Are Building on Treasury's ERA Program," <https://bit.ly/30A67La>

THE HOUSING INITIATIVE at Penn



Source: NLIHC & HIP, 2023, “Continuing Emergency Rental Assistance: How Jurisdictions Are Building on Treasury’s ERA Program,” <https://bit.ly/3OA67La>

NLIHC in the News

NLIHC in the News for the Week of July 23

The following are some of the news stories to which NLIHC contributed during the week of July 23:

- “White House rolls out measures aimed at lowering cost of housing, increasing supply” *AP*, July 27 at: <https://tinyurl.com/mszehchw>
 - “These Covid-19 pandemic-era relief programs are expiring soon” *CNN*, July 25 at: <https://tinyurl.com/ybp9pct6>
 - “Rising rents, not mental-health issues or addiction, are driving homelessness, advocates say” *Market Watch*, July 24 at: <https://tinyurl.com/3wpvktct>
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NLIHC News

Where to Find Us – July 31

- Ayuda Legal Puerto Rico, [5th Annual Just Recovery Summit](#) – San Juan, PR, August 10-11 (Noah Patton and Sidney Betancourt)
 - [Summer 2023 Meeting – Mayors Innovation Project](#) – Scranton, PA, August 11 (Sarah Gallagher)
 - [Florida Housing Coalition Statewide Affordable Housing Conference](#) – Orlando, FL, August 28 (Dan Emmanuel)
 - Ability Housing, Inc. Annual Summit – Kissimmee, FL, September 12-13 (Diane Yentel)
 - [Neighborhood Preservation Coalition of New York Annual Conference](#) – Saratoga Springs, NY, September 19 (Lindsay Duvall)
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