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## Native American Housing

### NLIHC and Native American Partners Send Letter to HUD Urging Targeted Funding

Together with more than 40 Native American leaders and housing authorities, NLIHC sent a [letter](#) on October 1 to HUD that provides recommendations on how to target new competitive housing grants to Native American communities with the greatest needs. Congress appropriated this \$100 million in competitive funds as part of the FY18 omnibus spending package and directed HUD to award grants based on need and capacity. Another \$100 million is included in the FY19 housing appropriations bill, which has not yet been enacted.

Native Americans living in tribal areas and remote Alaskan villages have some of the greatest housing needs in the U.S., with exceptionally high poverty rates, low incomes, overcrowding, lack of plumbing and heat, and unique development issues. Tribally designated housing entities (TDHEs) and tribal housing authorities are not eligible for traditional housing programs like Housing Choice Vouchers or public housing to address this extreme housing need. Instead, TDHEs receive housing funding through a formula-based block grant called the Indian Housing Block Grant (IHBG), which allows sovereign nations more control over their resources. Despite the pressing need for safe, decent, affordable homes, however, funding for the IHBG program has been underfunded for decades. This new competitive funding would allow TDHEs and tribal housing authorities to build and rehabilitate affordable homes for the lowest income American Indians and Alaska Natives.

Read the letter at: <http://bit.ly/2zRrvos>

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## U.S. Department of Homeland Security

### Homeland Security Posts Draft Rule on “Public Charge”

The U.S. Department of Homeland Security (DHS) posted the “public charge” [notice of proposed rulemaking](#) in the Special Filings section of the October 5 *Federal Register* Public Inspection page. Noncitizens seeking admission to the U.S., applying for lawful permanent resident status (green card), or seeking an extension of or changes to their non-immigrant status are subject to a review to determine whether they are, or might become, a public charge – someone likely to become primarily dependent on the government for subsistence. The Trump administration is proposing to expand the definition of public charge to include some forms of assisted housing, among other benefits.

The proposed rule is scheduled to be formally published in the *Federal Register* on October 10. The Protecting Immigrant Families (PIF) Campaign (see *Memo*, [10/1](#)) indicates that there do not appear to be any changes to the regulatory text from what was posted on the DHS website on September 22. PIF notes, however, that they have not yet carefully reviewed the preamble language of the 434-page draft. PIF is continuing to review the posted draft and will identify any changes.

PIF will be launching an updated [website](https://www.protectingimmigrantfamilies.org/) (<https://www.protectingimmigrantfamilies.org/>) on October 10 that will contain resources to help advocates understand and talk about changes to public charge policy. The website will also serve as a hub to drive unique comments to Regulations.gov. PIF will enable advocates to submit comments through a comment form available on the website. PIF also intends to provide a comprehensive social media toolkit to help advocates share their comments, broadly.

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### National Housing Law Project Provides Fact Sheet about DHS Proposed Inclusion of Assisted Housing as “Public Charge”

The National Housing Law Project (NHLP) has prepared a [fact sheet](#) describing changes proposed by the U.S. Department of Homeland Security (DHS) that would add public housing, housing vouchers, and project-based rental assistance to the “public charge” regulations. Noncitizens seeking admission to the U.S., applying for lawful permanent resident status (green card), or seeking an extension of or changes to their non-immigrant status are subject to a review to determine whether they are, or might become, a public charge – someone likely to become primarily dependent on the government for subsistence.

NHLP’s fact sheet explains what a public charge is, how a public charge determination is made, who would be affected by the rule, how the use of housing benefits would be evaluated when dealing with mixed-status households that have some members who are citizens, and the effects on other housing and homeless assistance programs.

Currently, the U.S. Citizenship and Immigration Services (USCIS) considers only non-cash assistance, such as Temporary Assistance for Needy Families (TANF) and Supplemental Security Income (SSI), in the determination of public charge. In addition to expanding the definition to include the three HUD programs, DHS is proposing to add the Supplemental Nutrition Assistance Program (SNAP, or food stamps), non-emergency Medicaid, the Medicare Part D Low Income Subsidy, and institutionalization for long-term care at government expense (see *Memo*, [10/1](#)). DHS is also considering adding the Children’s Health Insurance Program (CHIP) to the list.

The NHLP fact sheet is at: <https://bit.ly/2IECGno>

The Protecting Immigrant Families (PIF) “Advancing our Future Campaign,” co-chaired by the Center for Law and Social Policy (CLASP) and the National Immigration Law Center (NILC), has additional information at: <https://bit.ly/2OgCLTm>

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## Fair Housing

### NLIHC Urges Advocates to Comment on HUD’s AFFH “Streamlining” Proposal

NLIHC urges advocates to submit comments in response to HUD’s intent to “streamline” the Affirmatively Furthering Fair Housing (AFFH) rule. NLIHC encourages advocates to tell HUD to not change the AFFH rule until all 1,200 jurisdictions have had substantial experience with it over several years. NLIHC has prepared a [sample comment letter](#). A “[Comprehensive Assessment of HUD’s Streamlining AFFH ANPR](#)” offers more detail. For those unfamiliar with submitting comments, NLIHC also has [step-by-step instructions](#). Comments are due October 15.

Advocates may also refer to comments drafted by the [National Fair Housing Alliance](#), the [National Housing Law Project](#), and [PolicyLink](#), as well as a [joint sample letter](#) drafted by the National Housing Trust, Enterprise, LISC, and Stewards of Affordable Housing for the Future.

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 AFFH rule (see *Memo*, [8/20](#)). The ANPR asks the public to comment on eight sets of questions.

As a 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, repeating claims HUD made in its January 5 and May 23 *Federal Register* notices effectively suspending the AFFH rule. As NLIHC has written (see *Memo*, [5/21](#)), HUD is basing its claim on the experience of only the first 49 Assessment of Fair Housing (AFH) submissions. Eighteen of the 49 were accepted by HUD on initial submission and, according to HUD, 32 were ultimately approved. 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 the three *Federal Register* notices HUD issued on May 23 identified seven categories of problems with the Assessment Tool and gave a single example for each. NLIHC noted that, based on the examples, most of the “problems” could have been addressed very easily by using the AFFH rule’s process for HUD offering suggestions for curing a deficiency. And one of the problems HUD highlighted was an egregious violation of the public participation requirements 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>

NLIHC’s step-by-step instructions for submitting comments via regulations.gov are at: <https://bit.ly/2DVXwjR>

The National Fair Housing Alliance template letter is at: <https://bit.ly/2OxDZd7>

The National Housing Law Project’s sample comment letter is at: <https://bit.ly/2PnRCsH>

PolicyLink’s template letter is at: <https://bit.ly/2zPcgMT>

The Joint NHT, Enterprise, LISC, SAFH sample comment letter is at: <https://bit.ly/2zQJPOz>

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 Analysis of Impediments process is on [page 7-17 of NLIHC’s 2018 Advocates’ Guide](#).

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## California Enacts Affirmatively Furthering Fair Housing Law

California Governor Jerry Brown (D) on September 30 signed a [fair housing bill \(AB 686\)](#), sponsored by Assemblymember Miguel Santiago (D) of Los Angeles that will require California cities and counties to affirmatively further fair housing.

Starting on January 1, 2019, hundreds of cities, counties, and state agencies in California will have to take proactive measures to fix housing inequality related to race, national origin, color, ancestry, sex, marital status, disability, religion, and other protected characteristics. All cities and counties will have to reach out to and engage constituents on issues of inequity and discrimination in housing.

Beginning in 2021 this new law will require each city and county to include an analysis and action plan to combat housing discrimination as part of its General Plan. The General Plan, required by the state, serves as the

local government’s “blueprint” for how the local jurisdiction will grow and develop. The California Department of Housing and Community Development will be the agency providing guidance to jurisdictions on updating their General Plans and oversee that process.

The bill was co-sponsored by the National Housing Law Project, the Western Center on Law and Poverty, and Public Advocates.

Public Advocates’s press release in response to the signing of this bill is at: <https://bit.ly/2y1bTxH>

The bill’s text can be found at: <https://bit.ly/2DXEd9B>

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## **Take Action**

### **Join the National Housing Trust Fund Campaign Today!**

The upcoming year will be crucial to determining the future of the national Housing Trust Fund (HTF), the first new federal resource in a generation dedicated to building and preserving homes for the lowest income people in America. Housing finance reform legislation could be taken up by a lame duck Congress this fall or by the new Congress in 2019. Current legislation does not meet the \$3.5 billion threshold for HTF funding established in the bi-partisan Johnson-Crapo reform bill of 2014. Additionally, President Trump may appoint a new Federal Housing Finance Agency director who could once again suspend the statutorily required contributions by Fannie Mae and Freddie Mac to the HTF. Opportunities for a dramatic expansion of funding to the HTF are also arising, most notably through Senator Warren’s “[American Housing and Economic Mobility Act](#),” which would allocate \$44 billion each year to the HTF for ten years.

The HTF must be protected and expanded. The HTF is already funding the construction of homes for people who are homeless and families experiencing housing instability. NLIHC recently detailed how states are using their first allocations of HTF dollars in the report [Getting Started: First Homes Being Built with 2016 National Housing Trust Fund Awards](#).

To build on this progress and opportunity, NLIHC is re-invigorating the NHTF campaign. The original campaign had thousands of endorsing organizations, elected officials, and local governments prior to the establishment of the HTF in the Housing and Economic Recovery Act of 2008.

A new HTF campaign already has over 1,640 organizations that have signed on in support. Is your organization [on the list](#)? If not, endorse the campaign today at: <https://bit.ly/2I6pffL>

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## **Budget**

### **Congress Passes Opioid Legislation that Includes Housing Pilot Program to Assist People Recovering from Substance-Abuse Disorders**

The Senate passed on October 3 [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 Senate approved the bill by a vote of 98-1. The House approved the bill at the end of September. The bill will now go to President Trump for his signature.

The bill requires HUD to 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 will 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.

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## **Disaster Housing Recovery**

### **Hurricane Florence Disasters Housing Recovery Updates – October 9, 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 [10/1](#)). NLIHC also posts this information at [On the Home Front](#).

#### **General**

The Senate passed the “Federal Aviation Administration Reauthorization Act of 2018” on October 3 by a vote of 93-6. The bill, which passed in the House last week, included several disaster provisions and \$1.68 billion in disaster relief (see [Memo, 10/1](#)).

Representative George Holding (R-NC) introduced the “Hurricane Florence Tax Relief Act” ([H.R. 6854](#)), which provides several personal tax relief actions for those impacted by the storm.

A *New York Times* [piece](#) details the destruction of homes and the great amount of work that lies ahead for the Carolinas.

#### **North Carolina**

##### **FEMA**

FEMA [reports](#) that more than 22,000 North Carolina homeowners and renters have received housing assistance of some kind and 14,000 have received financial rental assistance. FEMA has completed almost 72,000 home inspections as part of the process to determine if an applicant is eligible for assistance.

##### **USDA**

Residents in Greene County, NC, are now also eligible for the Disaster Supplemental Nutrition Assistance Program (D-SNAP). A full list of participating counties and benefits can be found [here](#).

##### **State Government**



Governor Roy Cooper has [released](#) a set of principles for Hurricane Florence recovery that he hopes the North Carolina General Assembly will consider during its special convening to focus on Hurricane Florence recovery. The Governor's administration is still estimating the cost to enact the following principles: ensuring people's health, safety, and long-term well-being, including promoting affordable housing and providing wrap-around services; supporting and rebuilding more resilient communities, which includes establishing more affordable housing; supporting public schools; helping people get back to work; and helping state government support recovery.

As a result of the special convening, Governor Cooper [signed](#) several bills providing relief after Hurricane Florence. The legislation provides flexibility for schools, protects voter access, and allocates \$56.5 million for initial relief and recovery efforts.

Governor Cooper has [launched](#) a new program – [Back@Home](#) – to help those still in disaster shelters or unsafe, unstable environments to quickly transition to safe and sustainable longer-term housing. The program is for those receiving little or no Individual Assistance through FEMA and provides help finding a home, financial assistance, and other supplies and resources, as needed. The program is a partnership of several state agencies and nonprofits.

The North Carolina Office of the Governor is [encouraging](#) renters who face eviction or have been evicted to apply for disaster assistance from FEMA. Staff at recovery centers can help displaced renters find housing solutions.

## Local Perspectives & Resources

The [state NAACP](#) sent a letter to Governor Cooper and election officials, urging them to ensure those impacted by the storm do not lose access to the polls. Officials seemed to respond by including voter protections in recovery legislation.

Residents of the U.S. Marine base, Camp Lejeune, [report](#) unlivable conditions and a lack of responsiveness from the base's private housing manager.

The [North Carolina Housing Finance Agency](#) and the [North Carolina Coalition to End Homelessness](#) offer resources for hurricane survivors at their respective websites.

The NC Realtors Housing Foundation will provide \$550,000 for [housing assistance grants](#) to cover one month's rent or mortgage payments up to \$1,500. Applications can be found [here](#).

A local news source [reports](#) that as of October 3, 129 people remained in a Cumberland County shelter, which was scheduled to close on October 5. Although residents are eligible for Individual Assistance, Cumberland is not one of the nine counties where residents can apply for Transitional Shelter Assistance (TSA).

Hurricane Florence has exposed some of North Carolina's economic and racial divides. Many of the places impacted by the storm are home to some of the poorest communities in the state as well as sizeable Latinx and Native American communities. An [op-ed](#) from the North Carolina Budget and Tax Center advocates for equitable disaster recovery.

## South Carolina

### FEMA

Residents in Chesterfield and Darlington are now [eligible](#) to apply for Individual Assistance.

### State Government



The South Carolina Emergency Management Department developed an [interactive map](#) of photos of the damage. The imagery comes from NOAA, NASA, and the Civil Air Patrol.

## Local Perspectives & Resources

The non-profit group [Crisis Cleanup](#) can assist residents with cleaning up their properties following Hurricane Florence and the ensuing floods. Call (843) 212-0552 to register and be connected with local volunteers.

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## Additional Disaster Housing Recovery Updates – October 9, 2018

The following is a review of housing recovery developments related to Hurricanes Harvey, Irma, and Maria and the California wildfires since last week's *Memo to Members and Partners* (for the article in last week's *Memo*, see [10/1](#)). NLIHC also posts this information at [On the Home Front](#).

## Federal Response

### Congress

- Senators Chris Murphy (D-CT), Elizabeth Warren (D-MA), Bernie Sanders (I-VT), Bob Casey (D-PA), Michael Bennet (D-CO), Tammy Baldwin (D-WI), Tim Kaine (D-VA), and Tina Smith (D-MN) sent a [letter](#) to U.S. Senate Health, Education, Labor and Pensions (HELP) Committee Chair Lamar Alexander (R-TN), urging the Committee to hold hearings to assess the impact and challenges of Hurricanes Irma and Maria on the health and educational systems of Puerto Rico and the U.S. Virgin Islands.

### FEMA

- The Government Accountability Office's (GAO) *Watchblog* featured a [blog](#) on September 27 that provides an overview of how FEMA's Individual Assistance program works. The post features a [flowchart](#) outlining how the individual assistance, public assistance, and hazard mitigation assistance funds are activated and distributed. The blog post is based on a GAO [report](#) from May 2018 titled, *Individual Assistance Requests Often Granted but FEMA Could Better Document Factors Considered*.
- FEMA published a [Fact Sheet](#) with information on how people with disabilities can prepare for disasters. The Fact Sheet links to a Ready.gov resource page with [specific steps](#) that individuals with functional needs can take when planning for a disaster.

### HUD

- Enterprise Community Partners sent a [letter](#) to Neal Rackleff, assistant secretary for Community Planning and Development at the Department of Housing and Urban Development (HUD-CPD) outlining ten recommendations for maximizing HUD investments in disaster mitigation. The recommendations "seek to provide context, requirements, and incentives that would allow HUD and grantees to have a greater impact in reducing risk to natural hazards for a generation or more."
- A [toolkit](#) for recipients of Community Development Block Grant-Disaster Recovery (CDBG-DR) funds is available through the HUD Exchange website. The toolkit, which includes guidance on how to launch and implement CDBG-DR programs, was developed by ICF and HUD based on their work with CDBG-DR grantees.

## Local Perspectives

- An [article](#) in *Bloomberg BNA* discusses multiple new laws enacted to “give new power to the fire marshal to enforce fire-safe zoning measures; require insurers to report on rate increases, surcharges, and denials in high-risk fire areas; and mandate battery backups in garage door openers.” *The Bohemian*, a northern California periodical, also reported on the [28 fire-related bills](#) passed by the California state legislature since the October 2017 wildfires.
- According to an [article](#) in *Capitol Weekly* on the federal and state responses to the 2017 California wildfires, FEMA received 25,425 registrations for interim housing, of which only 866 were fulfilled. The article points to the state’s existing shortage of affordable housing stock as exacerbating the challenges of locating adequate and affordable temporary housing after the disasters.
- An [article](#) in *CityLab* discusses the possibility of flaws in the method of distribution ([MOD](#)) used by the Texas General Land Office in its [Harvey Action Plan](#), which distributed funds based solely on storm impact, not taking into account how pre-existing community needs may have contributed to worse conditions. According to the article, the “three cities with the highest black populations are also the three cities with the very lowest funding, . . . and those cities had a lot of people who were impacted who were extremely low income.”

## Resources

- DisasterLegalAid.org - a collaboration between Pro Bono Net, Lone Star Legal Aid, and the Equal Justice Works Disaster Recovery Legal Corps - will host two webinars in October:
  - The first [webinar](#), “Community-Based Strategies and Lawyering in the Wake of Natural Disasters,” will take place on October 11 at 3:00 p.m. ET. The speakers are Ariadna Godreau-Aubert and Mariel Quíñones Mundo of [Ayuda Legal Puerto Rico](#) and Jean-Luc Adrien, Equal Justice Works Disaster Recovery Legal Corps fellow at [Community Justice Project](#). To register, click [here](#).
  - The second [webinar](#), “Ready, Willing, & Able: Organizing the Legal Community’s Response to Disasters,” will take place on October 24 from 4:00 to 5:00 p.m. ET. To register, click [here](#).
- Ayuda Legal PR, which provides education and free, accessible legal assistance to low income persons in Puerto Rico, recently launched a new website, [RecuperacionJustaPR](#). The Spanish-language website includes resources and information on how advocates and citizens can participate in upcoming public hearings to determine the use of close to \$20 billion in CDBG-DR funds for long-term reconstruction of communities affected by the 2017 disasters.

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## Our Homes, Our Votes

### Absentee and Early Voting Are Options for Low Income Residents

Election Day, November 6, is right around the corner. Many of us already have our voting plans set, but low income people face many challenges in getting to the polls to vote, including inflexible work schedules, childcare requirements, and transportation issues. Two solutions: early and absentee voting. Learn more about early and absentee voting at NLIHC’s [Our Homes, Our Votes](#) website and the National Council of State Legislatures’ [up-to-date state-by-state guide to absentee and early voting](#).

Absentee ballots can be requested by residents who are unable to get to the polls on Election Day in every state. In some states, there is no reason required for absentee voting, and voters have the option to vote by absentee ballot or to vote before Election Day. Providing information about early and absentee voting to the low income

individuals you serve is a great way to help increase voter turnout. NLIHC's *Our Homes, Our Votes* project has a [fillable checklist](#) to help you plan your work around absentee and early voting.

Your local Board of Elections can provide detailed information on laws in your state. For early voting, consider holding ballot parties where voters gather to vote as a group, perhaps after a discussion of affordable housing issues. Where it is allowed, you might want to send volunteers to gather early voting ballots and submit them to your local clerk's office.

*Our Homes, Our Votes* has [many resources](#) on nonpartisan voter mobilization and "get-out-the-vote" activities. Make your plan today!

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## Opportunity Starts at Home

### Census Bureau Unveils "Opportunity Atlas"

The Census Bureau, in conjunction with Raj Chetty and Nathan Hendren from Harvard University and John Friedman from Brown University, unveiled its "[Opportunity Atlas](#)" on October 1, which provides unprecedented neighborhood-level data showing where children have the best chance of climbing the income ladder as adults. Through an interactive [map](#), users can search any neighborhood in the country.

Researchers looked at the adult earnings of over 20 million children and used census/tax data that linked each child with his/her parents. This linkage enabled researchers to trace outcomes (such as adult earnings and incarceration rates) to the neighborhoods in which the children were raised. Almost all children born in America between 1978 and 1983 are covered. Prior efforts provided this information at the county level, but the newest Opportunity Atlas now makes it available at the neighborhood level, which could enable policymakers to formulate approaches street-by-street, block-by-block. Overall, the data reveal that the neighborhoods in which children grow up have a substantial causal effect on their chances of upward income mobility as adults.

"Children who grow up a few miles apart in families with comparable incomes have very different life outcomes," the study's authors explain. "Moving to a better neighborhood earlier in childhood can increase a child's income by several thousand dollars."

On average, these higher-opportunity neighborhoods are more expensive, but there are several areas that researchers labeled "opportunity bargains" that produce solid outcomes without extremely high rents (note: researchers deemed "affordable" neighborhoods as those that have two-bedroom median rents under \$1,500 per month).

Just because a neighborhood has positive outcomes for one racial group, however, does not mean it has equally positive outcomes for other racial groups. Earnings and incarceration rates can vary dramatically for white, black, and Hispanic men even when they are raised in the same neighborhoods. White men experience better upward income mobility than black men virtually everywhere in the country. Both white and black boys experience better [outcomes](#) in low-poverty neighborhoods, but the gaps persist. This persistent disparity suggests that race in and of itself plays a significant role – differences in outcomes cannot be explained by just neighborhoods or parental income alone.

This robust and nuanced data set could inform the decision-making of policymakers, practitioners, and advocates, particularly in terms of housing policy. For example, when complemented with current local indicators, these data could help reveal whether housing voucher holders are segregated into areas offering little upward mobility. The data could help pinpoint the siting of new affordable housing developments in

neighborhoods that offer stronger outcomes, and they could help identify persistently struggling neighborhoods that require deeper and more prolonged interventions.

Please follow the [Opportunity Starts at Home](#) multi-sector affordable housing campaign on all social media platforms: [Twitter](#), [Instagram](#), [Facebook](#), and [LinkedIn](#).

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## HUD

### Modified MTW Operations Notice Published for Comment

HUD published a modified Moving to Work (MTW) Demonstration Program “[Operations Notice](#)” on October 5 that establishes requirements for the implementing the MTW demonstration program for public housing agencies (PHAs) applying for one of the 100 new MTW slots authorized in 2016. The original Operations Notice was published on January 23, 2017.

The “Consolidated Appropriations Act of 2016” authorized HUD to expand the MTW Demonstration Program to an additional 100 high performing PHAs over a seven-year period. PHAs will be added to the MTW demonstration in annual cohorts, each of which will be overseen by a research advisory committee to ensure the demonstrations are evaluated with rigorous research protocols, quantitative analysis, and comparisons to control groups. Each year’s cohort of MTW sites will be directed by HUD to test one specific policy change.

NLIHC submitted comments regarding the draft Operations Notice for Expansion of the MTW Demonstration Program (see *Memo*, [5/8/17](#)). Among other comments, NLIHC conveyed strong opposition to the inclusion of work requirements, time limits, and major changes to rent policies among possible “conditional waivers” in the draft Operations Notice.

According to HUD, the revised Operations Notice has seven primary changes. The most notable change is that HUD has removed what the draft Notice called “Conditional Waivers” (listed in Appendix B of the draft Notice), as well as “General Waivers” (listed in Appendix A of the previous Notice). In their place, HUD will have “MTW Waivers.” The revised Notice states that “MTW Waivers” are described in an Appendix, but that Appendix is not yet available. NLIHC contacted HUD and was informed that the version of the revised Operations Notice sent to the *Federal Register* mistakenly did not include the Appendix. HUD intends to correct this in the coming days.

The October 5 version of the Operations Notice indicates that the Appendix will list the available waivers and associated activities of the new “MTW Waivers” category. The Appendix will also include “safe harbors” that identify additional requirements a PHA must follow to carry out MTW activities without needing HUD approval. The Appendix will also include specific guidance regarding analyses of impacts on residents and hardship policies.

The October 5 version also explains that PHAs may request “Agency-Specific Waivers.” There will be two categories of Agency-Specific Waiver requests:

1. A request to waive a statutory or regulatory requirement, or to implement an activity that is not listed in the Appendix.
2. A request to expand an activity that is in the Appendix outside the listed safe harbor.

As with the draft Operations Notice, there will be “Cohort-Specific Waivers” specified in forthcoming “Selection Notices.” For example, just prior to January 23, 2017, HUD published PIH Notice 2017-1 requesting PHAs to apply for MTW status as part of the first cohort (see *Memo*, [1/23/17](#)). But HUD withdrew PIH Notice 2017-1 prior to formal publication on January 23, 2017.

The October 5 *Federal Register* notice states that the public has until November 19 to comment on the revised Operations Notice. Given that the crucial Appendix is not available, however, NLIHC assumes a new comment due date will be published.

NLIHC will provide further descriptions and analysis in future issues of *Memo to Members and Partners*.

The October 5 *Federal Register* notice version of the revised Operations Notice is at: <https://bit.ly/2OzgJvx>

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## **HUD Videos on Uniform Relocation Act and on Section 104(d) Relocation Compensation Available in Both English and Spanish**

HUD's English-language [URA Overview Video](#) is now available in [Spanish](#). This animated video provides a brief overview of the Uniform Relocation Assistance (URA) and Real Property Acquisition Policies Act and its impact on HUD programs and projects. In addition, English and Spanish versions of a brief, animated overview video on the [Housing and Community Development Act of 1974 Section 104\(d\)](#) related to relocation compensation for displaced households are now available.

Section 104(d) of the Housing and Community Development Act of 1974 was introduced by former Representative Barney Frank (D-MA) in response to displacement of households caused by jurisdictions' use of Community Development Block Grant (CDBG) funds. In its final enacted form, Section 104(d) provides somewhat better compensation for renters displaced by both CDBG and HOME Investment Partnerships Program projects.

HUD's Real Estate Acquisition and Relocation webpage is at: <https://bit.ly/2NoJ031>

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## **Research**

### **Harvard Joint Center Evaluates Two Approaches for Measuring Housing Cost Burdens**

A paper from the Harvard University Joint Center for Housing Studies (JCHS), [Measuring Housing Affordability: Assessing the 30 Percent of Income Standard](#), compares two different measures of housing cost burdens: the common 30% housing cost-to-income ratio and the residual income approach. The paper finds that the two measures produce similar metropolitan area-wide rates of cost burden overall, but the 30% standard significantly underestimates cost burdens for the lowest income households and families with children and overestimates cost burdens for higher income households and single-person households.

The widely used 30% housing cost-to-income standard assumes that households will have difficulty affording other necessities if they spend more than 30% of their income on housing costs. This assumption, however, has two problems. Non-housing living expenses vary with the number and ages of household members, and most necessary household expenses do not rise with income. Therefore, larger families with children and those with extremely low incomes often can't afford to spend as much as 30% of their incomes on housing without sacrificing other necessities, while small households and those with higher incomes can spend more than 30%. The benefit of using this standard, however, is that data on housing costs and household incomes are readily available for every jurisdiction across the country.

The residual income approach to measure cost burdens subtracts necessary expenses like food, transportation, health care, childcare, taxes, and savings from the householder's income to determine the remaining income available for housing. If housing costs exceed the amount left over ("residual income"), then the household is considered housing cost-burdened, or "shelter poor." Residual income, or the amount households can afford to

pay for housing, varies by household composition and income level. The dilemma with this measure, however, is that data are more complex and difficult to locate for every jurisdiction.

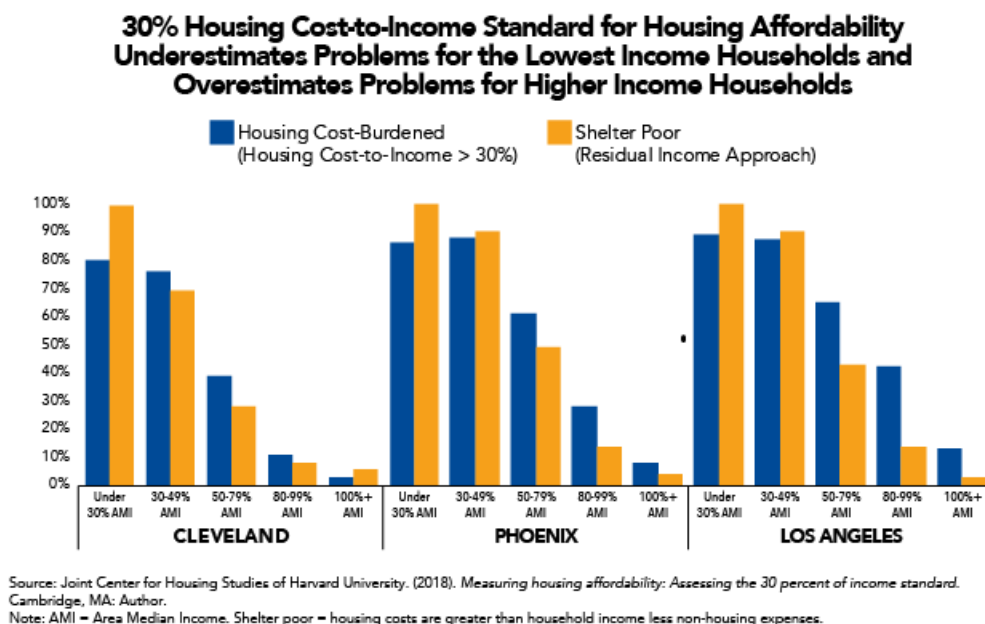
The JCHS paper compares both affordability measures across three metropolitan areas with housing costs varying from high to low—Los Angeles, Phoenix, and Cleveland. Overall, the two approaches produce similar metropolitan area-wide cost burden rates. The residual income approach, however, produces higher cost-burden rates for the lowest income renters and lower rates for the highest income renters when compared to the 30% housing cost-to-income standard. For extremely low income renters (those earning less than 30% of area median income), rates of cost burden under the residual income approach were 10 to 19 percentage points higher than under the 30% standard. In fact, extremely low income renters in the three metropolitan regions had no income remaining for housing costs after paying for other household necessities, regardless of household size. The residual income approach reveals lower rates of cost burdens for single-person households, except for the lowest income individuals, and higher rates for families with children for all income levels, likely due to the high costs of childcare.

The 30% standard provides a reasonably accurate depiction of housing cost burdens, but other measures and data can clarify housing cost burdens when crafting policy. While the residual income approach potentially offers a more precise estimation of who experiences housing cost burdens, the approach can be difficult to use due to limited data and is still not precise, because costs of food, healthcare, and other necessities vary greatly by households of similar incomes and composition. Some families with children, for example, may have childcare expenses, while other families with similar incomes may rely on relatives or friends for free or less expensive childcare.

*Measuring Housing Affordability: Assessing the 30 Percent of Income Standard* is available at: <https://bit.ly/2OuOEVW>

## Fact of the Week

### Higher Rates of Poorest Households Have Insufficient “Residual Income” for their Housing than Are “Housing Cost-Burdened” by Standard Measure





## From the Field

### Arlington Partnership for Affordable Housing Makes Voter Registration a Core Component of its Work

The Arlington Partnership for Affordable Housing (APAH), a community-based nonprofit developer in Arlington, VA, has made civic engagement and nonpartisan voter registration a core part of its general programming for the organization's 15 properties with 1,300 homes. APAH has made an organizational commitment that all residents in its properties be registered to vote and that time and resources be dedicated to this effort. APAH is optimistic about achieving this goal and helping more of its residents vote this year.

APAH partners with local organizations and volunteers from groups like the NAACP, the League of Women Voters, and others in the community. The organization provides access to its properties so that trained voter registration volunteers can go door-to-door, and it puts tables in building lobbies for volunteers to perform in-person voter registration. These volunteers provide residents help in completing their voter registration forms and answering any questions they may have. APAH ensures this work is nonpartisan and nonpolitical; no stickers, political paraphernalia or other campaign-related materials can be distributed by volunteers. Voter registration volunteers make it as easy as possible for residents to understand why they need to vote and how to do so. Where possible, APAH handles the paperwork for voter registration and helps residents submit it.

One barrier faced by many residents is the time it takes to vote, and APAH understands that time is a commodity for its residents, who often work multiple jobs. In addition to voter registration, APAH posts in every property the rules and dates for early and absentee voting as well as information about where, when and how to vote. Information about voter registration, early and absentee voting, and polling places are included in all property events, like food distribution days.

APAH also understands all the supports low income residents need to vote on Election Day. As the election approaches, each property posts reminders about where polling places are located and phone numbers residents can call to arrange rides to the polls. On Election Day itself, the properties host parties to celebrate participating in the electoral process

Because some residents are non-citizens, APAH pairs its voter-registration work with a "know your rights" effort. Trained volunteers from local partners like Casa de Virginia are provided tables to help non-citizen residents learn about their rights, including paths to citizenship.

"Low income people don't vote as much," said Jose Quinonez, APAH's director of community impact. "Yes, it's because they are disenfranchised, and they don't register. But they're too busy too. This is an easy thing for us to do. It's our way to say: we're with you and we want to support you. We will help you know your rights. We will help you if you want to vote so you can vote. We hope that other nonprofit developers see this as part of their mission like we do. The more we facilitate civic engagement in their lives and the more we participate in the electoral process and are counted, the more we are advancing the issue of affordable housing."

Moving forward, APAH will brainstorm new methods to engage its residents in the elections, such as considering the incorporation of voter registration in their resident welcome and intake processes.

Election Day is Tuesday, November 6, and NLIHC's [Our Homes, Our Votes](#) website has tools and resources to help organizations engage in nonpartisan voter engagement efforts. The [resources](#) walk you through how to incorporate nonpartisan voter registration into your agency's regular activities with residents, plan voter



registration efforts, and bring voter registration drives into the communities you serve. Voter registration deadlines vary from state to state—and many are coming up soon. To find the voter registration deadlines in your state, go to: <https://bit.ly/2PCNIB9>

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## **NLIHC in the News**

### **NLIHC in the News for the Week of September 30**

The following are some of the news stories that NLIHC contributed to during the week of September 30.

- “America’s Affordable Housing Crisis Isn’t Just Hitting Cities,” *The Huffington Post*, October 2 at: <https://bit.ly/2IAjCGQ>
  - “Two Hurricanes Lay Bare the Vulnerability of America's Poor,” *Scientific American*, October 1 at: <https://bit.ly/2OGrjAN>
  - “Living in the U.S.: At What Cost?,” *Architectural Record*, October 1 at: <https://bit.ly/2IHjJfV>
  - “Affordable housing to join mix in downtown Phoebus,” *Daily Press*, October 1, at: <https://bit.ly/2IHaWhZ>
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## **NLIHC News**

### **Where to Find Us – October 9**

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

- [Georgia ACT Affordable Housing Conference](#), Atlanta, GA, on October 10
  - [NCSHA's 2018 Annual Conference & Showplace](#), Austin, TX, on October 16
  - [Neighborhood Partnerships Conference](#), Salem, OR, on October 22
  - [Utah’s 14<sup>th</sup> Annual Homelessness Summit](#), Salt Lake City, UT, on October 25
  - [Utah Housing Matters Conference](#), Ogden, UT, on November 7
  - [Facing Race: A National Conference](#), Detroit, MI, November 8-9
  - [Maine Affordable Housing Coalition Conference](#), Portland, ME, on November 14
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## **NLIHC Staff**

Sonya Acosta, Policy Analyst, x231  
Andrew Aurand, Vice President for Research, x245  
Anissa Balderas, Field Intern, x252  
Victoria Bourret, Housing Advocacy Organizer, x244  
Josephine Clarke, Executive Assistant, x226  
Dan Emmanuel, Senior Research Analyst, x316  
Ellen Errico, Creative Services Manager, x246  
Justin Godard, Housing Advocacy Organizer, x233  
Ed Gramlich, Senior Advisor, x314  
Paul Kealey, Chief Operating Officer, x232  
Mike Koprowski, Director, Multisector Housing Campaign, x317  
Joseph Lindstrom, Manager, Field Organizing, x222  
Lisa Marlow, Communications Specialist, x239

Sarah Mickelson, Senior Director of Public Policy, x228  
Khara Norris, Director of Administration, x242  
Dina Pinsky, Research Intern, x249  
Catherine Reeves, Development Coordinator, x234  
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