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U.S. Department of Homeland Security

Homeland Security Releases Draft “Public Charge” Rule that Would Affect Immigrants’ Access to Assisted Housing and Other Benefits

The U.S. Department of Homeland Security (DHS) released a draft version of a forthcoming [Notice of Proposed Rulemaking](#) proposing to change the criteria used by the U.S. Citizenship and Immigration Services (USCIS) to determine whether someone is a “public charge” – i.e., a recipient of public benefits. Under the proposed rule, public charge status would be more broadly defined – including housing assistance - and would weigh heavily in determining whether someone can be temporarily admitted to the U.S. or become a lawful permanent resident (a green card holder).

According to an analysis by [Vox.com](#), previous guidance provided by the Clinton administration in 1999 defined the public charge status narrowly, applying to noncitizen recipients of certain cash-based income assistance programs – Temporary Assistance for Needy Families (TANF) and Supplemental Security Income (SSI) – only when the public assistance accounted for more than 50% of that person’s income. A June 12, 2018 [report](#), by the Migration Policy Institute estimated that only 3% of noncitizens fell into this category.

Currently, three programs are covered under the public charge policy, TANF, SSI, and emergency-Medicaid. A [DHS press release](#) indicates that the proposed rule would add to the definition of public charge: Non-emergency Medicaid, the Medicare Part D Low Income Subsidy, the Supplemental Nutrition Assistance Program (SNAP, or food stamps), institutionalization for long-term care at government expense, and the Section 8 Housing Choice Voucher, Section 8 Project-Based Rental Assistance, and Public Housing programs.

The DHS press release indicates that the “public charge inadmissibility determination is a *prospective* determination based on the totality of the circumstances, which includes statutorily required factors such as age, health, family status, assets, resources, financial status, education, and skills.”

The Center for Law and Social Policy (CLASP) and the National Immigration Law Center (NILC), co-chairs of the Protecting Immigrant Families (PIF) “Advancing our Future Campaign,” have prepared a [three-page summary](#) that indicates DHS is also considering adding the Children’s Health Insurance Program (CHIP) to the list. PIF also states that the proposed rule would require an immigrant to earn at least 125% of the federal poverty level. The proposed rule would also negatively consider applicants with limited English proficiency (LEP) or with physical or mental health conditions that could affect their ability to work, attend school, or care for themselves.

“This [new rule] would force families — including citizen children — to choose between getting the help they need and remaining in their communities,” stated Diane Yentel, NLIHC president and CEO, in a [Washington Post article about the rule](#). “The last thing the federal government should do is punish families that have fallen on hard times for feeding their children or keeping a roof over their heads and avoiding homelessness.”

While the draft [Notice of Proposed Rulemaking](#) is more moderate than an earlier [version](#) leaked to press in June, [research](#) shows the proposed changes would have a “chilling effect.” Charles Wheeler of the Catholic Legal Immigration Network stated in an [article in The New York Times](#) that “[t]he number of immigrants who withdraw from programs could exceed even the number who are subject to the rule.”

NLIHC and more than 1,100 other organizations signed a [statement](#) issued by PIF expressing opposition to the proposed rule. Additional materials from PIF are at: <https://bit.ly/2OgCLTm>.

Congress

Senator Warren Introduces Bold Affordable Housing Bill

Senator Elizabeth Warren (D-MA) introduced on September 26 the “[American Housing and Economic Mobility Act](#),” a bold and comprehensive affordable housing [bill](#) designed to end homelessness and housing poverty in America. NLIHC supports the bill.

Senator Warren’s bill directly addresses the underlying cause of the affordable housing crisis – the severe shortage of affordable rental homes for people with the lowest incomes – through a robust \$450 billion investment over ten years in the national Housing Trust Fund (HTF). The HTF is the first new program in a generation that invests in the production, preservation, and operation of affordable homes for the lowest income people in America.

By expanding protections under the Fair Housing Act to ban discrimination on the basis of sexual orientation, gender identity, marital status, and source of income, the bill promotes economic mobility and opportunity. The proposal creates new incentives for local governments to reduce barriers that drive up the cost of housing and encourage the private sector to do more to address the housing needs of the middle class. The bill also includes investments in rural and tribal housing, an expansion of the Capital Magnet Fund, reforms to strengthen the Community Reinvestment Act, relief for high-cost cities, and measures to redress harmful federal housing policies of the past through down-payment assistance to first-time homebuyers living in formerly redlined or officially segregated areas.

The entire bill is paid for by restoring the estate tax on America’s wealthiest families to President George W. Bush-era levels and instituting more progressive rates above those thresholds. “These [tax] changes will affect only about 10,000 of the wealthiest families in the country,” states [Senator Warren’s press release on the bill](#).

NLIHC President and CEO Diane Yentel was quoted in Senator Warren’s press release, stating the legislation “would help millions of the lowest income seniors, people with disabilities, families with children, and individuals who struggle to pay rent and the half a million people without a home at all. . . . Senator Warren’s proposal has the power to transform lives and communities.”

Read NLIHC’s factsheet on the “American Housing and Economic Mobility Act” at: <https://bit.ly/2N0Aibg>

Read NLIHC’s press release at: <http://nlihc.org/press/releases/11185>

Read Senator Warren’s press release at: <https://bit.ly/2zvSK7T>

Read the legislation at: <https://bit.ly/2Qb4vGt>

House Subcommittee Holds Hearing on Oversight of Public Housing in Cairo, Illinois

The House Financial Services Subcommittee on Housing and Insurance held a hearing on a recent HUD Inspector General (IG) report on HUD’s oversight of the Alexander County Housing Authority (ACHA) in Cairo, IL. HUD took control of ACHA in 2016 after years of mismanagement and deteriorating housing conditions.

In their opening remarks, Subcommittee Chair Sean Duffy (R-WI) and Ranking Member Emanuel Cleaver (D-MO) described families' living conditions for at least six years until HUD finally took over the ACHA as "deplorable" and "fundamentally inexcusable." Chairman Duffy said the IG report's most egregious findings revealed "the ACHA clearly misused federal funds and violated the Civil Rights Act via racial segregation and employment discrimination." The IG report found that HUD could have and should have done more to oversee the administration of ACHA given issues with the housing authority's governance and operations, including misuse of funds, conflicts of interest, and failure to comply with HUD policies and federal civil rights laws. The report provides recommendations for HUD's Office of Public and Indian Housing (PIH) to improve PIH's administration and oversight of troubled public housing authorities.

"Based on the IG's report and my assessment of it, maybe PHAs should be under more scrutiny, and provisions of funds should be conditional once a PHA has been identified as having negative findings," said Chairman Duffy.

Representative Mike Bost (R-IL), who represents Cairo, IL, testified alongside Senator Tammy Duckworth (D-IL) about the conditions their constituents experienced. Representative Mike Bost expressed frustration that "the people responsible for this crisis have not been held accountable for their crimes."

The IG found that HUD's attempts to bring ACHA into compliance did not resolve the deplorable conditions residents experienced while living in ACHA properties. After taking possession of ACHA in 2016, HUD announced in 2017 that it planned to demolish two ACHA communities in Cairo, requiring about 400 residents to move out. The city does not have sufficient housing stock for the displaced families, however, so many will have to move away from the city.

Jeremy Kirkland, acting deputy inspector general of HUD, testified that failures in oversight existed at every level. He stated that boards and executive directors of ACHA and other troubled public housing authorities should be held accountable "civilly and criminally." He confirmed that the matter was referred from the HUD OIG to the U.S. Attorney for the Southern District of Illinois and "has been accepted for criminal and civil prosecution."

View the recorded hearing at: <https://bit.ly/2DdMwOa>.

Read the HUD IG report at: <https://bit.ly/2PRG3db>.

Read the House Financial Services Committee press release at: <https://bit.ly/2N3pZTN>

House Passes Opioid Legislation that Includes Housing Pilot Program to Assist People Recovering From Substance-Abuse Disorders

The House passed on September 28 [a package of opioid legislation](#) (H.R. 6) that includes a new pilot program to provide housing assistance to individuals recovering from substance-use disorders. The bill authorizes Congress to provide funding for the pilot through the Community Development Block Grant program. The House approved the bill by a vote of 393-8. The Senate may vote on the package as early as this week, after which it would go to President Trump for his signature.

HUD would distribute the funds based on a formula that prioritizes states with high rates of overdose deaths and, to a lesser extent, high rates of unemployment and low rates of work participation. Program participants would receive housing assistance for up to two years or until permanent housing assistance is available. Program funding can be used for different types of housing assistance to provide options to help people meet their housing needs.

The bill does not include the “[Transitional Housing for Recovery in Viable Environments Demonstration Program \(THRIVE\) Act](#)” (HR 5735). The THRIVE Act, introduced by Representative Andy Barr (R-KY), would divert 10,000 vouchers, or \$83 million, away from the Housing Choice Voucher program to pay for transitional recovery housing for people with substance-use disorders. On June 12, NLIHC sent to lawmakers a [letter](#) signed by 29 national housing, homelessness, behavioral health services, and recovery housing organizations opposing the THRIVE Act because it would lengthen affordable housing waiting lists for low income families, seniors, people experiencing homelessness, and people leaving substance-use treatment or recovery housing.

Budget

Congress Passes Stopgap Funding for HUD and Department of Agriculture

Congress failed to pass a four-bill spending package (“minibus”) that included the FY19 Transportation-HUD (THUD) and Agriculture spending bills, instead passing a stopgap funding measure running through December 7. The House and Senate were unable to finalize several of the bills’ provisions before the end of the fiscal year on September 30, forcing them to pass a temporary funding measure to prevent a partial government shutdown. The temporary funding bill – known as a continuing resolution – was attached to the Labor-HHS-Education-Defense minibus, which had already been negotiated.

Fair Housing

Advocates Ask Court to Set Aside its AFFH Decision and Consider Additional Information

The three organizations that sued HUD over indefinitely suspending implementation of the Affirmatively Furthering Fair Housing (AFFH) regulation (see *Memo*, [5/14](#)) filed a motion asking the Court to set aside its adverse decision and to allow the plaintiffs to amend their legal complaint. The plaintiffs assert that the Court misunderstood key elements of the AFFH and Consolidated Plan processes, which led to the Court finding that the plaintiffs did not have standing to sue (see *Memo*, [8/20](#)). If successful, these motions could lead to a re-argument of the case or to an appeal.

Much of the Court’s decision rested on its conclusion that certain portions of the AFFH rule “remain active” even though HUD suspended the Assessment of Fair Housing (AFH) process. Consequently, the Court decided that the plaintiffs were not perceptibly harmed and did not have standing to sue. Specifically, the Court thought that the AFFH rule’s definition of “affirmatively furthering fair housing” and modifications to the Consolidated Plan community participation provisions were in effect. The plaintiffs ask the Court to set aside its judgement due to the Court’s flawed understanding of that AFFH definition and the Consolidated Plan process, and because the provisions that the Court concluded “remain active” were never raised by HUD, preventing the plaintiffs from responding to such a conclusion.

Definition of Affirmatively Furthering Fair Housing. Prior to the AFFH rule, the Consolidated Plan rule required jurisdictions to “certify” that they were affirmatively further fair housing, which merely meant they would have an Analysis of Impediments (AI) to fair housing choice, would take appropriate actions to overcome impediments, and would keep records of those actions. There was no guidance about what might constitute an “impediment” or what an “appropriate” action might be.

Because the AFFH rule’s definition was somewhat clearer, the Court concluded that the AI process would be “more robust” than it had been in the past. As the plaintiffs note, in one of the May 23, 2018 *Federal Register* notices suspending the AFH, HUD did not direct jurisdictions to conform to the new AFFH definition or emphasize how it changed the AI process. Instead, HUD directed jurisdictions to revert to the flawed AI process that existed before the AFFH rule went into effect.

The plaintiffs also contend that HUD did not provide anything in the record to the Court that would lead to the conclusion that the AFFH rule’s definition “has any binding real-world effect on local jurisdictions’ conduct following HUD’s suspension of the AFH process.” Further, the plaintiffs write, “even if HUD had instructed local jurisdictions to consult that definition – and the notice is best read to do the opposite – without the AFH process, the modified definition compels no specific action by any jurisdiction, and HUD does not claim to apply the standards in that definition as it reviews jurisdictions’ annual certifications of compliance.”

Consolidated Plan Community Participation Provisions. The Consolidated Plan (ConPlan) rule did not have any text referring to fair housing or the AI, other than a “certification.” The AFFH rule modified the ConPlan rule in multiple places to include text specifically requiring jurisdictions to provide for and encourage community participation in the development and implementation of the AFH. With HUD’s suspension of the AFH, the ConPlan rule effectively reverts to its 1995 text.

Nevertheless, the Court found that the public participation requirements of the ConPlan process could make up for the loss of such requirements in the now-suspended AFH process. The plaintiffs claim that HUD never argued that the ConPlan rule adequately provided for community participation pertaining to fair housing; consequently, the plaintiffs could not address such claims. The plaintiffs’ amended complaint makes clear that a separate community participation process for the AFH is essential because the ConPlan process is not designed to address the same concerns as the AFH process. They assert that participation in the ConPlan process cannot effectively advance fair housing because, without an accepted AFH, there are no identified fair housing goals to inform the ConPlan.

HUD’s Role in the Consolidated Plan Oversight. The Court also found that HUD “remains engaged in reviewing program participants’ [AFFH] certification efforts” through the ConPlan process. Consequently, HUD’s continued review of ConPlans would be an adequate substitute for the suspension of HUD review of AFHs as a means for HUD to ensure compliance with AFFH obligations. The plaintiffs assert that HUD did not argue this point and that if HUD wishes to, it must produce the administrative record to enable adjudication of whether the ConPlan process in fact involves meaningful review of compliance with AFFH obligations.

The plaintiffs’ motion to amend is at: <https://bit.ly/2zrqwLI>

The Second Amended Complaint is at: <https://bit.ly/2xM7Sfq>

More information about AFFH is on page 7-5 of NLIHC’s [2018 Advocates’ Guide](#).

NLIHC Provides Sample Letter for Commenting on HUD Request for Input on “Streamlining” AFFH Rule

HUD published in the *Federal Register* on August 16, “[Affirmatively Furthering Fair Housing: Streamlining and Enhancements](#),” an Advanced Notice of Proposed Rulemaking (ANPR) inviting public comment on amending the Affirmatively Furthering Fair Housing (AFFH) rule (see *Memo*, [8/20](#)). The ANPR asks for public comment on eight sets of questions. NLIHC urges advocates to submit comments stressing that HUD should not change the AFFH rule until all 1,200 local jurisdictions have had substantial experience with it over several

years. To assist advocates, NLIHC has drafted a [sample comment letter](#). A “[Comprehensive Assessment of HUD’s Streamlining AFFH ANPR](#)” offers more detail. Comments are due October 15.

As brief background, the opening summary of the ANPR lists five changes that HUD will propose making. HUD seeks to:

1. Minimize regulatory burden;
2. Create a process that is focused primarily on accomplishing positive results, rather than on performing an analysis of community characteristics;
3. Provide for greater local control;
4. Encourage actions that lead to greater housing supply; and
5. Use HUD resources more efficiently.

The background section of the ANPR claims that the Local Government Assessment Tool is ineffective. As NLIHC has written (see *Memo*, [5/21](#)), HUD is basing this claim on the experience of only the first 49 AFH submissions. Eighteen of the 49 were accepted by HUD on initial submission, and according to HUD 32 were ultimately approved. As advocates have noted, the AFFH rule anticipated a learning curve and provided for an iterative process by which HUD could identify problems with a draft AFH that a jurisdiction could fix.

One of three *Federal Register* notices HUD issued on May 23 identified seven categories of problems with the Assessment Tool, providing one example for each. NLIHC has noted that, based on those examples, most of the “problems” could have been addressed very easily by using the AFFH rule’s process of HUD offering suggestions for resolving a deficiency. One of the problems HUD highlighted was an egregious violation of the public participation requirements, a violation that warranted rejection of the AFH until adequate public participation was provided (see *Memo*, [5/21](#)).

NLIHC’s sample comment letter is at: <https://bit.ly/2R8DYeo>

NLIHC’s “Comprehensive Assessment of HUD’s Streamlining AFFH ANPR” is at: <https://bit.ly/2Pq2xIV>

HUD’s ANPR is at: <https://bit.ly/2OD43jG>

More about the AFFH rule is on [page 7-5 of NLIHC’s 2018 Advocates’ Guide](#), and more information about the flawed AI process is on [page 7-17 of NLIHC’s 2018 Advocates’ Guide](#)

Disaster Housing Recovery

House Passes Supplemental Disaster Spending Bill in Response to Hurricane Florence

The House passed a recovery package of \$1.68 billion in Community Development Block Grant–Disaster Recovery (CDBG-DR) funding to help with recovery efforts for Hurricane Florence. This money is intended to be a “down-payment,” with possible future funding once damage assessments are completed and available. This funding – in addition to several other disaster provisions – was attached to the “Federal Aviation Administration (FAA) Reauthorization Act of 2018” ([H.R. 4](#)), which must pass before the previous FAA authorization expires on October 1. Given the tight timeframe, Congress also passed on Friday a short-term extension of the existing FAA authorization through October 7 to give the Senate more time to consider the full legislative package.

On behalf of the Disaster Housing Recovery Coalition (DHRC) – a group of over 800 organizations and individuals dedicated to equitable disaster housing recovery – NLIHC President and CEO Diane Yentel sent a [letter](#) to Congressional leadership expressing concerns about several disaster provisions included in and omitted

from the FAA Reauthorization bill. The letter urged Congress to activate the Disaster Housing Assistance Program to provide stable, affordable homes and wrap-around services to low income survivors as they get back on their feet, a program proven to be successful in previous disasters. The DHRC also expressed concerns regarding provisions that would authorize states to administer disaster housing assistance programs and divert funds from helping the lowest income people. The governor of Louisiana has already [reopened](#) a homeowner assistance program in anticipation of these changes.

Read DHRC's letter at: <http://bit.ly/2DAJZxD>

Read more about the bill at: <http://bit.ly/2IolG4G>

Hurricane Florence Housing Recovery Updates – October 1, 2018

The following is a review of housing recovery developments related to Hurricane Florence since last week's Memo to Members and Partners (for the article in last week's Memo, see 9/24). NLIHC also posts this information at our On the Home Front blog.

General

A U.S. Government Accountability Office [blog](#) provides details on how FEMA Individual Assistance (IA) programs work and provides several recommendations on how the program can be improved.

The Natural Hazard Mitigation Association has developed several [resources](#) to assist stakeholders with navigating the complex path to long-term disaster recovery: a "Build-Back Smarter 9-Steps" paper, a [newsletter](#) that includes articles on disaster recovery, and a disaster risk-reduction education curriculum.

North Carolina

FEMA

Residents in an additional [ten counties](#) (Greene, Hoke, Hyde, Johnston, Lee, Moore, Pitt, Richmond, Scotland, and Wilson) are eligible for IA. Governor Roy Cooper also requested IA for survivors in Montgomery County, but FEMA has not approved that request.

The Transitional Sheltering Assistance (TSA) program is [available](#) in eight counties: Brunswick, Carteret, Columbus, New Hanover, Onslow, Pender, and Robeson. This program provides temporary hotel stays for eligible survivors who have registered with FEMA. Governor Cooper requested TSA also be available for residents of Cumberland County, but FEMA has not approved that request. Survivors can find participating hotels [online](#).

USDA

The Disaster SNAP (D-SNAP) food assistance program is now [available](#) for survivors in impacted areas. Households not normally eligible for SNAP may still qualify for D-SNAP, which provides one month of benefits equal to the maximum amount of benefits normally issued to a SNAP household of that family's size. Households already receiving SNAP will receive a supplement to their benefits.

Department of Labor

The U.S. Department of Labor [awarded](#) North Carolina a grant of \$18.5 million to hire residents of the areas impacted by Hurricane Florence to work on recovery efforts. This grant aims to provide temporary jobs in response to significant job losses following the storm.

State Government

Governor Roy Cooper [requested](#) the federal government cover 100% of the state's costs for initial disaster response. Generally, the state covers 25%, and FEMA pays the remaining 75%, but the president may decide to waive the state's cost-share upon request.

Eighteen counties are [approved](#) for Disaster Unemployment Assistance, and residents can file through October 17 or 18, depending on the county.

Governor Cooper [approved](#) \$4 million to fund mosquito control efforts in counties impacted by Hurricane Florence. The rains and flooding have [increased](#) the mosquito population significantly in these areas, posing a potential health risk.

Local Perspectives and Resources

Flooding can be particularly hard for low income older adults who are often on fixed incomes and may face additional physical challenges. [NPR](#) shares stories of seniors in North Carolina who have been impacted by Hurricane Florence.

The *New York Times* [reports](#) that North Carolina has struggled to distribute Community Development Block Grant-Disaster Recovery (CDBG-DR) funding to low and moderate income residents following Hurricane Matthew in 2016. Many of those impacted by Hurricane Matthew were still struggling to recover when Hurricane Florence hit. Some residents have waited more than a year for FEMA and state and local officials to process money they need to rebuild their homes. The state has spent only \$2 million of a \$236.5 million grant from 2016 and approved only 53 of 1,100 applications.

An [article](#) from the *Huffington Post* shares photos and testimony from residents of Solomon Towers, a public housing development in Wilmington, NC, and demonstrates the impacts of Hurricane Florence on low income people. The lack of thorough maintenance prior to the storm led to significant damage that residents fear may not be fixed quickly.

The organizers of the [North Carolina Affordable Housing Conference](#) have added an additional workshop on disaster recovery. The conference will take place October 24-25 in Raleigh, NC. You can register for the conference [here](#).

South Carolina

FEMA

Six counties in South Carolina – Chesterfield, Dillon, Georgetown, Horry, Marion, and Marlboro – were [designated](#) for Individual Assistance on September 21. This designation allows residents in these counties to apply for uninsured and underinsured damages and losses resulting from Hurricane Florence.

Small Business Administration

The four counties now approved for FEMA IA are also [eligible](#) for Physical Injury Disaster loans from the Small Business Administration.

USDOT

The U.S. Department of Transportation has [approved](#) \$8 million in Federal Highway Administration “[Quick Release](#)” [Emergency Funds](#) for the South Carolina Department of Transportation to begin repairing highways.

State Government

Residents in four counties (Dillon, Horry, Marion, and Marlboro) are [eligible](#) for Disaster Unemployment Assistance (DUA) through the South Carolina Department of Employment and Workforce. Survivors can apply for benefits online at dew.sc.gov or call 1-866-831-1724. Although run through the state, DUA is a [FEMA-funded program](#).

Local Perspectives and Resources

Hurricane survivors facing legal issues and unable to afford a lawyer may call the South Carolina Bar disaster hotline at 877-797-2227 ext. 120 (toll-free) or 803-576-3815 between 9 a.m. and 5 p.m. ET, Monday through Friday, to request assistance. When connected to the hotline, callers should identify that they are seeking disaster-related legal assistance, provide brief details of the assistance needed, and indicate in which disaster-declared county they are located. Individuals can also sign up to help with the hotline [here](#).

South Carolina Legal Services provides free legal assistance to low income South Carolinians on a variety of civil issues, including disaster recovery. Apply by calling 888-346-5592 or going online at <https://www.lawhelp.org/sc/online-intake>.

The [One SC Fund](#) provides grants to nonprofits that provide recovery and rebuilding assistance.

South Carolina Appleseed has a [resource page on their website](#) that provides information on disaster recovery.

Hurricane Florence has caused rivers across South Carolina to reach [record-high levels](#), flooding thousands of homes across the state.

Additional 2017 Disaster Housing Recovery Updates – October 1, 2018

The following is a review of additional housing recovery developments related to Hurricanes Harvey, Irma, and Maria, and the 2017 California wildfires since last week’s *Memo to Members and Partners* (for the article in last week’s *Memo*, see [9/17](#)). NLIHC also posts this information at [On the Home Front](#).

Federal Response

- Representatives Nancy Pelosi (D-CA), Nydia M. Velazquez (D-NY), Sheila Jackson Lee (D-TX), and Stacey Plaskett (D-VI) held a press conference on September 14 at which they discussed the unfinished business of hurricane recovery in Puerto Rico and the U.S. Virgin Islands. Read the full remarks [here](#).

State Action

- Rebuild Florida, a partnership between the Florida Department of Economic Opportunity (DEO) and HUD, is now accepting [applications](#) for the Housing Repair and Replacement Program. The program targets assistance to low and moderate income families, limiting [eligibility](#) to households with annual gross incomes at or below 80% of the area median income, adjusted for family size. Qualifying properties include homes occupied by homeowners or renters located within the designated [list](#) of Most Impacted and Distressed Communities. The Florida DEO addresses some basic information about the program [here](#).

- The Puerto Rico Department of Housing and the Central Office for Recovery, Reconstruction, and Resiliency released a draft of the [Substantial Amendment](#) to the Puerto Rico Disaster Recovery Action Plans for distributing Community Development Block Grant-Disaster Recovery (CDBG-DR) funds. The draft amendment requests an additional allocation of \$8.2 billion to address unmet needs for long-term recovery from the effects of the 2017 hurricanes. HUD requirements are available in the [August 14, 2018 Federal Register](#). The [announcement](#) (in Spanish [here](#)) from the Puerto Rico Department of Housing includes locations, dates, and times for upcoming public hearings on the Substantial Amendment draft. Comments from the public are being accepted now through October 21. Comments can be submitted online at <http://www.cdbg-dr.pr.gov/contact/>, via telephone by calling 787-274-2527, by email to infoCDBG@vivienda.pr.gov, or in writing to Puerto Rico CDBG-DR Program, P.O. Box 21365, San Juan, PR 00928-1365.
- The California Department of Housing and Community Development (HCD) [announced](#) it will hold a series of meetings between October 2 and October 11 in five communities across the state to discuss proposed recovery programs, program eligibility, and timelines for funding. A [factsheet](#) detailing the state’s plan for deploying CDBG-DR funds is available online.

Local Perspectives

- According to reporting from the [New York Times](#), disaster recovery efforts in Puerto Rico failed to take into account the poverty that affected the island before the storm. The article highlights stories of residents in Punta Santiago who continue living in uninhabitable, unsanitary, and unsafe homes. Additionally, FEMA’s efforts in Puerto Rico are compared with disaster recovery efforts in Texas, where “FEMA spent nearly twice as much for housing repair grants . . . though the money went to 51,000 fewer people.”
- Disaster Housing Recovery Coalition (DHRC) member Adi Martinez of Fundación Fondo de Acceso a la Justicia was quoted in the [Miami Herald](#) and the [New York Daily News](#). Both articles provide information on how federal aid has been denied to residents of Puerto Rico based on regulations that require recipients to provide a title or deed to prove property or home ownership. Many Puerto Rican residents do not have formal documents for their owned property and have been denied FEMA assistance as a result.
- A [story](#) by Orlando-based NPR affiliate WMFE detailed the experiences of Hurricane Maria evacuees from Puerto Rico now located in Florida, who were evicted from their hotels after a U.S. District Court Judge allowed the FEMA Transitional Sheltering Assistance (TSA) hotel shelter program to end on September 13. According to the article, central Florida’s stock of affordable housing is limited, and survivors are struggling to identify available units.
- A blog [post](#) by DHRC member and NLIHC state partner Texas Housers describes the ongoing housing challenges facing the low income, majority African American neighborhood of Charlton Pollard, which was impacted by hurricanes Rita and Ike. The blog post compares Charlton Pollard’s experience to the ongoing recovery process of low income communities in Texas affected by Hurricane Harvey.
- The National Bureau of Economic Research published a [paper](#) last year that analyzed 90 years of natural disaster data. The report found an average increase of 1% in a county's poverty rate post-disaster when those with resources leave, and it found that those in poverty who are left behind go deeper into poverty.

Membership Month

NLIHC Membership Month Comes to a Close

As our annual membership month comes to a close, NLIHC would like to extend our thanks to the more than 160 individuals and organization that became [new members or renewed their memberships](#) and to those who recruited new members throughout the month. Thanks to members' activities, we were able to exceed our new membership revenue goal! This support will help NLIHC pursue our mission of ensuring the lowest income people in America have decent, affordable homes – ending homelessness and housing poverty in America once and for all.

We would like to give a special thanks to our organizational members who contributed to blogs, social media posts, and *Memo to Members and Partners* articles throughout the month, including the Housing & Community Development Network of New Jersey, the National Alliance on Mental Illness, Texas Housers, the Michigan Coalition against Homelessness, the Oklahoma Coalition for Affordable Housing, HOM Inc, A Community of Friends, and Housing Action Illinois, among others.

NLIHC members - located throughout the U.S. - help NLIHC achieve our common goal of just and affordable housing for those most in need. [Find out how you can join](#) and help expand NLIHC's membership base today! Together we can end housing insecurity in America.

Opportunity Starts at Home

Housing Policy is School Policy: The Case of Montgomery County, MD

A [study](#) conducted in Montgomery County, MD, demonstrates that economically inclusive housing policies can dramatically lift the academic performance of low income students and narrow the achievement gap between them and their more affluent peers. This finding further supports the centrality of housing to all areas of family well-being, a key principle of the [Opportunity Starts at Home](#) multi-sector affordable housing campaign.

Montgomery County has one of the strongest, well-regarded school systems in the country. The study's author, Dr. Heather Schwartz, points out, however, something is often not known about Montgomery County: that is has implemented a comprehensive inclusionary housing program for several decades that has had an impact on education. Private-sector housing developers across the county must set-aside a percentage of apartment homes to be sold at below-market rates. A unique feature of the program is that housing authorities can purchase some of these housing units and operate them as federally subsidized housing.

Through a randomized lottery, low income families were selected to live in these units. Dr. Schwartz compared the educational performance of children living in public housing in low-poverty neighborhoods (children who therefore attended lower-poverty schools with more affluent peers) to children living in public housing in higher-poverty neighborhoods (children who therefore attended higher-poverty schools with less affluent peers). She found that, over a period of five to seven years, public housing students attending lower-poverty schools significantly outperformed public housing students attending higher-poverty schools. In fact, public housing students attending the lower-poverty schools narrowed the achievement gap with their wealthier peers by half in math and one-third in reading.

Moreover, the school district was infusing the higher-poverty schools with \$2,000 more per pupil than the lower-poverty schools. But public housing students still performed better in the lower-poverty schools,

suggesting that inclusive affordable housing policies can have a more pronounced effect on students than adding school-based resources. This study corroborates decades of [research](#) showing that integrated schools are strong learning environments.

Not only did low-income students in the study benefit from economically integrative housing and schooling, but they also benefitted from the increased residential stability that deeply affordable housing provides. “Their residential stability was a crucial aspect that allowed their children to reap the long run benefits of attending low-poverty schools,” Dr. Schwartz wrote.

To take a deep dive into this study, check out the *Opportunity Starts at Home* multi-sector campaign’s podcast: [Episode 3](#) features an interview with Dr. Schwartz.

Also, please follow the campaign on all social media platforms: [Twitter](#), [Instagram](#), [Facebook](#), and [LinkedIn](#).

Our Homes, Our Votes

You Don’t Need A Home to Vote!

Voter registration deadlines are just around the corner. [Each state has a unique deadline](#), but in most states those deadlines are approaching fast. Advocates can play an important role in helping people who are homeless understand their rights—and *register to vote*. The National Coalition for the Homeless’s “[You Don’t Need A Home to Vote](#)” Voting Rights Campaign seeks to protect and promote the right of homeless people to vote.

The campaign offers information and materials on all aspects of a successful nonpartisan voter-engagement effort, including specific state-by-state information on the legal issues affecting the rights of people experiencing homelessness to vote. Their recently updated [tool kit](#) includes a table of homeless voter registration policies by state, including information about where sheltered and unsheltered residents are able to register to vote and about mailing-address requirements.

Low income and homeless individuals vote at significantly lower rates than people with higher incomes, but housing advocates can help low income and homeless individuals exercise their rights to vote this November and beyond.

Learn much more about engaging in nonpartisan voter registration and mobilization at NLIHC’s *Our Homes, Our Votes* website at: <https://www.ourhomes-ourvotes.org/>

Research

Report Analyzes Evictions and Their Impacts on Low Income People in Seattle

A [report](#) by the Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association, *Losing Home: The Human Cost of Eviction in Seattle*, investigates the policies, demographics, and impacts surrounding evictions in Seattle. Through its analysis of court documents and survey data, the report finds that evictions disproportionately impact marginalized communities and people of color, occur as a result of very small missed rent payments, have lasting impacts on mental health and homelessness, and can prevent tenants from benefitting from public housing in the future.

The increasing unaffordability of housing has significantly contributed to evictions in Seattle. Almost 87% of eviction filings in the study were for non-payment of rent. In 2017, the average rent in Seattle was \$1,906, and almost 46% of renter households paid more than 30% of their incomes towards rent. Among survey respondents in the report, nearly 84% indicated that their rent had increased in the past two years. Additionally, units financed with Low Income Housing Tax Credits (LIHTCs), where rents are based on the area median income (AMI), have become increasingly unaffordable as the AMI in King County increased by nearly 20% in the last five years. These rent increases have created significant difficulties for the lowest income tenants and those living on fixed incomes.

Evictions in Seattle disproportionately impact households of color. Almost 31% of Seattle's population are people of color, yet nearly 52% of people facing evictions in 2017 were people of color. Black tenants experienced an eviction rate 4.5 times what would be expected based on their share of the population in Seattle. There are likely multiple factors contributing to these disparities, including poverty. People of color disproportionately experience poverty in Seattle with 34.4% of black, 34.7% of American Indian or Alaska Native, 18.6% of Asian American, 26.1% of Native Hawaiian or Pacific Islander, and 17.5% of Hispanic or Latinx residents living below the poverty line, compared to just 8.9% of white residents. Furthermore, Washington law allows tenants to be evicted over small missed payments. Just over 10% of all cases were initiated for less than \$500 in back rent and the lowest amount sought by a landlord was \$10. People of color were more likely than whites to face evictions for arrears of \$500 or less.

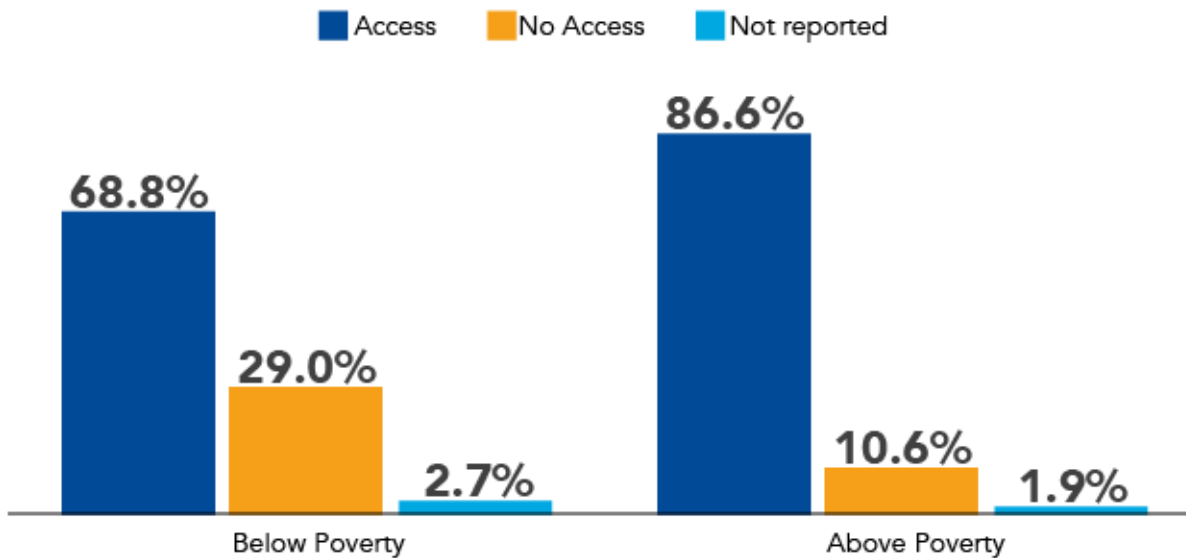
Most respondents in the study who reported an eviction became homeless: 37.5% were completely unsheltered, 25.0% were living in a shelter or transitional housing, and 25% were staying with family or friends. Ultimately, 43.5% of evicted respondents had to leave the city as a result of their eviction. Regarding health outcomes, 36.7% of respondents experienced stress and 8.3% experienced increased or newly-onset depression, anxiety, or insomnia because of their eviction. About half of the respondents had children, and among those families, 55.6% said their children's health suffered "very much" because of the eviction, 85.7% said that their children had to move schools after the eviction, and 87.5% reported their children's school performance also suffered "very much."

Losing Home: The Human Cost of Eviction in Seattle is available at: <https://bit.ly/2O3OB3s>

Fact of the Week

Households Living in Poverty Have Significantly Less Access to a Vehicle for Disaster Evacuation

Household Access to a Vehicle for Disaster Evacuation by Poverty Status



Source: American Housing Survey, 2017

Source: American Housing Survey, 2017

From the Field

California Advocates Achieve Legislative Wins

The California legislature recently closed its 2018 session, and Governor Jerry Brown (D) signed on September 30 a final stack of bills as his term draws to a close. The legislature passed a number of housing measures during the 2018 session focused on more narrow reforms as opposed to big [investments as seen in 2017](#). The key victories include streamlining supportive housing, addressing youth homelessness, expanding time periods to remedy eviction notices and respond to evictions in court, a prohibition on landlords refusing rent payments that come from third parties, and the elevation of the Homeless Coordinating and Financing Council to a department of state government. Two of the recently signed new laws were high priorities of Residents United Network (RUN), a statewide advocacy network of low income renters with lived-experience that is a project of Housing California, an NLIHC state partner, and the Center for Community Change.

[Assembly Bill 2219](#) prohibits landlords from refusing rent payments from third parties not on the lease. The bill, authored by Assemblymember Phil Ting (D), is an important change for low income renters, many of whom rely on relatives or caretakers to make rent payments on their behalf. AB 2219 also requires landlords to

accept rent payments from community rent assistance programs, both ongoing assistance and one-time payments including those that are common in eviction-prevention efforts.

[Assembly Bill 2343](#) responds to frequent evictions and landlord retaliation in an environment where landlords are often trying to turn over apartments to increase rents or make upscaling improvements. Previously, landlords were required to provide only a three-day notice, including weekends and holidays, for renters who are behind in rent or who have violated their lease in some way. Renters also only had five days to prepare and provide responses to evictions to the courts. AB 2343 clarifies these timelines to exclude judicial holidays and weekends. The bill was introduced by Assemblymember David Chiu (D).

Earlier this summer, the California legislature came to a compromise on the state budget that includes an increase of \$700 million for solutions to homelessness. The new funding will largely be distributed to Continuums of Care through the Homelessness Emergency Aid Block Grant. Also included in the budget was an elevation of the Homeless Coordinating and Financing Council (HCFC) to department-level status. The budget includes \$500,000 to hire an executive director and two other staff members. The HCFC was initially established in 2016 to oversee policies and guidelines for Housing First programs and strategies.

[Assembly Bill 2162](#), also introduced by Assemblymember Chiu, would provide “by right” development for supportive housing to reduce prolonged community processes that often explore specious stereotypes about low income people with disabilities. Cities would still be able to apply objective review standards, but there would be an expedited process for non-profit developers moving forward on supportive housing.

[Senate Bill 918](#) creates the Office of Homeless Youth funded at \$30 million from the general fund. Introduced by Senator Scott Weiner (D) and Assemblywoman Blanca Rubio (D), SB 918 is responding to the growing crisis of youth homelessness in California, an age demographic of the homeless population that grew by 32% from 2015 to 2018. The new Office of Homeless Youth will provide technical assistance to homeless service agencies, conduct research into the housing needs specific to young populations, and identify service gaps that need to be addressed.

All of the aforementioned bills were signed into law by Governor Brown.

“The successes in the legislature this year largely demonstrate the need for reforms that provide immediate protections of renters from entering homelessness, and for addressing challenges to building affordable and supportive homes,” said Lisa Hershey, executive director of Housing California. “We will work to ensure the legislature continues to take steps to address poverty in our state, and we are confident that voters will show up to the ballot box in November to show the legislature that affordable homes are a top priority.”

For more information about the California legislative session, contact Nur Kausar, communications manager at Housing California, at: nkausar@housingca.org

Pennsylvania Senate Introduces Housing Tax Credit Legislation

Pennsylvania Senator Tom Killion (R) introduced a State Housing Tax Credit bill, SB 1185, on September 19. This legislation creates a new Pennsylvania tax credit largely modeled after the federal Low Income Housing Tax Credit (LIHTC). LIHTC is the principal vehicle for creating and preserving affordable housing in the U.S. but is oversubscribed. The Pennsylvania housing tax credit will create a new resource that can be used in conjunction with LIHTC, incentivizing private investments in new and existing affordable housing in the Commonwealth.

The Housing Alliance of Pennsylvania, an NLIHC state partner, took a lead role in advocating for SB 1185. The Housing Alliance created support for the legislation through actions like their annual Home Matters Day, where community and affordable housing organizers urged their legislators to co-sponsor the housing tax credit. Advocates succeeded in securing twelve original bi-partisan co-sponsors of the bill.

The Pennsylvania housing tax credit will largely mirror the federal Low Income Housing Tax Credit, allocating tax credits to qualified projects serving low income families for which investors will receive a dollar-for-dollar credit on their state tax liability. One difference from LIHTC is that the program will allocate 10% of the credits to homes serving households with incomes at or below 30% of area median incomes (AMI).

“Affordable housing is out of reach for too many Pennsylvanians,” said Phyllis Chamberlain, executive director of the Housing Alliance of Pennsylvania. “Establishing a state housing tax credit modeled off of the successful national program will drive private investment towards creating housing opportunities throughout the commonwealth. The Housing Alliance of Pennsylvania is grateful to State Senator Killion for introducing SB 1185, and for the Senate’s leadership on this issue. We look forward to making a state housing tax credit a reality.”

[Click here](#) for more information about the legislation or contact Michelle Feldman, policy director at the Housing Alliance of Pennsylvania, at michelle@housingalliancepa.org or 215-576-7044.

Events

CBPP and Partners Host Webinars on Uses of Federal Affordable Housing Funds

The Center on Budget and Policy Priorities (CBPP) will host a series of webinars in collaboration with the Poverty & Race Research Action Council (PRRAC) and the Minnesota Housing Finance Agency beginning on October 4. The webinars will focus on how Housing Choice Vouchers and other federal funds are utilized across the country. Dates and other information on the webinars is provided below.

“State and Locally-Funded Rental Assistance Can Advance Health and Housing Integration”

Date: Thursday October 4

Time: 2:00–3:00 p.m. ET

Panelists: Anna Bailey (CBPP), Peggy Bailey (CBPP), and Doug Rice (CBPP), and Ellie Miller (MN Housing Finance Agency)

To learn more and register for this webinar, click [here](#).

“Where Families with Children Use Vouchers

Date: October 11

Time: Thursday 2:00–3:00 p.m. ET

Panelists: Alicia Mazzara (CBPP), Brian Knudsen (PRRAC)

To learn more and register for this webinar, click [here](#).

“State and Local Policies to Expand Access to High-Opportunity Neighborhoods”

Date: October 25

Time: Thursday 2:00–3:00 p.m. ET

Panelists: Alison Bell (CBPP), Will Fischer (CBPP)

To learn more and register for this webinar, click [here](#).

For more information about this webinar series, contact CBPP Vice President for Housing Policy Barbara Sard at: sard@cbpp.org

Pittsburgh to Host Next NeighborWorks Training Institute, December 3-7

The next [NeighborWorks Training Institute \(NTI\)](#) will take place in Pittsburgh, December 3-7. In addition to professional courses lasting from one-to-five days each, the NTI will offer a one-day symposium, "[Looking Back to Move Forward: 40 Years of Community-Led Transformation \(ML931\)](#)" on December 5.

The NTI offers more than 100 course offerings in affordable housing development and financing; housing asset management; community engagement; community revitalization; community economic development; housing construction and rehabilitation; financial capability and homeownership education, coaching, and counseling; nonprofit management and leadership; and single-family and small business lending.

Read more about the NTI at: <https://bit.ly/2oMGTfB>

Register for the NTI at: <https://bit.ly/1ATs8Ia>

NLIHC in the News

NLIHC in the News for the Week of September 23

The following are some of the news stories that NLIHC contributed to during the week of September 23.

- “Elizabeth Warren has a plan to help end the housing crisis,” *Fast Company*, September 28 at: <https://bit.ly/2NMSBFT>
 - “Report Looks At Affordable Housing And Health Equity In St. Petersburg,” *WJCT NEWS*, September 27 at: <https://bit.ly/2QliCJB>
 - “Elizabeth Warren Just Introduced A Major Housing Bill,” *The Atlantic*, September 25 at: <https://bit.ly/2DqPGhG>
 - “Senator Warren has a \$450 billion plan to fix the housing crisis,” *Curbed*, September 25 at: <https://bit.ly/2zDoJmG>
 - “DHS plan would push immigrants to 'show they can support themselves,' Nielsen says,” *Fox News*, September 23 at: <https://fxn.ws/2PWPwzO>
 - “White House Wants to Deny Green Cards to Immigrants Who Receive Public Benefits,” *Slate*, September 23 at: <https://bit.ly/2MYUvyb>
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NLIHC News

NLIHC Welcomes New Fall Field Intern

NLIHC welcomes Anissa Balderas as our new field intern for the fall semester. Anissa is a senior at the University of California, Irvine (UCI), pursuing a bachelor degree in criminology, law and society. She is a first-generation university student from Santa Cruz County in California. Prior to interning at NLIHC, Anissa was a global service scholar through UCI and interned for the non-profit organization Fundación Paraguaya in South America. While at Fundación Paraguaya, an organization that strives to eliminate poverty through financial literacy and education, Anissa worked with high school students to improve their social and emotional

skills by helping them implement a wellness program. Anissa is excited to advocate for socially just housing policy nationwide at NLIHC. Please join us in welcoming Anissa to the NLIHC team!

Where to Find Us – October 1

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

- [Federal Reserve Bank of Philadelphia: Reinventing Our Communities: Investing in Opportunity](#), Baltimore, MD, on October 1
 - [The Atlantic's Roundtable Breakfast](#), Washington, DC, on October 3
 - [2018 Governor's Conference on Housing and Economic Development](#), Atlantic City, NJ, on October 3
 - [Georgia ACT Affordable Housing Conference](#), Atlanta, GA, on October 10
 - [Utah's 14th Annual Homelessness Summit](#), Salt Lake City, UT, on October 25
 - [Maine Affordable Housing Coalition Conference](#), Portland, ME, on November 14
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Dan Emmanuel, Senior Research Analyst, x316
Ellen Errico, Creative Services Manager, x246
Justin Godard, Housing Advocacy Organizer, x233
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Mike Koprowski, Director, Multisector Housing Campaign, x317
Joseph Lindstrom, Manager, Field Organizing, x222
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Lauren Ricci, Policy Intern, x241
Debra Susie, Disaster Housing Recovery Coordinator, x227
Elayne Weiss, Senior Policy Analyst, x243
Chantelle Wilkinson, Housing Campaign Coordinator, x230
Renee Willis, Vice President for Field and Communications, x247
Gloria Yang, Communications & Graphic Design Intern, x250
Diane Yentel, President and CEO, x225