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Coronavirus – HUD

HUD Allows Individual and Small Group Meetings, Allows Projects to Use CARES Act Public Housing Operating Funds in 2020

HUD issued joint [Notice H-2020-09/PIH-2020-26](#) announcing two CARES Act-related provisions regarding the Rental Assistance Demonstration (RAD). One provision allows a public housing agency (PHA) or owner of a public housing development scheduled for conversion under RAD to inform and consult with residents individually or in small groups. A second provision explains that during the year of a development's conversion, a "Covered Project" is eligible to receive a supplemental CARES Act Public Housing Operating Fund subsidy.

RAD allows PHAs to voluntarily convert public housing units to Project-Based Vouchers (PBVs) administered by HUD's Office of Public and Indian Housing (PIH) or Project-Based Rental Assistance (PBRA) administered by HUD's Office of Multifamily Housing Programs.

Alternative to Group Resident Meetings

Due to the coronavirus and the need to limit contact in large numbers, *Notice H-2020-09/PIH-2020-26* supplements previous guidance by allowing a PHA or owner to use alternative means to inform and consult with residents individually or in small groups. This option is particularly important for residents who have limited access to or familiarity with technologies that might be used for a remote meeting. PHA's may use this alternative until December 31, 2020 or the end of the national emergency declared on March 13, 2020 – whichever is later.

The regular [RAD Notice \(Rev. 4\)](#) requires PHAs and owners to hold meetings with residents at several stages prior to their public housing converting to PBVs or PBRA. PHAs and owners must also receive and respond to comments received during those meetings. Due to the coronavirus, a Q&A published on April 2 (see *Memo, 4/6*) allowed PHAs and owners to use technologies to hold such meetings remotely to limit the need for public in-person meetings. However, HUD envisioned those remote meetings to be held communally.

Any alternative must:

- Actively reach out to residents, inform them of an opportunity for a one-on-one or small group meeting, which could be in-person, by phone, or by other technology.
- Effectively convey required and any other important information to all residents. This may include individual meetings or calls with residents or advanced distribution of flyers or other materials to resident mailboxes or doors.
- Create an accessible means for residents to comment and ask questions. PHAs and owners should take into account the type of technology and resources available to residents.
- Provide residents an accessible means for obtaining comments and questions submitted by others and the PHA's or owner's response.
- Provide residents means to ask additional questions related to the conversion.
- Accommodate the needs of persons with disabilities or with limited English proficiency (LEP).
- Document the date of communication with residents and the names of participating residents.

HUD writes that it is important to err on the side of over-communicating and providing multiple venues for questions and comments. In addition to these individual or small-group meetings, PHAs are encouraged to maintain ongoing contact with residents to provide updates on conversion plans and to maintain a venue for further questions or comments.

CARES Act Operating Fund and RAD

As properties convert through RAD, for the remainder of the first calendar year in which a Housing Assistance Payment (HAP) contract is effective (the “year of conversion”), HUD obligates Public Housing Operating Funds and Capital Funds to the PHA for the “Covered Project” at the level of public housing subsidy that the Covered Project would have been eligible to receive before the RAD conversion.

Notice H-2020-09/PIH-2020-26 explains that Covered Projects with a HAP Effective Date in calendar year 2020 are eligible to receive a subsidy from the \$685 million Congress appropriated through the CARES Act for supplemental Public Housing Operating Fund subsidies (see *Memo 5/4*).

Notice H-2020-09/PIH-2020-26 is at: <https://bit.ly/2ZXXyjp>

More information about RAD is on [page 4-39](#) of NLIHC’s *2020 Advocates’ Guide* and on NLIHC’s [public housing webpage](#).

Coronavirus - USDA

USDA Rural Development Informs Stakeholders that Rental Housing Subject to CDC Eviction Moratorium

USDA’s Rural Development [announced](#) that the Center for Disease Control (CDC) eviction moratorium (see *Memo, 9/8*) applies to all Rural Development Rental Housing. The CDC eviction moratorium applies to Section 515 Rural Rental Housing, Section 514 and 516 Farm Labor Housing, and Section 528 RD Guaranteed Rental Housing. The moratorium, which expires on December 31, 2020, does not provide emergency rental assistance resources to cover back rent, utilities, or fees.

In the announcement, Rural Development (RD) explains the moratorium and eligibility requirements. The announcement also include indicates that USDA will continue to accept forbearance requests under the [CARES Act](#) for properties experiencing financial hardship due to COVID-19 through December 31, 2020, as well as directing stakeholders to their previously posted Multifamily Housing questions and answers on the CARES Act forbearance and COVID-19 information in general (see *Memo, 7/27*). While this notice was emailed to stakeholders, this announcement has not been published to the [Rural Development Covid-19 Response site](#).

NLIHC and the National Housing Law Project (NHLP) sent a [letter](#) on September 15 to Treasury Secretary Steven Mnuchin, HUD Secretary Ben Carson, Department of Agriculture Secretary Sonny Perdue, and Federal Housing Finance Agency Director Mark Calabria urging the agencies to require federally supported rental property owners and housing authorities to provide tenants written notice of their rights under the federal eviction moratorium and steps they must take to be protected. Two HUD offices—Public and Indian Housing (PIH) and Multifamily Housing Program, recently informed their stakeholders of the CDC eviction moratorium (see *Memo, 9/14*).

To be protected, qualified renters facing eviction should immediately provide a signed declaration to their landlords. More details about the moratorium and a sample declaration renters can use is on NLIHC’s [National Moratorium webpage](#) that includes NLIHC’s and the National Housing Law Project’s [Overview of National Eviction Moratorium](#), NLIHC’s [National Eviction Moratorium: FAQ for Renters](#), and versions of the declaration in [English](#), [Spanish](#), [Mandarin](#), [Vietnamese](#), [Arabic](#), [Burmese](#), [Simplified Chinese](#), [Traditional Chinese](#), [Creole](#), [Hmong](#), [Tagalog](#), [Somali](#), [Russian](#) and [Punjabi](#).

In the declaration, renters must state, under penalty of perjury, that: 1) they have used their best efforts to obtain rental assistance; 2) they expect to earn no more than \$99,000 in 2020 (or no more than \$198,000 if filing a joint tax return), were not required to report income in 2019 to the IRS, or did not receive an Economic Impact Payment under the CARES Act; 3) they are unable to pay the full rent or make a full rent payment due to loss of income, loss of work hours, or extraordinary medical costs; 4) they are using best efforts to make partial rent payments; and 5) an eviction would result in homelessness or force them to double or triple up with other households.

USDA's Rural Development Announcement is at: <https://bit.ly/3073vL3>

NLIHC's National Moratorium webpage is at: <https://bit.ly/3mkEWno>

More about USDA Rural Rental Housing Programs is on [page 4-15](#) of NLIHC's *2020 Advocates' Guide*.

Coronavirus, Disasters, Homelessness, and Housing

Ta-Nehisi Coates to Address “Racial Equity and Housing Justice during and after COVID-19” on October 6!

[Join](#) NLIHC President and CEO Diane Yentel and Ta-Nehisi Coates, National Book Award winner and distinguished writer in residence at NYU's Arthur L. Carter Journalism Institute for a conversation on “Racial Equity and Housing Justice during and after COVID-19” on October 6 at 1 pm ET. Register today for this live-stream event at: <https://bit.ly/32yRqi6>. Be sure to submit questions for Mr. Coates through the registration page or via social media using #RacialEquityandCOVID.



Ta-Nehisi Coates is a distinguished writer in residence at NYU's Arthur L. Carter Journalism Institute. He is the author of the bestselling books *The Beautiful Struggle*, *We Were Eight Years in Power*, and *Between the World and Me*, which won the National Book Award in 2015. Coates is a recipient of a MacArthur Fellowship. He is also current author of Marvel Comics' *The Black Panther* and *Captain America*.

As an author and thought leader, Coates has been a vital voice in shaping the discourse on race in the United States and globally. His seminal article in *The Atlantic*, “[The Case for Reparations](#),” discusses thirty-five years of racist housing policy that led to the inequities still plaguing housing in the U.S. Please join us for this conversation with Ta-Nehisi Coates on “Racial Equity and Housing Justice During and After COVID-19” on October 6 at 1 pm ET. Register at: <https://bit.ly/32yRqi6>

(Please note: A video recording of this live-stream event will be available for viewing for two weeks after the livestreamed event.)

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

Representative Barbara Lee (D-CA) will join today’s (September 28) national call on coronavirus, disasters, housing, and homelessness from 2:30-4 pm ET. [Eviction Lab](#)’s Peter Hepburn will present the latest data on evictions and the implications of the CDC eviction moratorium. We will receive field updates from [Anchorage Coalition to End Homelessness](#), [CASA of Oregon](#), and the [American Indian Community Development Corporation of Minneapolis](#). We will hear the latest from Capitol Hill on COVID-19 relief and disaster supplemental bills, and more.

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

See the full agenda [here](#).

Racial Justice Institute Network Webinar: Preventing Evictions for Communities of Color during the COVID-19 Pandemic

Join NLIHC Vice President for Public Policy Sarah Saadian and Rasheedah Phillips, a senior advocate resources and training attorney at the Shriver Center, for a discussion on “[Preventing Evictions for Communities of Color During the COVID-19 Pandemic](#)” on September 30 at 2 pm ET. Presenters will discuss the disproportionate impact of eviction on communities of color and brainstorm strategies to mitigate this ongoing crisis.

The COVID-19 pandemic and subsequent economic fallout have heightened the threat of eviction for Black and brown renters, but these risks are not new. The housing crisis and its disproportionate harm to low-income people of color have deepened over the last several decades. At the same time, Black homeownership declined, and the country’s yawning racial gap widened. The ongoing public health and economic crises are further exacerbating existing structural inequalities, including housing instability. [Black and Native American](#) communities are bearing the brunt of COVID-19 infections and fatalities, and Latino and Black people are bearing the [brunt of historic job losses](#). Now, Black and brown renters are at immediate risk of losing their homes.

This reality heightens the urgency for action to prevent this wave of evictions that will disproportionately impact Black and brown renters. It also makes clear our obligation to center racial equity in our response to the housing needs created by the COVID-19 pandemic. A partnership of seven leading national organizations and experts, including NLIHC, have launched the [Framework for an Equitable COVID-19 Homelessness Response](#) to provide guidance on how communities can effectively focus current and future funding and navigate their response to COVID-19 with a racial justice and equity approach.

Housing justice and racial justice are deeply intertwined. NLIHC remains committed to dismantling racist systems, policies and programs, and to repairing the harm they have done.

Join Sarah Saadian and Rasheedah Phillips on September 30 to learn more about the disproportionate impact of eviction on communities of color and the actions advocates can take to prevent the impending eviction crisis.

Register for the webinar at: <https://bit.ly/3kNmUsb>

Coronavirus and Disaster Housing Recovery – Other

NLIHC-led Disaster Housing Recovery Coalition Calls on HUD to Ensure Hurricane Maria Survivors Can Shape Recovery Three Years after the Storm

The Puerto Rico Working Group of the Disaster Housing Recovery Coalition (DHRC) – an NLIHC-led group of over 850 local, state, and national groups working to reform disaster recovery – sent a [letter](#) to HUD Secretary Carson calling on HUD to ensure that public participation requirements are followed and that the agency’s counterparts in Puerto Rico are actively working with disaster survivors and advocates to ensure all Hurricane Maria survivors get the assistance they need to recover.

Three years ago, the worst disaster in Puerto Rico’s history devastated the island, killing over 3,000 individuals, damaging 300,000 homes, and causing tens of billions of dollars in damage. This terrible loss of life and livelihood – as well as the failed federal response – is a glaring example of our nation’s broken disaster housing recovery system and need for major structural reform. From the moment the storm ended, Puerto Rico has faced tremendous barriers to a complete and equitable recovery. The people of Puerto Rico were forced to respond to the devastation of Hurricane Maria themselves as the initial federal response faltered. After FEMA abruptly ended assistance for thousands of displaced Puerto Ricans, many were pushed into deeper poverty and, in worst cases, homelessness. HUD Secretary Ben Carson wrongfully denied over \$8 billion in long-term recovery aid approved by Congress for more than a year and a half, preventing the repair and rebuilding necessary to ensure the island was ready to face additional storms and forcing 30,000 survivors to sleep under blue tarp roofs for years after the storm hit.

Even as federally funded recovery efforts finally move forward on the island, the lack of public participation in designing and implementing mitigation, recovery, and repair programs is preventing Puerto Ricans, including the lowest-income and most marginalized survivors, from receiving the assistance they deserve.

The input of Hurricane Maria survivors and their advocates must be a central and required aspect of recovery from the storm. By ensuring their opinions and desires are valued and incorporated into federally funded recovery plans, we can honor the memories of those lost in the storm, center the needs of survivors, and ensure that such devastation and suffering does not happen again.

Read the Puerto Rico Working Group's Letter to Secretary Carson at: <https://bit.ly/306ARty>

Recording Available of NLIHC’s September 21 National Call on “Coronavirus, Disasters, Housing, and Homelessness”

During the most recent [national call on coronavirus, disasters, housing, and homelessness](#), Senator Brian Schatz (D-HI) provided updates on the state of play for the next coronavirus relief bill, emphasized the importance of

educating tenants about the federal eviction moratorium, and urged Congressional action on the [Reforming Disaster Recovery Act of 2019 \(S.2301\)](#).

Jim Baker of the [Private Equity Stakeholder Project](#) provided updates on how the CDC eviction moratorium is impacting eviction filings and discussed the implications of [evictions by private equity firms and other corporate landlords](#) during COVID-19. The Private Equity Stakeholder Project is researching the [acceleration in eviction filings](#) in select counties since the CDC eviction moratorium went into effect. John Pollock of the [National Coalition for a Civil Right to Counsel](#) provided updates on the increased need for tenants' right to counsel in eviction cases.

Julia Orduña of [Texas Housers](#) discussed the confusion around the CDC eviction moratorium in Texas and the state Supreme Court's [emergency order](#). Texas Housers is setting up an eviction solidarity network to monitor eviction proceedings and understand variations in how judges interpret the moratorium. Jim Schaafsma of the [Michigan Poverty Law Program](#) discussed the lack of guidance from the Michigan Supreme Court on the application of the CDC eviction moratorium.

Roxy Caines of the Center on Budget and Policy Priorities (CBPP) highlighted CBPP's [30-Day Campaign for Stimulus Payment Outreach](#). The deadline to [sign up to receive](#) an [Economic Impact Payment](#) (EIP) by the end of this year is October 15. About 12 million people who did not need to file income taxes or do not receive federal benefits qualify for but have not yet received their EIP. [NLIHC created guidance](#) on helping people experiencing homelessness receive their EIPs.

Dev Wakeley of [Alabama Arise](#) shared information on the impact of hurricanes Laura and Sally, and Alison McIntosh of [Neighborhood Partnerships](#) in Oregon provided updates on the effect of the wildfires on low-income and unhoused people. NLIHC's Sarah Saadian discussed the impact of the passing of Justice Ruth Bader Ginsburg on Congress enacting a coronavirus relief and disaster response bill.

NLIHC hosts national calls on Coronavirus, Disasters, Housing, and Homelessness every week. On today's call, we will be joined by Representative Barbara Lee (D-CA). Register for today's (Monday, September 28 at 2:30 pm ET) call at: <https://tinyurl.com/ru73qan>

Watch a recording of the September 21 call at: tinyurl.com/y3k2nmjf

Access presentation slides at: tinyurl.com/y5up8ka6

Additional Coronavirus Updates - September 28, 2020

National Updates

Department of Agriculture

The USDA on September 21 [announced the extension](#) of Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) flexibilities, ensuring WIC participants continue receiving the food and health support they need during the COVID-19 pandemic.

Advocacy

A blog post from the [Brookings Institute](#) discusses why federal rental assistance, in addition to the national eviction moratorium, is needed to protect the long-term housing of tenants and small landlords.

The [Center on Budget and Policy Priorities](#) reports that new Census data show the wide gap between median renter income and median rent continued through 2019, highlighting that the housing affordability crisis existed before COVID-19. Policymakers must provide emergency rental assistance to help families struggling to pay rent in the current crisis and address the underlying affordability problem.

[Invisible People](#) outlines what renters should do if they receive an eviction notice. The post includes a link to NLIHC's state and local [rental assistance database](#).

Reporting

[MarketWatch](#) explores why the CDC eviction moratorium, without federal rental assistance, will not solve the looming eviction crisis. The article discusses why Congress must pass \$100 billion in rental assistance and how these funds might be distributed. "The key is to get more funding into the hands of folks in the least bureaucratic way," says NLIHC President and CEO Diane Yentel.

[Time](#) reports on the impact months of eviction uncertainty are having on millions of families' mental health. The article highlights advocates' calls for emergency rental assistance and long-term policy solutions to address our nation's affordable housing crisis.

In an op-ed in the [Washington Post](#), Alieza Durana and Anne Kat Alexander of Princeton's Eviction Lab point to the spike in eviction filings between federal eviction moratoriums as a sign the eviction crisis will get much worse if Congress fails to pass rental assistance.

[Knowable Magazine](#) examines the life-altering impacts of evictions that extend far beyond the immediate loss of one's home. Before COVID-19, millions of people received eviction notices each year, and this number is expected to increase due to the pandemic and its economic fallout.

In an op-ed in the [Boston Globe](#), Emily Benfer, professor at Wake Forest University School of Law and co-creator of the COVID-19 Housing Policy Scorecard with the Eviction Lab, outlines the reality of the eviction crisis and urges policymakers to swiftly intervene to prevent a tidal wave of evictions.

[CNBC](#) compiled a list of resources for people struggling to pay their bills, including their rent and mortgage. The article includes a brief overview of the CDC moratorium, a link to NLIHC's state and local [rental assistance database](#), and additional resources for renters and homeowners.

A [new poll](#) of more than 3,000 people from *NPR*, the Robert Wood Johnson Foundation, and the Harvard T.H. Chan School of Public Health found nearly [1 out of 5 respondents reported struggling to pay rent](#) and mortgage. The poll found Black and Latino households were twice as likely as white families to report they are struggling to pay or have fallen behind on housing payments.

The [Wall Street Journal](#) reports that the coronavirus pandemic threatens to widen the longstanding gap in homeownership between Black and White Americans, which could have broader implications for wealth disparities.

An op-ed in [The Hill](#), written by the CEO of the Community Preservation Corporation and former commissioner of the New York City Department of Housing Preservation and Development, urges Congress to pass an emergency rental assistance program for tenants impacted by COVID-19, similar to the \$100 billion included in the House-passed "HEROES Act."

[Forbes](#) reports the National Apartment Association is joining the New Civil Liberties Alliance (NCLA) in its lawsuit challenging the legality of the CDC eviction moratorium.

[Vice](#) reports on a new company called Civvl that aims to make it easy for landlords to hire process services and eviction agents as gig workers. “Legal court evictions are on hold. But most of these management companies, they’re not necessarily evicting people through courts,” said Javier Ruiz, a counselor on the Tenants’ Rights hotline for the Metropolitan Tenants Organization. “They’re just evicting people through pressure. So that’s why I see a company like [Civvl] would be coming in.”

State and Local News

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

Arizona

[Tucson Weekly](#) shares the story of a family evicted in August in Pima County after being wrongfully denied protection under Governor Doug Ducey’s executive order prohibiting evictions.

The coronavirus has not created problems in [Tucson’s Latino communities](#), but instead has exposed existing ones, including lack of access to health care, higher number of workers in jobs considered “essential,” and high numbers of multigenerational housing.

California

The [LA Times](#) reports L.A. County’s Project Roomkey will drop several hundred beds each month until it ends early next year. Heidi Marston, executive director of the Los Angeles Homeless Services Authority, expressed concerns about uncertain funding from FEMA and the potential for the agency to suddenly stop funding the program, forcing the county to abruptly shut down hotels.

The Los Angeles City Council voted unanimously on September 23 to authorize the use of more than [\\$10.4 million for an emergency legal defense program](#) to support renters facing eviction amid the COVID-19 pandemic.

Governor Gavin Newsom announced more than [\\$236 million in the second round of Project Homekey](#) awards for 29 projects in 12 California communities, totaling 1,810 units.

Efforts by the Bakersfield-Kern Regional Homeless Collaborative to lease a motel under Project Roomkey were [stymied by a NIMBY hospital](#) that insisted the move would increase vandalism and theft.

The San Jose City Council approved a [10-part anti-displacement plan](#) to provide rental assistance and give nonprofit organizations first priority on property that goes on the market. The anti-displacement plan obligates city leaders to support federal legislation and private efforts to help tenants and landlords pay back rent and eliminate some of the legal costs of evictions.

[Capital & Main](#) reports on advocates’ concerns that an unprecedented tsunami of evictions will occur when the federal eviction moratorium expires at the end of the year if Congress does not provide emergency rental assistance.

Colorado

Advocates, including the Colorado Coalition for the Homeless, who have been frustrated by the failure of elected officials and service providers to [build a regional effort](#) to address homelessness hope the pandemic may force Colorado to change its approach.

Florida

The Florida Housing Justice Alliance and Connected in Crisis are [calling on Governor Ron DeSantis](#) to extend Florida's eviction and foreclosure moratorium, set to expire October 1, and to formalize unofficial moratoriums utility companies have voluntarily followed. The coalition is also urging Governor DeSantis to provide direct financial assistance for rent, mortgages, and utilities.

State Representative Anna Eskamani is urging Governor Ron DeSantis and other elected officials to use a portion of the remaining \$5.8 billion in Florida's CARES Act funding to [fund civil legal aid](#) for renters facing eviction through the Florida Bar Foundation.

Illinois

Housing experts expect to see a [surge in homelessness in Chicago](#) this winter, especially if Illinois does not extend the statewide eviction ban set to expire in late October. Chicago is allocating millions of dollars from the CARES Act to provide housing to more than 1,000 Chicagoans experiencing homelessness.

Indiana

[Prosperity Indiana](#), an NLIHC state partner, reiterated calls for the state to establish a coordinated COVID-19 Housing Stability policy response in its submitted comments to the Indiana Housing and Community Development Authority on the proposed use of Emergency Solutions Grant – Coronavirus (ESG-CV) Round 2 funds.

Loyola Law School professor Davida Finger analyzed more than [500 eviction filings in New Orleans](#) from June to August, after Louisiana's statewide moratorium expired, and found more than half were filed in neighborhoods where Black people comprise at least 80% of the population. The review also finds that it is primarily property managers of large complexes who are filing evictions.

Iowa

A program funded by \$800,000 from Polk County's CARES Act funding and staffed by Iowa Legal and the Polk County Housing Trust Fund provides low-barrier rental relief. The project, set up outside Polk County's eviction court, connects tenants with [legal assistance and immediate rental assistance](#). Since the program began September 1, it has helped prevent 61 evictions affecting 149 residents, including 77 children.

Maine

An op-ed in the [Press Herald](#) discusses how the pandemic has altered the needs of people experiencing homelessness in Maine as well as the availability of services to meet these changing needs.

Maryland

The [Baltimore Sun](#) reports Baltimore County officials estimate there could be as many as 24,000 eviction filings in a single month once courts get up to speed processing claims. County officials are setting aside federal funds for rental assistance and considering legislation limiting how much landlords can increase rent during the pandemic. [Baltimore County's Eviction Prevention Program](#), which has provided \$1.2 million to 485 households so far, is providing funding in a "phased approach."

Michigan

Catherine LaPorte, director of Salvation Army Kent County's housing services, has called the [influx of people facing eviction](#) in the county a "deluge," an eviction crisis that she and others have predicted for months.

Nevada

The Sparks City Council voted to allocate \$85,000 of coronavirus relief funding toward an [eviction mediation program](#) while a state effort to establish a similar program is still being developed.

New Hampshire

[Homeless shelters across New Hampshire](#) are preparing for an especially challenging winter as the December 30 deadline to spend and complete projects using federal Coronavirus Relief Fund dollars draws closer.

New Jersey

A [\\$2.3 million Housing Stability Grant](#), funded through the New Jersey Pandemic Relief Fund, will provide outreach, counseling services, and pro-bono legal help to renters facing eviction. The funds are expected to help 250,000 New Jersey residents and provide counseling to 10,000 renters, but housing advocates continue to call for additional protection and aid for tenants.

New York

Housing advocates in New York City report some building owners are trying to [illegally evade](#) the federal and state eviction moratoriums. “We’ve seen a big uptick in illegal lockout proceedings as landlords are becoming frustrated with the continued eviction moratorium,” said Emily Eaton, an attorney with Legal Aid.

New York [Assembly Speaker Carl Heastie](#) responded to advocates urging him and other state officials to extend the state’s eviction moratorium to “stop worrying about the evictions” without providing any information to support his assertion that there will not be mass evictions when the moratorium expires October 1.

“Between the 200,000 pending housing court cases and the 14,000 households with an active eviction warrant, allowing the moratorium to expire and these cases to proceed would be nothing short of catastrophic,” [said Judith Goldiner](#), the head of the Legal Aid Society’s Civil Reform Unit.

North Carolina

A [Lee County magistrate wrongfully rejected](#) a Sanford renter’s signed CDC declaration, arguing the federal moratorium does not apply to her because she does not live in federally subsidized housing. The individual, however, is protected by the moratorium.

The [North Carolina Housing Coalition](#) details where and how Community Development Block Grant – Coronavirus (CDBG-CV) funds are being deployed across the state. North Carolina will be receiving an additional \$46.8 million in the third and final tranche of CDBG-CV funds.

The [Asheville Citizen Times](#) compiled a list of rental assistance programs for struggling tenants in Buncombe County.

Ohio

An op-ed in the [Columbus Dispatch](#) written by Steven Wagner, the executive director of the Universal Health Care Action Network Ohio, highlights the intricate connection between housing and healthcare. Wagner urges Governor Mike DeWine to allocate some of the state’s remaining \$1 billion in CARES Act funds to rent relief.

The Coalition on Housing and Homelessness in Ohio (COOHIO), an NLIHC state partner, is urging tenants facing eviction to [act immediately](#) to get protection under the CDC eviction moratorium. COOHIO has

compiled resources on applying for the federal eviction protection, finding emergency rental assistance programs in Ohio, and locating legal aid organizations.

Pennsylvania

Chester County Commissioners approved [\\$1.8 million in CARES Act funding](#) to provide rental assistance and additional services for households impacted by the pandemic. “Previous programs have provided up to \$750 in rental assistance, but that’s simply not enough to cover the cost of housing in Chester County,” said County Commissioner Marian Moskowitz.

Texas

[Houston Public Media](#) reports Houston-area housing court judges are moving forward with evictions despite the heavy flooding from Tropical Storm Beta, the pandemic, and a federal eviction moratorium.

The [Texas Supreme Court](#) on September 17 issued an [emergency order](#) establishing clearer procedures for how the CDC declaration will be considered in eviction proceedings. Among other provisions, the Supreme Court order requires landlords, in the beginning of the eviction process, to provide tenants a copy of the CDC declaration. [Texas Housers](#) has been calling attention to the inconsistent enforcement of the CDC eviction moratorium by Texas judges.

A letter to the editor in the [Fort Worth Star-Telegram](#) explains why the CDC eviction moratorium will not solve the looming rental crisis and urges Congress to immediately enact legislation that includes \$100 billion in emergency rental assistance.

Utah

Salt Lake City and county officials are encouraging Utahns to [apply for rental assistance funds](#) available through the CARES Act as soon as possible and regardless of their immigration status. Many renters seeking help from Comunidades Unidas, a Utah nonprofit, are concerned they will need to repay the rental assistance or that it will prevent them from obtaining lawful permanent resident status. “We’re having to do a lot of education in terms of trying to minimize the fear in our communities,” said the Mayra Cedano, the organization’s executive director.

Washington

In an article in [Becker’s Hospital Review](#), the president and CEO of Catholic Charities Eastern Washington discusses why mass evictions will cause a healthcare crisis in addition to a homelessness crisis.

Washington, DC

After [widespread tenant intimidation](#), the D.C. Council on September 22 [passed legislation](#) to establish and extend several tenant protections during the pandemic. The Council passed a [bill](#) extending the eviction ban for 60 days after the health emergency expires.

Wisconsin

A [Milwaukee family of four](#) with a baby on the way was evicted from their home, despite the national eviction moratorium. The family did not know about the CDC moratorium, which requires tenants to sign and submit a declaration to their landlords.

Guidance

[COVID-19 Homeless System Response: Federal Rehousing Resources](#)

[COVID-19 Homeless System Response: Rehousing and Coordinated Investment Planning Tool](#)

[COVID-19 Homeless System Response: Creating a Cultural Equity Plan: Organizational Policies and Procedures](#)

[COVID-19 Homeless System Response: Staff Orientation to Racial Equity](#)

[COVID-19 Homeless System Response: Strategies for Renter Protection](#)

[COVID-19 Homeless System Response: Maximizing Income for Rapid Rehousing Participants During COVID-19](#)

Additional Disaster Housing Recovery Updates - September 28, 2020

The NLIHC-led Disaster Housing Recovery Coalition is convening and supporting disaster-impacted communities to ensure that federal disaster recovery efforts reach all impacted households, including the lowest-income and most marginalized people who are often the hardest-hit by disasters and have the fewest resources to recover.

Wildfires in the West

[Vice](#) highlights the challenges unhoused individuals on the West Coast, who are unwillingly at the frontlines of the climate crisis, face amid the wildfires and hazardous air quality.

Oregon ([DR-4562-OR](#))

Some Oregon residents report [difficulties accessing FEMA assistance](#) in the wake of the wildfires, referring to FEMA's process as "worse than fighting the fire." Residents have expressed frustration with navigating FEMA's bureaucratic application process, having applications repeatedly denied, and dealing with the agency's lack of guidance and response.

California residents who moved north seeking affordable housing are now [facing homelessness](#) after the wildfires have caused widespread destruction in Oregon. About 40,000 people initially evacuated and thousands were still at emergency shelters or hotels on September 18 in Oregon. Homeless encampments are growing in the area surrounding Talent and Phoenix, where the wildfires destroyed about 2,500 trailers, apartments, and homes.

[Bloomberg CityLab](#) examines how the wildfires have magnified the region's affordable housing crisis. Oregon had an acute housing shortage before the fires destroyed the "vast majority" of low-to-moderately priced housing in Jackson County.

Portland's [Charles Jordan Community Center](#) will remain open as a temporary emergency shelter until the end of March 2021. The center served as a coronavirus shelter until the end of July and was recently opened again to provide space for people experiencing homelessness to escape the hazardous air quality due to the wildfires.

The [Portland Tribune](#) reports on a program launched by Oregon Harbor of Hope, a nonprofit homeless agency, that helps match homeowners willing to share spare bedrooms with people needing affordable places to live.

The program, called Home Share Oregon, has expanded to find rooms for people displaced by this summer's wildfires.

Hurricane Laura

Louisiana ([DR-4559-LA](#))

[Direct Temporary Housing Assistance](#) has been approved for certain eligible applicants in Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, and Vernon parishes. Temporary Housing Units, Direct Lease, and Multi-Family Lease and Repair may be provided.

Louisiana renters whose home or property was damaged by Hurricane Laura can [apply for FEMA Individual Assistance](#).

[Disaster Unemployment Assistance](#) is available to certain workers who lost income as a direct result of Hurricane Laura in Louisiana.

[Buzzfeed News](#) reports dozens of residents of two federally subsidized senior housing projects in Lake Charles waited up to 72 hours for assistance without food, water, or power after Hurricane Laura. Various federal, state, and local agencies essentially stated the seniors' welfare was not their responsibility. "Our disaster and response program is fundamentally broken. We need to start over," said NLIHC Vice President of Public Policy Sarah Saadian.

[Thousands of Hurricane Laura evacuees](#) in North Texas were given short notice that they had to relocate to new hotels because the state decided to consolidate the number of shelter hotels from 40 to eight.

Dr. Tyson Green from Lake Charles, Louisiana, shares about the destruction Hurricane Laura wreaked on his town in a [Newsweek](#) article. Dr. Green discusses the urgent need for FEMA trailers to house people who are homeless.

Hurricane Sally

Alabama ([DR-4563-AL](#))

President Donald Trump approved a [major disaster declaration for Alabama](#) in the areas affected by Hurricane Sally. This action makes FEMA's [Individual Assistance](#) program available to eligible individuals in Baldwin, Escambia, and Mobile counties.

Florida ([DR-4564-FL](#))

President Trump approved a [major disaster declaration](#) for Florida in the areas affected by Hurricane Sally. Federal funding is available through FEMA's Public Assistance (PA) program for emergency work and repair or replacement of facilities in Escambia County. Emergency protective measures, including any direct federal assistance, will be available in 12 Florida counties.

Iowa Derecho ([DR-4557-IA](#))

FEMA on September 23 [announced its intent to reimburse](#) state and local Iowa governments and agencies and eligible non-profit organizations for costs incurred to repair and replace facilities damaged by the severe storms. Twenty-three counties are eligible for Public Assistance, 11 counties are eligible for Individual Assistance, and all counties are eligible for Hazard Mitigation Grant programs.

Under a major disaster declaration ([DR-4561-IA](#)) for Sac and Fox Tribe of the Mississippi in Iowa (Meskwaki Nation), FEMA [announced its intent to reimburse](#) tribal government and eligible non-profit organizations for Public Assistance.

[PBS Newshour](#) reports that weeks after the Iowa derecho, residents displaced by the devastating windstorm are still in need of temporary housing. More than five weeks after the derecho, 27 counties are still under a state disaster declaration, but residents have received only \$7 million from FEMA.

According to a [KCRG](#) investigation, Linn County Emergency Management Coordinator Steve O’Konek rejected relief assistance from other county management agencies, organizations, and corporations.

A staff columnist article in the [Gazette](#) discusses how the Iowa derecho and pandemic are compounded by inept leadership. The author highlights how federal, state, and local government leaders failed to act while hundreds of Iowans were, and continue to be, in desperate need of assistance.

General Resources & Events

On the third anniversary of Hurricane Maria, [NBC News](#) reports that Puerto Rico has experienced additional pain and little recovery progress three years after the devastating hurricane. “As a community social worker, I can tell you that Puerto Rico’s recovery, if it can be called that, didn’t come thanks to the government,” says Angel Perez.

An op-ed in [Street Roots](#) discusses how the climate crisis exacerbates poverty and homelessness, noting that in the United States, over 600,000 people have become homeless due to 853 natural disasters since 1980.

Budget and Appropriations

House Passes Continuing Resolution to Keep Government Funded Through Election

The House of Representatives passed on September 22 a continuing resolution (CR) to extend current funding for federal agencies and programs through December 11. The bill ([HR 8337](#)) passed out of the House by a vote of 359-57 and is expected to pass the Senate and be signed by the president early next week.

Congress has until October 1 to either authorize new appropriations bills for the upcoming fiscal year or pass a CR to keep the federal government funded and avoid a government shutdown. Speaker of the House Nancy Pelosi (D-CA) committed to passing a “clean” CR free from potentially problematic amendments or anomalies that might otherwise stall the CR’s passage, although the bill replenishes aid for farmers impacted by COVID-19 and provides new or extended funding for nutrition assistance.

If the bill passes the Senate and is signed by the president, Congress will have until December 11 to authorize appropriations bills for fiscal year 2021, pass another CR, or face a government shutdown.

Read the bill text here: <https://tinyurl.com/yywknuxu>

HUD

HUD Proposes Change to Weaken Anti-Harassment Rule

HUD proposes a change to the 2016 Harassment rule, eliminating a paragraph pertaining to “third-party liability” under the Fair Housing Act of 1968. If the change is implemented, it would not be clear what a resident or advocate could do against a landlord when the landlord knows that a third party (e.g., a neighbor) is harassing a resident, yet the landlord fails to take action against the third party.

Background

HUD published a [final rule](#) on September 14, 2016 amending fair housing regulations designed to protect individuals who experience harassment in housing. The courts and HUD have long considered harassment based on race, color, national origin, sex, family status, disability, and religion (“protected classes”) to be prohibited under the Fair Housing Act. However, standards for assessing harassment claims had not previously been formalized in regulation. To address this, the rule added to the existing regulation definitions of the terms “quid pro quo” (“this for that”) harassment and “hostile environment” harassment, and clarified standards for “direct liability.” It is the last feature that the current Administration seeks to modify, eliminating paragraph (a)(iii) of 24 CFR part 100.7. The proposed change from the Administration will weaken fair housing enforcement.

The 2016 rule provided in 24 CFR 100.7 several direct and vicarious liability principles for who may be liable under the Fair Housing Act that were not previously contained in HUD’s regulations. Paragraph (a)(iii) allows for liability on the part of a housing provider for the actions of a third party, such as neighbor, who harasses another resident. In a number of past cases, HUD held a landlord liable for neighbor to neighbor harassment when the landlord knew about the harassment and had an obligation to address it under a lease, but did not.

Section 100.7(a) of the 2016 rule is titled “Liability for Discriminatory Housing Practices.” Subparagraph (a)(1) is “Direct Liability. A person is directly liable for:

“Failing to take prompt action to correct and end a discriminatory housing practice by a third-party, where the person knew or should have known of the discriminatory conduct and had the power to correct it. The power to take prompt action to correct and end a discriminatory housing practice by a third-party depends upon the extent of the person's control or any other legal responsibility the person may have with respect to the conduct of such third-party.”

HUD’s Proposal

The proposal was sent to the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) on September 23. The proposed change is titled “[Reconsideration of Third-Party Liability Under the Fair Housing Act](#).” The proposal was listed in HUD’s Spring 2020 Regulatory Agenda. HUD claims existing law does not support the interpretive position that the Fair Housing Act creates negligence-based liability for a property owner or manager for discriminatory conduct by a third party who is not a common law agent of the property owner or manager. The description states no other portions of the 2016 rule are changed.

The description of the proposed change is at: <https://bit.ly/33XFmaL>

The 2016 final rule is at: <https://bit.ly/3ct1JZy>

NLIHC Submits Comment Letter Opposing HUD's Harmful Proposed Anti-Transgender Changes

NLIHC submitted a [comment letter](#) on September 21 opposing HUD's anti-transgender changes to the Equal Access Rule (see *Memo*, [7/27](#)). NLIHC's comments urges HUD to abandon its proposed changes to the Equal Access Rule and ensure protections from discrimination remain for transgender people experiencing homelessness and seeking federally funded shelters. The 60-day comment period ended on September 22 and HUD must now review all comments before going forward in their rule making.

NLIHC's comments to HUD stress that these proposed changes limiting access to safe sheltering services would put transgender people at a greater risk of homelessness. Such a proposal from the administration is harmful under the most ordinary of circumstances, but the reduction of these vital protections in the midst of a pandemic is particularly cruel. The letter encourages HUD to address the housing and health needs of all people experiencing homelessness instead of making proposals rooted in falsehoods and harmful stereotypes.

This comment letter was submitted as a part of the [Housing Saves Lives](#) Campaign, an effort led by True Colors United, National LGBTQ Task Force, National Housing Law Project, NLIHC, and over 50 national and local organizations to call on individuals and organizations to submit comments opposing this discriminatory policy.

Now that the comment period has ended, HUD must respond to all published comments before the agency can move forward with its final rule. If the agency decides to go forth with the rulemaking, the final rule must include an explanatory preamble and the rule text. The preamble must include a response to the significant, relevant issues raised in public comments and a statement providing the basis and an explanation of the rule. NLIHC will continue to monitor HUD's actions and will keep members and partners informed.

Read NLIHC's comment letter at: <https://bit.ly/2RWjw1V>

Read the proposed rule at: <https://bit.ly/33ILKT1>

Read the joint press statement from NLIHC and other Housing Saves Lives partners at: <https://bit.ly/2CWWWBS>

You can find a FAQ on HUD's proposed changes to the Equal Access at: <https://bit.ly/2ZOOxsS>

For the latest news, resources, and actions against this rule, visit: <https://housingsaveslives.org/>

HUD Publishes Proposed Family Self-Sufficiency (FSS) Rule Changes

HUD published [proposed changes](#) to the Family Self-Sufficiency (FSS) regulations in the *Federal Register* on September 21. The proposed changes primarily implement statutory changes required by "The Economic Growth, Regulatory Relief, and Consumer Protection Act" ("Economic Growth Act") signed into law on May 24, 2018. HUD includes other proposed changes it claims will reduce burden and streamline the program. Comments are due by November 20.

Background

The FSS program helps Public Housing, Housing Choice Voucher (HCV), and Multifamily Project-Based Rental Assistance households increase their earnings and build assets that may be used for any purpose such as buying a home or furthering education. Participating PHAs or Multifamily owners use FSS program coordinators to help create household-specific plans that form the basis of a five-year contract agreed to by the

household. Program coordinators connect households to supportive services and provide ongoing case management. As a participating household's income increases, the difference between a household's original rent and the increased rent that would result due to a household's increased income is credited to an interest-bearing escrow account on behalf of the household. FSS is voluntary and allows participants up to five years to achieve their goals and "graduate" from the program.

FSS has existed and been funded for the Public Housing and HCV programs since the 1990 Cranston-Gonzalez National Affordable Housing Act. Congress appropriated of \$80 million for FSS for FY20. The FY15 Appropriations Act authorized a demonstration program for HUD's Multifamily program, and the Economic Growth Act enabled private owners of HUD-assisted Multifamily properties to establish their own FSS program or coordinate with another owner or PHA to offer FSS to their residents. Congress has not appropriated FSS funds for the Multifamily program.

Selected Proposed Changes, Public Housing and Housing Choice Voucher Programs

This *Memo* article highlights selected proposed changes. See [NLIHC's more detailed summary](#) for additional information.

Minimum Program Size (Section 984.105)

The proposed rule conforms to the list of local circumstances that make it unfeasible for a PHA to operate an FSS program and for which the PHA may get HUD approval for an exception to program operation or an exception to operate a smaller program. HUD proposes to change the duration of any HUD-approved exception from three years to five years and would allow a PHA to seek approval to continue the exception. If circumstances change within those five years, a PHA would not be required to carry through the exception for the full five years.

Cooperative Agreements (Section 984.106)

The Economic Growth Act allows a PHA to enter into a Cooperative Agreement with one or more owners of Multifamily properties to voluntarily make an FSS program available to the owner's assisted tenants. The PHA would manage the service coordination for families covered under the Cooperative Agreement. The new section of the regulations set out five requirements.

Program Coordinating Committee PCC (Section 984.202)

PHAs are assisted by Program Coordinating Committees (PCCs) that usually consists of representatives of local government, employment and job training agencies, welfare agencies, nonprofit providers, local businesses, and assisted families. HUD proposes to revise the current rule's provisions concerning required PCC membership to require an FSS Coordinator or Coordinators and at least one resident from each HUD-assisted program served by FSS to be a member of the PCC. PHAs would no longer be required to formally solicit such participants from the resident groups identified in the regulation. Rather, PHAs may seek such group's assistance, if needed, to identify such participants.

Contract of Participation, CoP (Section 984.303)

The contract that household's voluntarily sign in order to participate in FSS are formally called Contracts of Participation (CoPs). The current rule requires a household to be independent from welfare assistance for 12 months before the CoP expires. HUD proposes to change this to require a household to be independent from welfare at the time of graduation from FSS, but not independent for a specified period before graduating from the FSS program. The intent is to ensure that a household can successfully graduate and access its escrow funds if they do not meet the 12-month time period.

As required by the Economic Growth Act, HUD is deleting the rule that currently allows a PHA to terminate or withhold a family's voucher assistance for failing to comply with its CoP. The intent of the revision is to provide an incentive for more households to participate in FSS.

Multifamily Changes

The proposed rule would add a new 24 CFR part 887 to address the FSS program for owners of HUD-assisted Multifamily housing. It has eight sections that mirror the FSS program rule at 24 CFR part 984. A few of the key features are listed here.

Basic Requirements for the FSS Program (Section 887.105)

HUD proposes to make the FSS program requirements for Multifamily housing consistent with PHA requirements. Tenant participation in an FSS program is voluntary, and an owner must not delay or terminate assistance for a family that elects not to participate in an FSS program.

Cooperative Agreements (Section 887.107)

Owners may enter into Cooperative Agreements with a PHA or other owner to offer an FSS program to their tenants. If an owner enters into a Cooperative Agreement with another owner, the FSS program waiting lists must be open to all eligible families in the properties covered by the Cooperative Agreement, and the escrow amounts must be managed by each owner, including calculating and tracking.

Housing Assistance and Increases in Family Income (Section 887.109)

When an FSS family's income increases, the increase may not be considered as income for eligibility for other benefits or the amount of benefits to the family under any other program administered by HUD. Money that goes into escrow is offset by additional housing assistance payment (HAP) to the owner from HUD as a positive adjustment to the monthly voucher.

NLIHC's more detailed summary is at: <https://bit.ly/3cqUfq2>

The proposed rule is at: <https://bit.ly/2FZ3oK4>

An easier to read advance version of the proposed rule is at: <https://bit.ly/2RNUngC>

More information about FSS is on [page 7-67](#) of NLIHC's *2020 Advocates' Guide*.

Opportunity Starts at Home

Multi-Sector Campaign Announces New Grant Opportunity for State-Based Organizations

The [Opportunity Starts at Home](#) multisector affordable homes campaign is announcing a new grant opportunity for state-level organizations interested in expanding multi-sector partnerships and influencing federal housing policy. It is critical that federal elected officials in Congress hear from national advocates, but also from their own constituents; this effort will support such involvement. Proposals from interested organizations are due on November 22, 2020.

In the past, the national campaign provided financial assistance to organizations in seven states: Housing California, Idaho Asset Building Network, Maine Together, Housing and Community Development Network of New Jersey, Coalition on Homelessness and Housing in Ohio, Oregon Housing Alliance, and Utah Housing

Coalition. Now the campaign is ready to launch a new cohort of grantees. Those selected for a grant would receive financial assistance for a period of one year, be formally recognized as state affiliates of the national campaign, be featured on the national website, participate in cohort learning experiences with other state grantees, and gain access to networks and technical assistance from the national campaign.

To be eligible to submit a proposal, state-based organizations must: 1) support the federal housing solutions contained within the campaign's national [policy agenda](#); 2) committed to elevating and amplifying racial equity in their housing justice work (education, health, civil rights, criminal justice, environment, faith, and others); and 3) be prepared to leverage these multi-sector partners to engage federal elected officials who represent their state. Please note that eligible organizations must have a predominantly state-level focus; those with a predominantly local/regional focus are not eligible to apply.

Please click [here](#) to read more about the goals of the grant, eligibility requirements, and specific next steps. If your state-based organization is interested in applying for this grant, please email the national campaign director, Mike Koprowski, at mkoprowski@nlihc.org or campaign coordinator, Chantelle Wilkinson, at cwilkinson@nlihc.org. They will schedule a brief exploratory conversation with you. After the exploratory conversation, the application form will be made available.

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

Our Homes, Our Votes: 2020

New Virtual Voter Engagement Guide Now Available!

Voter engagement efforts are just as critical this year as years past, but how groups engage voters may look different due to the coronavirus pandemic. *Our Homes, Our Votes: 2020*, NLIHC's nonpartisan voter and candidate engagement project, recently released a new resource outlining virtual voter engagement strategies for groups to consider incorporating in their efforts, the [Virtual Voter Engagement Strategies](#) guide.

This guide breaks down each of the three stages of voter engagement – registration, education, and mobilization – into a chart of traditional voter engagement tactics, socially distanced tactics, and examples of virtual platforms that could be used in place of these. As the guide notes, it is important to keep in mind when considering virtual platforms how accessible they are to people you are trying to reach in your voter engagement efforts. Virtual voter engagement strategies can be especially useful where in-person engagement is not possible or when a combination of virtual and physically distanced tactics makes sense.

More voter engagement tools and resources can be found on the [Our Homes, Our Votes: 2020 website](#), including state pages with detailed information about voting deadlines, voting without an address, and more!

“Housing Providers and the November Elections” Webinar - September 29

[Join](#) NLIHC and our partners for a special *Our Homes, Our Votes: 2020* webinar on Tuesday, September 29 at 11 am ET. This conversation will explore how owners and operators of affordable rental housing across the country are actively working to register renters to vote and ensure that they vote successfully on or before Election Day. *Our Homes, Our Votes: 2020* is teaming up with leading affordable housing providers nationwide to help the country's lowest-income and most disenfranchised people participate in the democratic process.

Learn more about how housing providers are already connecting with their residents to address barriers to voting. Speakers include:

- Kate Swope, Peabody Properties
- Tiffany Wong, EAH Housing
- Maria Cabrera, Mercy Housing

Renters, especially low-income renters, are underrepresented among voters. This non-partisan effort to help more than one million renters vote is a critical step to actively engaging renters in the upcoming election. With the additional challenges presented this year due to the pandemic, ensuring low-income renters can vote is more important than ever. Housing providers are in a unique position to overcome these and other long-standing challenges by making sure their tenants can register and by helping to coordinate access to absentee ballots or polling locations.

Register for the webinar at: <https://bit.ly/3mMilAh>

“Election Day! Getting Out the Vote” Webinar - October 15

Join NLIHC next *Our Homes, Our Votes 2020* webinar on October 15 at 3 pm ET on “[Election Day! Getting Out the Vote](#).” The webinar will explore the most effective Election Day get-out-the-vote practices such as coordinating rides to the polls, hosting “walk to the polls” groups in low-income housing communities with nearby polling locations, using snacks and music to keeping people in line at busy polling locations, and using Election Day visibility volunteers with signs reminding people to vote. The presenters will also discuss effective “knock-and-drag” efforts throughout Election Day for identifying who has not yet voted and sending volunteers to their doors.

Register for this webinar and NLIHC’s entire “[Third Thursdays at Three](#)” webinar and podcast series on nonpartisan voter and candidate engagement, free to the public, at: <https://bit.ly/2Luj0F3>

NLIHC’s *Our Homes, Our Votes: 2020* project provides training and resources to resident leaders, housing providers, social service professionals, community organizers, and others on key aspects of effective nonpartisan voter and candidate engagement. The “Third Thursdays at Three” webinar series is a 15-part effort to explore best practices, new ideas, and legal considerations for 501(c)(3) nonpartisan election engagement on issues such as voter registration, candidate engagement, election education, and getting out the vote. [View recordings of previous sessions \(1-12\) on our website.](#)

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

Upcoming topics include:

Session 14

Election Day! Getting Out the Vote

Thursday, October 15, 2020 at 3 pm ET

Session 15

After the Vote—Holding Candidates to their Promises

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

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

Research

State and Municipal Legal Barriers May Reduce Serial Eviction Filings

An article in *Social Forces*, "[Serial Eviction Filing: Civil Courts, Property Management, and the Threat of Displacement](#)," finds that serial eviction filings—when a property manager files to evict the same household from the same address multiple times—are regularly used to extract monetary sanctions from tenants. Each eviction filing results in approximately \$180 in fines and fees for the average renter household, raising their monthly housing cost by 20%. Serial eviction filings can increase renters' housing cost burden and limit future housing options, even when the filings do not result in displacement.

The authors collected 8.1 million court records filed between 2010 and 2016 in 958 counties in 28 states, covering one-third of U.S. renter households. Their quantitative analysis focuses primarily on 1.1 million records in 2014. After removing duplicate and commercial eviction cases, the authors identified serial eviction filings as cases that shared the same defendant name and address. In 2014, 30.4% of households who were filed against experienced serial eviction filings.

The authors estimated the costs of fines and fees associated with evictions as the county eviction filing fee, often passed on to tenants, plus an approximation of late fees (10% of the census tract's median rent). The average cost of "paying to stay" was approximately \$180. Because finding new housing is often costlier than paying fees and each eviction filing limits their future housing options, households have an incentive to pay these costs and remain in place.

The authors then calculated a state serial filing rate and a neighborhood serial filing rate for each census tract in 2014. The rate was the share of households in their records who received at least two eviction filings. Delaware had the highest state-level serial filing rate (56.3%), followed by Virginia (50.7%) and South Carolina (46.7%). In Delaware, Georgia, Kentucky, Michigan, Mississippi, North Carolina, South Carolina, and Virginia, over half of households subject to serial filing were threatened with eviction three or more times.

Serial eviction filings affected mid-range rental markets most. Relative to neighborhoods with median rents between \$1,201 and \$1,400 per month, neighborhoods with lower rents had significantly lower serial filing rates. The rates were also significantly lower in neighborhoods with median rents above \$2,000. The authors speculate that landlords may not be able to regularly collect fines and fees in down-market neighborhoods, discouraging serial filing, while tenants in more expensive neighborhoods are better able to consistently pay their rent on time.

Neighborhoods that gentrified since 2000 had significantly lower serial filing rates. Landlords in gentrifying neighborhoods may prefer to remove tenants and raise rents rather than serially file. Serial filing rates were higher in neighborhoods with larger renter populations, tighter markets, higher percentages of female-headed renter households, and higher percentages of renters with children. Serial filing may be associated with the

prevalence of corporate landlords: all else held equal, neighborhoods with a larger percentage of businesses listed as plaintiffs had significantly more serial filings.

Counties with more barriers to eviction had lower serial eviction filing rates. The authors examined six legal characteristics that might discourage serial filings: the cost of filing, the number of courts hearing cases, the required process time, whether parties must hire attorneys, whether the court automatically schedules a hearing, and whether landlords must notify tenants of late rent for a period of time before filing. Taken individually, only the presence of notice requirements was significantly associated with a decrease in serial filings. Using a measure that tallied the number of legal barriers, however, the authors found a consistent decline in the serial filing rate as the number of barriers increased. Where formal evictions are cheap and quick processes, as in Charleston, South Carolina, serial eviction rates were much higher than in places where legal barriers increased the cost, as in Mobile, Alabama.

To understand the dynamics of serial filings, the authors conducted in-depth interviews with 33 property managers, 7 attorneys, 2 judges, and a court clerk in Charleston, South Carolina, and Mobile, Alabama. Property managers reported being constrained by corporate policies from negotiating with tenants. Property managers in Charleston reported using filings as way to get the attention of delinquent tenants. They also claimed they needed to file against all past-due tenants in order to avoid any appearance of discrimination against protected classes. In Mobile, where filing an eviction is a more serious and costly commitment, property managers reported relying on other strategies for rent collection, like making additional visits and calls and negotiating payment arrangements.

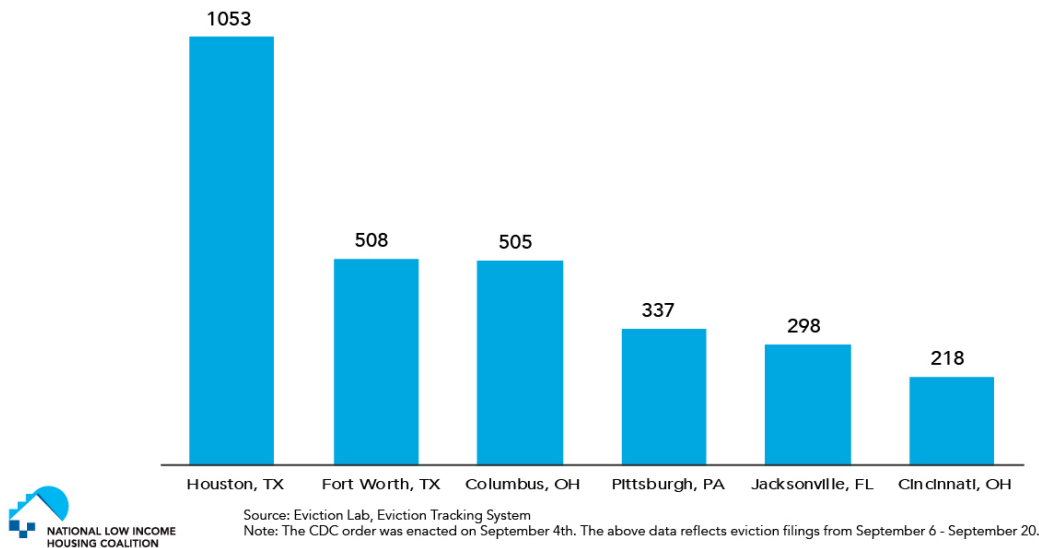
The authors argue that municipalities could reduce serial filing rates by raising legal barriers, reduce renters' financial precarity by regulating late fees, and better accommodate income volatility and varying pay schedules by requiring flexibility on rent payment deadlines.

Read the full report at: <https://bit.ly/3mDRwy4>

Fact of the Week

Some Evictions Continue Despite Federal Eviction Moratorium

Number of Eviction Filings in Select Cities Since CDC Enacted Federal Eviction Moratorium



Source: Eviction Lab, Eviction Tracking System.

From the Field

Housing California Releases “Ballot Guide 2020” to Educate Voters on Important Housing-Related Direct Legislation

“California Ballot Guide 2020” is now available to voters preparing to cast ballots in the upcoming November election. Housing California, an NLIHC state partner, released the new resource as an outline of ballot propositions that ask voters to decide the direction on specific policies related to housing. “California Ballot Guide 2020” provides a quick overview and recommended position on nine propositions that address issues covering housing affordability, healthcare, tax fairness, racial justice, and criminal justice.

Ballot propositions are a form of direct democracy that allows the public to vote on statutes that affect their everyday lives. Housing is being increasingly addressed through ballot questions; for more information, see NLIHC’s review of housing-relevant ballot initiatives from 2018 in the “[Affordable Housing Wins](#)” report. Housing California’s advocacy work in support or opposition of ballot initiatives is fully legal and appropriate, and an important activity for 501(c)(3) nonprofits. In terms of allowable campaign activities, endorsing a ballot proposition is different from endorsing a political candidate or political party.

“California Ballot Guide 2020” not only provides important information to the public about what each ballot proposition means, but also encourages a specific voting position. Some propositions covered in the Guide address housing specifically such as Propositions 15, 19, and 21. Other propositions are covered because of

their impacts on low-income people throughout California. As the document states, “Housing and homelessness are at the intersection of so many other issues. For that reason, Housing California is also weighing in on propositions that impact racial justice, health, criminal justice, and economic opportunity.” Housing is on the ballot in November – not just in California but across the nation. NLIHC applauds Housing California’s advocacy work around voter education.

Housing-related ballot questions

- Proposition 19 would allow qualified Californians 55 years or older to transfer their property tax when buying a new home. It would also limit the inherited property tax rates on primary residences. Housing California urges voters to oppose this measure. The ability of California homeowners to lock in property tax rates has long been at the core of the state’s budget difficulties. This proposition would only exacerbate the revenue problems that leave scarce funding available for essential services such as those needed by people experiencing homelessness.
- Proposition 20 would increase penalties for certain property crimes and repeated parole violations. Many of the crimes reclassified as felonies under this proposition would increase the criminalization of homelessness and other activities of already marginalized low-income communities or communities of color.
- Proposition 21 would allow cities to pass rent control measures on rental housing more than 15 years old. It would include an exemption for small landlords and allow landlords to gradually increase rent 15% over three years following a vacancy. Housing California is supportive of Proposition 21 because it promotes stronger housing stability for renters and neighborhoods.

Other ballot questions discussed in “California Ballot Guide 2020”

- Proposition 14 would issue over \$5 billion in general obligation bonds for the California Institute for Regenerative Medicine. Housing California urges voters to support this initiative because of stem cell research has the potential to unlock life-saving medical treatments for Californians.
- Proposition 15 would reassess property taxes for large businesses and require that their tax base be reflective of the property’s current market value instead of the market value when the property was purchased. This reform is among many being advanced in California to make communities more equitable.
- Proposition 16 would restore affirmative action, allowing state institutions to consider an applicant’s race, gender, and ethnicity in hiring. This would repeal Proposition 209 from 1996, which struck down preferential treatment in public employment, education, or contracting.
- Proposition 17 would restore voting rights to Californians who have previously been convicted of felonies but are still on parole.
- Proposition 22 would exempt app-based ride companies such as Lyft and Uber from a new state law requiring them to treat workers as employees. The current classification of drivers as “independent contractors” prevents them from accessing their rights as workers. Housing California is urging a “no” vote.
- Proposition 25 would fundamentally change the bail system. The current cash-bail system would be replaced with an algorithm that considers safety and flight risk. Housing California urges voters to oppose this proposition because it addresses an imbalance in the justice system that currently favors wealthy people who can afford large bail amounts.

For additional information on the propositions discussed, or if you have questions about state-level advocacy, contact David Zisser, associate director at Housing California at: dzisser@housingca.org

Resources

Census Bureau Releases Data from 2019 ACS

The U.S. Census Bureau released new aggregate tables from the 1-Year 2019 [*American Community Survey*](#) (ACS) on September 17, showing nearly 20 million renter households are housing cost-burdened.

The ACS is an annual nationwide survey of approximately 3.5 million households that collects data about the demographic, housing, economic, and commuting characteristics of the U.S. population. The data include the population of households that are housing cost-burdened (that spend 30% or more of their incomes on housing costs). Of 41,048,717 renter households with positive incomes who paid cash rent in 2019, 19,881,539 (48.4%) were housing cost burdened. Among the 8,781,716 renters with incomes less than \$20,000 that paid cash rent, 7,739,142 (88.1%) were housing cost burdened.

The new data are available at: <http://data.census.gov>

Additional information on the *American Community Survey* can be found at: <http://www.census.gov/acs>

Homeless System Leaders Provide Promising Practices Responding to COVID-19

The National Alliance to End Homelessness (NAEH) released a third report as part of its series on homeless system responses during COVID-19. The report, [*Responding to COVID-19: Conversations with Homeless System Leaders, identifies promising practices and is based on 24 interviews with Continuum of Care \(CoC\) leaders*](#). These practices include: bringing testing to convenient locations for individuals experiencing homelessness, instituting alert systems to notify people if they were potentially exposed to COVID-19, admitting known sick people into alternative housing where they will not expose others, providing transportation to testing sites and housing placements, and increasing sanitation and use of PPE.

The full series of reports and resources can be at [here](#).

The most recent report can be accessed at: <https://bit.ly/2HrdKTX>

NeighborWorks Achieving Excellence Program - Applications Due October 15

The NeighborWorks [*Achieving Excellence Program*](#) helps nonprofits transform to achieve greater community impact by focusing on the organization's performance and outcomes; it is an agent of change to help move an organization to the next level of success. This 16-month program supports approximately 50 experienced CEOs and other nonprofit leaders as they tackle a self-identified performance challenge that is most critical to the future of their specific organization and the communities they serve.

The program includes:

- Three cutting-edge academic sessions delivered by Harvard University faculty
- Intensive one-on-one executive coaching
- Structured peer group learning and sharing best practices

Achieving Excellence is not like other leadership programs, because it is not *an addition* to the work you need to do—it is instead focused *on* the work you need to do and directly supports achievement of your goals.

Participants in previous rounds have made incredible transformations in their work—and in these tumultuous times, a powerful transformation may be just what’s needed! For more information, visit: NeighborWorks.org/AE. Check out a [decision worksheet](#) to determine if the program is right for you, or contact Chris Deady, senior director of leadership and Achieving Excellence at: cdeady@nw.org

NLIHC News

NLIHC Seeks Manager/Director of Media Relations and Communications

NLIHC seeks a manager/director of media relations and communications to develop, implement, and manage media and public relations strategies to advance NLIHC’s mission of achieving socially just public policy to ensure the lowest-income people have decent, accessible, and affordable homes. Reporting to the NLIHC vice president for field and communications, the manager/director will supervise the NLIHC communications specialist and interns.

RESPONSIBILITIES:

Media Relations

- Develop/maintain strong relationships with reporters, writers, and opinion leaders in print, broadcast, online, and social media. Maintain up-to-date database of all media contacts.
- Pitch stories and secure regular media interviews and editorial board meetings for president/CEO and other Coalition staff and members as appropriate.
- Assist in development of messaging by relevant staff; implement messaging strategy.
- Prepare and distribute press releases and media alerts; coordinate press events for NLIHC and state partners.
- Work to place op-eds, letters-to-the-editor, blogs, and other opinion pieces for president/CEO and other Coalition staff and members as appropriate.
- Draft articles for Coalition staff and members as appropriate for placement in partner publications.

Content Development/Brand Management

- Develop and implement a comprehensive strategy for use of social media, including, but not limited to, Facebook, Twitter, and blogs; assist staff in implementing strategy.
- Monitor print, broadcast, online, and social media for coverage of NLIHC, NLIHC campaigns, and NLIHC policy priorities; reach out to amplify or correct as needed.
- Stay abreast of new developments in social media and recommend advances and changes to NLIHC platforms.
- Maintain records of all media work; produce metrics of all social media contacts; prepare monthly reports.
- Assist in content development, writing, and editing of *Advocates’ Guide*, *Annual Report*, and other publications.
- Assist state partners in development of media strategies.
- Develop and implement webinars, workshops, and written materials to aid NLIHC members in use of social media and press strategies.
- Collaborate with teams across the organization to amplify programs, projects, and campaigns.

Supervision/Coaching

- Supervise communications specialist.
- Help to recruit and supervise communication/graphic design interns.

Organizational Support/Special Projects

- Complete other projects as assigned by vice president of communications, COO and CEO.
- Assist in development and implementation of annual Policy Forum and Leadership Awards Celebration/Reception.
- Attend all meetings of NLIHC board of directors and present as needed.
- Participate in staff meetings, retreats, training, and NLIHC events.
- Other duties as assigned.

REQUIREMENTS

- Minimum of bachelor's degree. Master's degree preferred. Degree in communications, marketing, public relations, media or related area a plus.
- Minimum of three-five years of experience in media and social media communications, public affairs and/or marketing.
- Demonstrated track record of success in developing an effective communications strategy.
- Ability to work in diverse high-paced environment.
- Strong writing and editing skills.
- Strong oral and interpersonal communications skills.
- Strong organizational skills and attention to detail.
- Proficiency in Microsoft Office Suite and Muck Rack.
- Proficiency in social media platforms.
- Commitment to social justice.
- Knowledge of the fundamentals of housing poverty, homelessness, affordable housing policy, affordable housing development, or social service delivery preferred.

An equal opportunity, affirmative action employer, NLIHC offers a competitive salary and a generous benefits package. This is a full-time position located in Washington, DC, but NLIHC will be flexible about location for the first 6-12 months (depending on the pandemic).

Interested candidates should submit a resume, cover letter with salary requirement, and two writing samples to Renee Willis, vice president for field and communications, and Bairy Diakite, operations manager, at: rwillis@nlihc.org and bdiakite@nlihc.org.

NLIHC in the News

NLIHC in the News for the Week of September 20

The following are some of the news stories that NLIHC contributed to during the week of September 20:

- “These seniors were left behind when Hurricane Laura hit. No one claimed responsibility,” *BuzzFeed News*, September 25 at: <https://tinyurl.com/y5qkbv92>
- “Landlords sue CDC, Trump administration over ‘unconstitutional’ national eviction moratorium,” *MarketWatch*, September 24 at: <https://tinyurl.com/y6fzgsot>

- “Jobless benefits for tens of millions are expiring as Washington moves on” *Yahoo News*, September 24 at: <https://tinyurl.com/y5ztr997>
 - “Here’s a simple way to increase voter registration: Have landlords give new renters the forms,” *Fast Company*, September 21 at: <https://tinyurl.com/y6d5549u>
 - “‘How am i going to make it?’ Months of eviction uncertainty are taking a toll on millions of families,” *Time*, September 21 at: <https://tinyurl.com/y5oblecvx>
 - “Opinion: Trump is wrong. Fair housing is social justice, economic justice and welcome in the suburbs,” *Colorado Sun*, September 20 at: <https://tinyurl.com/y64wy6z5>
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NLIHC Staff

Kyle Arbuckle, Housing Advocacy Organizer, x227
 Xavier Arriaga, Policy Analyst, x231
 Andrew Aurand, Vice President for Research, x245
 Victoria Bourret, Housing Advocacy Organizer, x244
 Alayna Calabro, Policy Analyst–COVID-19 Response, x252
 Josephine Clarke, Executive Assistant, x226
 Bairy Diakite, Operations Manager, x254
 Emma Foley, Research Intern, x249
 Dan Emmanuel, Senior Research Analyst, x316
 Ed Gramlich, Senior Advisor, x314
 Kim Johnson, Housing Policy Analyst, x243
 Paul Kealey, Chief Operating Officer, x232
 Mike Koprowski, Director, Multisector Housing Campaign, x317
 Joseph Lindstrom, Director, Field Organizing, x222
 Mayerline Louis-Juste, Communications Specialist, x201
 Lisa Marlow, Manager, Media Relations and Communications, x239
 Richard Mbouombouo, Graphic Design/Communications Intern
 Sarah Saadian, Vice President, Public Policy, x228
 Khara Norris, Director of Administration, x242
 Noah Patton, Housing Policy Analyst, x227
 Ikra Rafi, Creative Services Specialist, x246
 Catherine Reeves, Development Coordinator, x234
 Brooke Schipporeit, Housing Advocacy Organizer, x233
 Dan Threet, Research Analyst, x202
 Chantelle Wilkinson, Housing Campaign Coordinator, x230
 Renee Willis, Vice President for Field and Communications, x247
 Rebecca Yae, Senior Research Analyst–COVID-19 Response
 Diane Yentel, President and CEO, x225
 Shuting Zhou, Graphic Design/Communication Intern, x240