

Volume 25, Issue 43
October 26, 2020

In This Issue:

USICH

- USICH Releases Strategic Plan Ignoring Decades of Evidence on the Causes of and Solutions to Homelessness

Fair Housing

- Advocacy Organizations File Lawsuits Over HUD Revisions to the Disparate Impact Rule

Our Homes, Our Votes: 2020

- Protecting and Preparing Voters
- New Resources from Our Homes, Our Votes: 2020 - Voter Pledge Card and Voter Guide Template Now Available

Coronavirus, Disasters, Homelessness, and Housing

- Senate Fails to Pass “Targeted” Coronavirus Relief Bill as Negotiations between Speaker Pelosi and White House Continue

Disaster Housing Recovery – Congress

- Bipartisan Bill Would Create Independent Board to Investigate and Improve Disaster Response and Recovery

Coronavirus – Resources

- IRS Extends Deadline to Apply for Economic Impact Payments to November 21

Coronavirus – HUD

- HUD PIH Does Not Count \$400 Extra Unemployment Benefit as Income
- HUD PIH and Multifamily Issue Guidance on CDC Eviction Moratorium
- HUD Posts Update to “Questions and Answers for Office of Multifamily Housing Stakeholders: Coronavirus (COVID-19)”

Coronavirus – Treasury

- Treasury Department Updates Coronavirus Relief Fund FAQs

Coronavirus, Disasters, Housing, and Homelessness – Other

- Join NLIHC’s National Call on Coronavirus, Disasters, Housing, and Homelessness Today at 2:30 pm ET
- Recording Available of NLIHC’s October 19 National Call on “Coronavirus, Disasters, Housing, and Homelessness”
- Additional Coronavirus Updates - October 26, 2020
- Additional Disaster Housing Recovery Updates - October 26, 2020

Racial Equity

- Representative Beatty Introduces Bill to Block Trump Administration’s Executive Order on Race and Sex Stereotyping

Opportunity Starts at Home

- Campaign Revamps Website to Amplify Racial Equity

Congress

- Senate Budget Committee Releases Report Calling for Streamlining of “Duplicative” HUD Housing Programs

HUD

- HUD PIH Guidance Urges PHAs to Avoid Excess Voucher Reserves
- NLIHC Summary and Analysis of HUD’s Final Section 3 Rule Now Available

Research

- New Evidence Shows Evictions Have Lasting Negative Health Outcomes
- Study of Housing and Transportation Costs Finds Suburbs Most Costly, but Low-Income Renters Struggle Everywhere

Fact of the Week

- Renters Much More Likely than Homeowners to Experience Food Insecurity

From the Field

- Texas Scorecards Track Local Efforts to Prevent Evictions and Keep Localities Accountable

NLIHC News

- NLIHC Seeks Manager/Director of Media Relations and Communications

NLIHC in the News

- NLIHC in the News for the Week of October 18

USICH

USICH Releases Strategic Plan Ignoring Decades of Evidence on the Causes of and Solutions to Homelessness

The United State Interagency Counsel on Homelessness (USICH) released on October 19 a [new strategic plan](#) that is deeply flawed and ill-informed, ignoring decades of evidence on the causes of and solutions to homelessness and undermining successful programs. NLIHC joined nine other national housing organizations in a [sign-on letter](#) responding to the plan and noting its shortcomings.

The plan ignores the structural causes of homelessness – including the severe lack of affordable, accessible housing for the lowest-income people, racism, and the growing gap between what renters make and what housing costs – and uses cherry-picked data to undermine successful policies. USICH Director Robert Marbut has a [demonstrated history](#) of using false claims to advance an ideological agenda that frames homelessness as a “personal failing” rather than the result of an inequitable system.

“This is a plan in name only,” the letter from the ten national housing/homelessness organizations states. “It does not contain the interventions proven to reduce and end homelessness, which have been embraced by administrations on both sides of the aisle. The vast majority of what has been proposed cannot be implemented by the agency. The document continues to leverage data that has been widely disproven by experts.”

NLIHC’s President and CEO Diane Yentel also [rebuffed](#) the plan, noting people experiencing homelessness “deserve, at the very least, for [USICH] to make serious efforts to end homelessness. This plan from [Director Marbut] is entirely unserious and should be broadly dismissed.”

Read the sign-on letter at: <https://tinyurl.com/y4rgbqkw>

Read Diane Yentel’s Twitter thread on the strategic plan at: <https://tinyurl.com/y6mnngxe>

Fair Housing

Advocacy Organizations File Lawsuits Over HUD Revisions to the Disparate Impact Rule

Advocacy organizations from across the country have [filed lawsuits](#) challenging HUD’s revisions to the final Disparate Impact rule that shifted the burden of proof from housing providers, financial institutions, and insurance companies to the victims of discrimination. These lawsuits are the latest efforts by advocates to oppose the administration’s rollback of protections under the Fair Housing Act and the 2013 Disparate Impact Rule. HUD’s final rule would tip the scale in favor of those accused of discrimination, making it virtually impossible for victims to prove they were discriminated against.

The National Fair Housing Alliance (NFHA), the NAACP Legal Defense and Educational Fund, Inc. (LDF), Fair Housing Advocates of Northern California, and BLDS, LLC filed their lawsuit against HUD with the U.S. District Court for the Northern District of California. The motives for this lawsuit are outlined in a press release that states, in part:

The lawsuit filed by NFHA, LDF, Fair Housing Advocates of Northern California, and BLDS, LLC asserts the Trump administration **acted improperly in implementing the final “disparate impact rule.”** It alleges that HUD **violated the Administrative Procedures Act** by taking final agency action that is arbitrary and capricious, is in excess of statutory authority, and is not in accordance with law. Among other allegations, the complaint alleges that **the final rule is not a product of reasoned**

decision-making and will undermine the purposes of the Fair Housing Act. The complaint also alleges that **HUD failed to respond adequately to the public comments** submitted in response to the proposed rule.

Open Communities Alliance (OCA) and SouthCoast Fair Housing of Massachusetts and Rhode Island have also filed a lawsuit with the United States District Court for the District of Connecticut. Their statement details the harmful effects that the final rule would have:

If HUD succeeds in eliminating the current protections of the Fair Housing Act, a number of discriminatory practices could go unchecked, including: **exclusionary zoning**, landlords could **evict survivors of domestic violence** under policies punishing tenants for criminal activity in their homes or for calling the police; landlords could **deny housing to anyone with any type of prior criminal record**; public housing authorities could be prevented from giving housing vouchers to low-income people seeking to live in other neighborhoods, perpetuating **racial segregation**; and landlords could choose to rent out apartments by the room or impose overly restrictive occupancy limits, effectively **shutting out families with children**.

The disparate impact concept allows individuals to show that a housing policy or program has a discriminatory impact on them because of their race, national origin, sex, disability, family status (have children), or religion – even if the policy or program appears to apply to everyone equally on its face. For more than 50 years, HUD has interpreted the Fair Housing Act to prohibit housing policies or practices that have a discriminatory effect, even if there was no apparent attempt to discriminate. HUD’s final rule drastically changes the three-step burden-shifting standard established in 2013, replacing it with a set of tests that places the burden entirely on the victims of discrimination.

HUD’s newly imposed standard would also provide cover for those accused of discrimination to deny their role. This is particularly true in instances when individuals or entities utilize software, technology, or models to justify denying access to housing. HUD’s job is to protect families, not provide additional opportunity for providers to exclude them and justify such exclusion for profit.

NLIHC issued a [detailed analysis](#) prior to the rule being published in the *Federal Register* (see *Memo*, [09/08](#)). The final rule goes into effect today, October 26.

The lawsuits are the latest of rejections by advocates of HUD’s discriminatory rulemaking and their continuous push for non-emergency rulemaking by advocates (see *Memo*, [04/20](#)). NLIHC will continue to inform Members and Partners of the status of these lawsuits and responses from the administration.

Read the [full statement](#) and [complaint](#) filed by NFHA, LDF, Fair Housing Advocates of Northern California, and BLDS, LLC.

Read the [full statement](#) and [complaint](#) filed by OCA and SouthCoast Fair Housing of Massachusetts and Rhode Island.

Read an advanced version of HUD’s final Disparate Impact Rule at: <https://bit.ly/354th5S>

The *Federal Register* version of HUD’s final Disparate Impact Rule is at: <https://tinyurl.com/y5omyvps>

NLIHC’s analysis of the final Disparate Impact Rule is at: <https://bit.ly/32eGmYu>

More about disparate impact is on [page 7-8](#) of NLIHC’s [2020 Advocates’ Guide](#)

Our Homes, Our Votes: 2020

Protecting and Preparing Voters

On Election Day, registered voters will cast their ballots, and it is critical that they know their rights when head go to the polls. Voters should: 1) make a plan to vote; 2) be in line before the polls close; 3) know their polling location; 4) bring identification if required; and 5) reach out if there are problems.

Make a Plan to Vote

NLIHC's [Our Homes, Our Votes: 2020](#) state pages have links to state voting agencies as well as some of the expectations for voting. [Vote 411](#), a project of the League of Women Voters also helps voters prepare to vote early or vote on Election Day with helpful information on the rules for a given state. Voters should know about ID requirements in advance. If registering at the polls, voters should find the information on what to bring with them to do so successfully. Voters can also check the status of their registration at state elections agencies through links that are found at the [Our Homes, Our Votes: 2020](#) state pages or [Vote 411](#).

Be in Line Before the Polls Close

All registered voters have the right to vote. This year, millions of voters will vote by mail or through early voting. Those who choose to go to the polls in person have the right to vote so long as they are in line before the polls close. Voters should double check the times the polls close and make a plan to get there in time. It is important to inform voters that they can vote as long as they are in line at the time of poll closing. They do not need to be in the building at the time of closure – they only need to be in line. They should not leave the line if asked to do so.

Know the Polling Location

Registered voters must go to their assigned polling location in order to vote. Sometimes these locations can change. This year, some voting locations, such as those in schools or senior centers, may have been closed due to the COVID-19 pandemic. Voters should check their registration card to see where they are assigned to vote. Vote 411 has links to state election offices to check [voter registration status](#) and many states also list polling locations.

Bring ID if Required

Voter identification laws vary by state but it is important that a voter bring appropriate ID as required to vote. An up-to-date resource on voter ID laws, including how to vote without an ID, can be found on the [Our Homes, Our Votes: 2020](#) state pages. [Vote Riders](#) is an organization that provides excellent information on identification requirements, also offering free assistance to voters in all states who need help getting a voter ID. They can be reached through the National Voter ID Hotline at 844-338-8743.

Any voter who is not able to vote because they do not have appropriate ID should request a provisional ballot. This will allow them to provisionally cast their vote while they work with election officials to resolve any questions regarding eligibility. Provisional ballots are usually used in the case of a recount.

Reach Out if There Are Problems

If a voter experiences a problem voting, they should call one of the following **FREE** voter hotlines:

- 1-866-OUR-VOTE
- 1-888-Ve-Y-VOTA (en Español)

- 1-88-API-Vote (Asian multilingual assistance)
- 1-844-Yalla-US (Arabic)

The voter protection hotlines should be used for any voters who experience intimidation or harassment at the polls, if they feel they have been unlawfully denied the right to vote, or if they witness misinformation or violence at the polling locations.

For more information on voter protection and voter suppression, NLIHC's voter mobilization webinar, [Protecting Low Income People from Intimidation](#), provides important background and concrete tips.

New Resources from *Our Homes, Our Votes: 2020* - Voter Pledge Card and Voter Guide Template Now Available

Two new resources are now available on the resources page of the *Our Homes, Our Votes 2020* website: 1) a sample voter pledge card to help voters make a plan to vote and 2) a sample voter guide template. Much of the content of a voter guide is specific to various states, so plan on working with local and state organizations for additional information. Find both new resources [here](#).

Coronavirus, Disasters, Homelessness, and Housing

Senate Fails to Pass “Targeted” Coronavirus Relief Bill as Negotiations between Speaker Pelosi and White House Continue

The Senate failed to pass a “targeted” relief bill by a vote of 51-44 on October 21. The bill, totaling approximately \$519 billion, proposed additional funding to hospitals and schools, expanded unemployment benefits, and money for small business loans, but included nothing for housing or homelessness. While negotiations between House Speaker Nancy Pelosi (D-CA) and the White House continue, the speaker signaled that a relief bill is unlikely to pass before the November 3 elections, even if negotiators are able to reach a deal in the coming days.

Speaker Pelosi noted the process of drafting legislative text and having a bill reviewed by the Congressional Budget Office and legal counsel before being brought to the floor for a vote is time consuming, and with fewer than two weeks before the election there is little time to get it done. Senate Majority Leader Mitch McConnell (R-KY) reportedly advised the White House against reaching a deal on a large-scale relief package before the election.

Communities are struggling to meet the urgent needs of people experiencing homelessness who are at greater risk of severe illness, hospitalizations, and death due to coronavirus. NLIHC and other experts estimate that without federal intervention, [30 to 40 million renters](#) are at risk of losing their homes when the federal eviction moratorium expires at the end of the year. In the meantime, small landlords who rely on rental income to maintain and operate their properties will increasingly struggle to pay their bills.

The time for political games and brinkmanship has long passed. Every day of inaction puts more low-income renters at risk of losing their homes. The White House and Congress should continue to negotiate and quickly enact a relief package that includes critical resources to keep renters stably housed and address the housing and health needs of people experiencing homelessness.

Disaster Housing Recovery – Congress

Bipartisan Bill Would Create Independent Board to Investigate and Improve Disaster Response and Recovery

A [bipartisan bill](#) creating an independent board to oversee the country’s response to disasters has been introduced in both the House and Senate. The “Disaster Learning and Life Saving Act of 2020” would create the National Disaster Safety Board. The board would investigate disaster-caused losses of life and major property damage and release standardized reports and recommendations on how such things can be avoided in the future. The bill is sponsored by Senator Brian Schatz (D-HI) and Senator Bill Cassidy (R-LA) in the Senate and Representative Katie Porter (D-CA) and Representative Garret Graves (R-LA) in the House. The legislation has also been endorsed by national organizations – including NLIHC – working at the federal level to improve and reform the disaster recovery system.

The National Disaster Safety Board (NDSB) is modeled on the National Transportation Safety Board (NTSB) that investigates plane crashes, major railroad accidents, and commercial highway accidents. The NDSB would focus on how best to improve disaster recovery systems to avoid future loss of life and major property damage, rather than working to assign specific blame for disaster failures. The legislation also ensures that reports and recommendations would be publicly available and tasks the board with providing technical assistance to jurisdictions attempting to implement them.

“With climate change causing more frequent and severe natural disasters, we need more data to make sure our communities are resilient and prepared to respond to the next crisis,” said Senator Schatz. “Our bill creates a new independent board to investigate major natural disasters and gives policymakers and the public a full accounting of what happened and what should happen next.”

Low-income households commonly experience the worst effects of disasters while also receiving the least amount of assistance to recovery afterward. By attempting to find the underlying causes of such catastrophes and implementing improvements the NDSB would lessen the risk experienced by low income households during major disasters.

A fact sheet on the Disaster Learning and Life Saving Act of 2020 is at: <https://bit.ly/2HqFaJN>

The text of the bill is at: <https://bit.ly/2HtSAV0>

Coronavirus – Resources

IRS Extends Deadline to Apply for Economic Impact Payments to November 21

The Consumer Financial Protection Bureau (CFPB) is alerting people who do not normally file income taxes that the Internal Revenue Service (IRS) has extended to November 21 the deadline to apply for a CARES Act Economic Impact Payment (EIP). Millions of people who do not normally file income taxes are eligible to receive EIP, commonly referred to as a stimulus check. The IRS [Non-Filers tool](#) will be available through November 21.

CFPB released a guide, [Helping Consumers Claim the Economic Impact Payment: A Guide for Intermediary Organizations](#). The *Guide* contains step-by-step information for direct service providers and community organizations to help “non-filers” apply to receive EIP. CFPB also has flyers in [English](#) and [Spanish](#).

Coronavirus – HUD

HUD PIH Does Not Count \$400 Extra Unemployment Benefit as Income

HUD’s Office of Public and Indian Housing (PIH) clarified that public housing agencies (PHAs) must exclude from resident income calculations the \$400 per week (or in some states \$300 per week) extra unemployment benefit allowed under a [Presidential Memorandum](#) (PM) issued on August 8. This clarification is in an October 20 “[PIH Announcements](#)” emailed to a PIH listserv.

The PM authorized a \$400 per week of additional unemployment benefit paid to claimants through the Federal Emergency Assistance Agency (FEMA) [Lost Wages Assistance Program](#). FEMA contributes 75% (\$300) and a state may contribute the remaining 25% (\$100). Some states have opted to pay only the federal portion of \$300 per week, while other states have opted to pay the federal portion plus the state portion that results in \$400 per week.

PIH explains that FEMA assistance does not usually count as income. PIH will more formally add this to a future FAQ update, but in the meantime PHAs and residents may use the October 20 email as authorization of the \$400 per week exclusion. PIH recently issued updated Frequently Asked Questions, FAQs, (see *Memo*, [10/13](#)) so it will be awhile before this guidance is in a future FAQ update.

It should be noted that HUD’s Office of Multifamily Housing Programs has yet to provide similar guidance. Multifamily very recently published updates to its equivalent of PIH’s FAQ update (see separate article in this issue of *Memo*).

“PIH Announcements” (October 20) is at: <https://bit.ly/2TgD7ul>

More about public housing is on [page 4-30](#) of NLIHC’s *2020 Advocates’ Guide*.

More about Housing Choice Vouchers housing is on [page 4-1](#) of NLIHC’s *2020 Advocates’ Guide*.

HUD PIH and Multifamily Issue Guidance on CDC Eviction Moratorium

Two HUD offices, the Office of Public and Indian Housing (PIH) and the Office of Multifamily Housing Programs (Multifamily), issued guidance regarding the temporary eviction moratorium order from the Centers for Disease Control and Prevention (CDC) (see *Memo*, [9/8](#), [9/14](#)). The CDC eviction moratorium ends on December 31. Both offices issued the same nine basic items of guidance, with only slight modifications reflecting their respective programs. The PIH guidance is in the form of [Frequently Asked Questions \(FAQs\)](#) posted as a standalone document on October 19. The Multifamily guidance is in that office’s eighth update of [Questions and Answers](#) posted on October 14 (see separate article in this issue of *Memo*).

The second item (EM-CDC 2 for PIH/Q2 for Multifamily) clarifies that the CDC eviction moratorium order does not require public housing agencies (PHAs), Housing Choice Voucher landlords, or Multifamily owners and agents to notify residents about the CDC eviction moratorium or what residents need to do in order to be protected from eviction. However, HUD strongly encourages them to notify their residents that the CDC

eviction moratorium exists and that residents must complete and deliver a declaration form to the PHA, landlord, or owner in order to secure the temporary eviction protection.

The second item strongly recommends that PHAs, landlords, and owners who intend to terminate a resident's HUD assistance, document that they have informed the resident of the temporary eviction protection while the order is in effect (until December 31).

(EM-CDC 4 for PIH/Q4 for Multifamily) reminds residents that they still owe rent and must use best efforts to make timely partial payments that are as close to the full payment as their individual circumstances permit. HUD encourages PHAs, landlords, and owners to consider entering into repayment agreements for all outstanding payments with residents facing financial difficulties during the pandemic. Multifamily/Q3 differs by adding that although the CARES Act eviction moratorium has expired, the prohibition on charging fees or related penalties for late or nonpayment of rent continues to apply to Multifamily properties in CARES Act forbearance (see *Memo*, [4/20](#)).

(EM-CDC 5 for PIH/Q5 for Multifamily) clarifies that each adult listed on a lease, rental agreement, or housing contract should complete the declaration. The declaration may be signed and provided to a PHA, landlord, or owner either electronically or as a hard copy. HUD recommends residents send their signed declaration using a method that has a time-stamped receipt, such as email, and that residents keep a copy of the signed declaration for their records.

(EM-CDC 6 for PIH/Q6 for Multifamily) states that residents are allowed to use a declaration translated into other languages. HUD indicates that the CDC cannot guarantee that declarations in other languages satisfy the requirement to submit a declaration. However, declarations in languages other than [English](#) are compliant if they contain the information required to be in a declaration. HUD has [translated versions](#) of the declaration available on its website (see *Memo*, [10/13](#)). NLIHC also has the declaration along with a fact sheet in 13 languages plus English on its [National Moratorium](#) website.

(EM-CDC 7 for PIH/Q7 for Multifamily) notes that while the CDC order requires residents to sign the declaration certifying that they have “used best efforts to obtain all available government assistance for rent or housing,” residents may consider their participation in a HUD rental assistance program when determining whether they have made their best effort to obtain government assistance.

(EM-CDC 8 for PIH/Q8 for Multifamily) clarifies that PHAs, landlords, and owners are not required to verify the certifications in a resident's declaration.

PIH's *Centers for Disease Control and Prevention (CDC) Eviction Moratorium FAQs for HUD's Office of Public and Indian Housing* is at: <https://bit.ly/3mbvJN0>

Multifamily Questions and Answers for Office of Multifamily Housing Stakeholders: Coronavirus (COVID-19) is at: <https://bit.ly/2Te9Bp0>

More about public housing is on [page 4-30](#) of NLIHC's *2020 Advocates' Guide*.

More about Housing Choice Vouchers housing is on [page 4-1](#) of NLIHC's *2020 Advocates' Guide*.

More about Multifamily housing is on [page 4-61](#) of NLIHC's *2020 Advocates' Guide*.

HUD Posts Update to “Questions and Answers for Office of Multifamily Housing Stakeholders: Coronavirus (COVID-19)”

HUD's Office of Multifamily Housing Programs (Multifamily), which oversees contracts with private owners of HUD-assisted properties, issued its eighth update to "[Questions and Answers for Office of Multifamily Housing Stakeholders: Coronavirus \(COVID-19\)](#)" on October 14. The previous update was on July 31 (see *Memo*, [8/10](#)). The latest version updates nine questions and adds 13 new questions, nine of which address the CDC Eviction Moratorium Order (see "HUD PIH and Multifamily Issue Guidance on CDC Eviction Moratorium" in this issue of *Memo*). This article highlights five updated questions and one new question most relevant to residents and advocates.

Emergency Preparedness

Q2 (page 3) is updated to reflect newer guidelines from the Centers for Disease Control and Prevention (CDC) [for multifamily housing](#).

Resident Health

Q3 (pages 3-4) is updated, providing guidance about preventing the spread of coronavirus in multifamily housing when there is a confirmed case of COVID-19 at a property. It links to [CDC guidelines for multifamily housing](#), reminds owners and agents to maintain the confidentiality of the sick resident as required by several laws, and states that residents with confirmed or suspected COVID-19 should not be evicted on the ground that they might pose a health and safety threat to other residents.

Asset Management

Q1 (page 21) updates the status for conducting Real Estate Assessment Center (REAC) physical inspections. Q1 refers to a [Memorandum](#) from August 10 announcing HUD's intent to resume physical inspections on or about Monday, October 5 (see *Memo*, [8/17](#)). HUD will give priority to states and localities where inspections are likely to begin, based on the latest COVID-19 public health data. REAC has developed a guide that lists states and localities according to four risk categories: Low Risk: Green, Moderately Low Risk: Yellow, Moderately High Risk: Orange, and High Risk: Red. HUD will give priority to properties not assessed in the last three years and properties identified as high-risk. A [list of counties categorized by risk level](#) is posted on the [REAC website](#) and updated weekly.

Q2 is updated to reflect the resumption of REAC inspections. Normally if a property receives a Notice of Violation or Notice of Default (NOV/NOD) an owner or agent is required to perform a 100% unit inspection of the property and respond to HUD with the results and a plan to address the deficiencies within 60 days. Even if an owner/agent is having difficulty getting into units due to the pandemic, HUD will not grant an extension or waiver of the 100% unit inspection requirement. HUD will continue to review and approve or deny owner repair plans when all deficiencies cannot be corrected within 60 days. Q2 provides details of what an owner/agent must do. Multifamily advises owner/agents to document any resident's refusal to allow access and cite the resident's reasons(s).

Q3 (page 22) is updated to allow Performance-Based Contract Administrators (PBCAs) and HUD staff to conduct on-site Management and Occupancy Reviews (MORs) without entering residents' homes through December 31.

Policy and Operations: Tenant Income Recertifications

A new Q11 (page 27) clarifies that hazard pay for agreeing to work during the pandemic is generally counted in the resident's income calculation. Multifamily advises owners and agents to consider whether the pay increase is temporary or recurring when determining whether hazard pay will trigger an income reexamination in accordance with HUD Handbook 4350.3, REV-1 and the owner's written recertification policies.

“Questions and Answers for Office of Multifamily Housing Stakeholders: Coronavirus (COVID-19)” is at: <https://bit.ly/2HhYitz>

More about Project-Based Rental Assistance is on [page 4-46](#) of NLIHC’s *2020 Advocates’ Guide*.

Coronavirus – Treasury

Treasury Department Updates Coronavirus Relief Fund FAQs

The U.S. Treasury Department published an update to [Coronavirus Relief Fund Frequently Asked Questions](#) on October 19. Questions A. 57–59 and B.13 were added and Questions A. 42, 49, and 53 were revised. Only answer 58 will be of potential interest to Memo readers.

Because Treasury guidance can sometimes be imprecise, answer 58 is presented here in full, with key text in bold:

May payments from the Fund be used for real property acquisition and improvements and to purchase equipment to address the COVID-19 public health emergency?

The expenses of acquiring or improving real property and of acquiring equipment (e.g., vehicles) may be covered with payments from the Fund in certain cases. For example, Treasury’s initial guidance referenced coverage of the costs of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs, as an eligible use of funds. Any such use must be consistent with the requirements of section 601(d) of the Social Security Act as added by the CARES Act.

As with all uses of payments from the Fund, the use of payments to acquire or improve property is limited to that which is necessary due to the COVID-19 public health emergency. In the context of acquisitions of real estate and acquisitions of equipment, this means that the acquisition itself must be necessary. In particular, a government must (i) determine that it is not able to meet the need arising from the public health emergency in a cost-effective manner by leasing property or equipment or by improving property already owned and (ii) maintain documentation to support this determination. Likewise, an improvement, such as the installation of modifications to permit social distancing, would need to be determined to be necessary to address the COVID-19 public health emergency.

Previous guidance [from May 4, see current A. 28] regarding the requirement that payments from the Fund may only be used to cover costs that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 **focused on the acquisition of goods and services and leases of real property and equipment, but the same principles apply to acquisitions and improvements of real property and acquisitions of equipment. Such acquisitions and improvements must be completed and the acquired or improved property or acquisition of equipment be put to use in service of the COVID-19-related use for which it was acquired or improved by December 30.** Finally, as with all costs covered with payments from the Fund, such costs must not have been previously accounted for in the budget most recently approved as of March 27, 2020.

Many advocates and some local and state governments had hoped to use some Coronavirus Relief Funds (CRF) to acquire disused hotels or other structures to convert them to homeless facilities in order to supplement existing homeless facilities that had to house fewer people due to the need for social distancing in order to avoid spreading coronavirus. However, initial (April 22) Treasury guidance, “Coronavirus Relief Fund Guidance for

State, Territorial, Local, and Tribal Governments,” defined costs “incurred” differently than HUD: “A cost is “incurred” when the responsible unit of government has **expended** funds to cover the cost.”

The updated (September 2) guidance “[Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments](#)” elaborates on “incurred” over pages 2-4. However, the examples primarily relate to leasing facilities or providing goods and services, not acquisition and improvements to real property such as hotels or other structures. The closest the updated guidance gets is identifying as an example of “eligible expenditures” is “expensed for care of homeless populations,” which in context implies “services” not housing.

The timeframe required to acquire and convert a property to house homeless people is generally quite long, not to mention beginning to house homeless people in time to meet the December 30 deadline. Given that reality most state and local governments had to give up the idea.

Coronavirus Relief Fund Frequently Asked Questions is at: <https://bit.ly/3m1HuWu>

Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments is at: <https://bit.ly/37sPOKN>

Coronavirus, Disasters, Housing, and Homelessness – Other

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

Join today’s (October 26) national call on coronavirus, disasters, housing, and homelessness, at 2:30-4 pm ET. We will be joined by Max Weinstein of the Massachusetts Attorney General’s office to discuss their efforts enforcing state and national eviction moratoria and protecting renters. We will also cover increased eviction filings by corporate landlords, updates to the *Framework for an Equitable COVID-19 Homelessness Response*, the latest developments on coronavirus relief negotiations on Capitol Hill, get updates from the field, and more.

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

See the full agenda [here](#).

Recording Available of NLIHC’s October 19 National Call on “Coronavirus, Disasters, Housing, and Homelessness”

During the most recent national call on [coronavirus, disasters, housing, and homelessness](#), we heard updates from the field, discussed increasing housing stability and equity using the *Framework for an Equitable COVID-19 Homelessness Response*, learned about NLIHC’s non-partisan voter engagement campaign, and shared insights from NLIHC’s research team about tracking rent relief programs.

We received field updates from North Dakota, Florida, and Massachusetts. Shawnel Willer of the [North Dakota Housing Finance Agency](#) discussed how the state is addressing COVID-19 among people experiencing homelessness. Gladys Cook from the [Florida Housing Coalition](#) shared information about the federal and local [responses](#) to the damage from Hurricane Sally. Eric Shupin of the [Citizens’ Housing and Planning Association of Massachusetts](#) discussed the affordable housing and eviction crisis in the state.

Sarah Hunter from the [National Innovation Service](#) shared information about the [Framework for an Equitable COVID-19 Homelessness Response](#)'s recently released [marginalized populations briefs](#), a series of population-specific briefs summarizing ideas and recommendations on reforming the homelessness system from ten historically-marginalized communities who have experienced homelessness.

Joey Lindstrom discussed NLIHC's [Our Homes, Our Votes](#) campaign, which works with housing providers and organizations to increase voter engagement among low-income renters and advocates. Andrew Aurand and Rebecca Yae from NLIHC's research team provided insights on their tracking of state and local emergency rental assistance programs. NLIHC is [tracking 414 programs](#) across 41 states; only 3% of programs target extremely low-income residents and about 30% of all programs have closed after running out of funding. NLIHC's Sarah Saadian discussed the state of negotiations on a COVID-19 relief bill and the need for emergency rental assistance resources.

NLIHC hosts national calls on Coronavirus, Disasters, Housing, and Homelessness every week. On today's call, we will be joined by Max Weinstein of the Massachusetts Attorney General's Office to discuss the state's efforts to enforce eviction moratoria and protected renters. Register for today's call (Monday, October 26 at 2:30 pm ET) at: <https://tinyurl.com/ru73qan>

Watch a recording of the October 19 call at: tinyurl.com/yyraubts

Access presentation slides at: tinyurl.com/y69o92k2

Additional Coronavirus Updates - October 26, 2020

National Updates

Reporting

[MarketWatch](#) answers four lingering questions about the CDC eviction moratorium. NLIHC President and CEO Diane Yentel discusses the CDC guidance on the order, noting the FAQ puts more power back in the hands of landlords.

[Reuters](#) discusses the surge in displacement and homelessness that will occur in January if Congress and the White House do not pass a coronavirus relief package that includes financial assistance for tenants and landlords.

[Marketplace](#) examines how without additional federal coronavirus relief aid, renters are struggling to keep up with their payments. According to the latest Marketplace-Edison Research Poll, 64% of Americans fear they will miss a rent payment, putting them at risk of losing their home.

The [Private Equity Stakeholder Project](#) reports that despite the CDC eviction moratorium, eviction filings by corporate landlords in the counties it tracks nearly doubled last week (October 12-18) compared to the prior two weeks.

[Marketplace](#) reports that a Georgia property owner is among those challenging the CDC eviction moratorium.

The [Hechinger Report](#) examines how seven months into the pandemic, many families are going without basic needs. With help slow to come from Washington, meeting basic needs like food and shelter has become a daily challenge for families.

Northern District of Georgia Judge J.P. Boulee heard arguments on October 20 in the New Civil Liberties Alliance's [lawsuit challenging the CDC's authority](#) to impose the eviction moratorium. Leslie Vigen of the

Department of Justice argued in defense of the CDC eviction moratorium, saying that “invalidating the order would result in millions of evictions through the country leading into the winter flu season.”

As the U.S. faces a looming eviction crisis, housing advocates and policymakers are calling for [right to counsel policies](#) that provide all tenants free legal representation in eviction court. Advocates are turning to New York City, where evictions have [decreased by 40%](#) since renters were guaranteed legal representation in court.

State and Local News

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

Alaska

As of October 15, epidemiologists have identified 313 COVID-19 cases among [people experiencing homelessness in Anchorage](#), with 19 of those cases occurring in the past 10 days. CDC officials issued a series of recommendations for how Anchorage could improve its response to the spread of the coronavirus among people experiencing homelessness.

Arkansas

Despite the CDC eviction moratorium, [eviction filings in Arkansas](#) are increasing. Thousands of Arkansas residents remain unemployed and some have either exhausted or do not qualify for rental assistance.

California

Governor Gavin Newsom on October 16 announced the release of [\\$30.7 million](#) in the fifth round of awards for Project Homekey. With this round of awards, California has provided all available Homekey funding – more than \$627 to 45 applicants and 71 projects totaling 4,646 units.

The [Milpitas City Council](#) voted unanimously on October 15 to send a letter to Santa Clara County, asking that it halt plans to convert a 146-room hotel into 132 studio apartments for people experiencing homelessness. The \$29.2 million project will be funded through California’s Project Homekey. Mayor Rich Tran threatened to sue California over the rushed plans, frustrated that the state would bypass local control, and dozens of residents protested the plans, citing safety concerns.

[Marin County](#) is close to acquiring two commercial buildings to house people experiencing homelessness using Project Homekey funds, but it is still developing a plan for winter sheltering. As Project Roomkey winds down, Marin County is working to find permanent housing for the individuals who were temporarily sheltered in three local motels.

The [San Jose City Council](#) approved a plan to keep emergency shelters operating this winter and unanimously voted to purchase a 72-unit hotel to use as supportive housing for individuals experiencing homelessness.

Colorado

Governor Jared Polis on October 21 signed an [executive order](#) reinstating the statewide eviction moratorium less than one week after he [banned late fees](#) for Colorado renters through the end of the year. The executive orders follow the release of a [report by the Special Eviction Prevention Task Force](#).

Connecticut

An op-ed in the [New Haven Independent](#) discusses the dangers facing unsheltered individuals this upcoming winter as coronavirus cases continue to grow. The article details what steps policymakers, service providers, and advocates must take to protect individuals experiencing homelessness this winter and beyond.

Florida

The [Florida Housing Finance Corporation](#) on October 16 presented program updates on the \$250 million COVID-19 Impacted Households Program funded through the Coronavirus Relief Fund (CRF). The program provides rental and mortgage assistance to tenants living in Florida Housing's multifamily and special needs developments and other affected homeowners and renters throughout Florida.

Illinois

Governor J.B. Pritzker on October 16 announced he plans to extend [Illinois' eviction moratorium](#) for another month. "Nothing really has changed in terms of the effect of COVID-19 and its effect on the economy, its effect on people's jobs and their ability, or inability, to pay their rent or mortgage," said Governor Pritzker.

Indiana

On behalf of the Hoosier Housing Needs Coalition, Andrew Bradley of Prosperity Indiana and Laura Berry, president of the Board of Directors of the Indiana Balance of State Continuum of Care, co-authored a [blog post](#) expressing concern that restrictions on Indiana's reopened Rental Assistance Portal will prevent Hoosiers from accessing much-needed resources.

Interested in learning more about how eviction continues to take a toll on renters in Indiana's most vulnerable communities? Hear from local experts about Hoosiers' experience with eviction, eviction's role within the larger landscape of housing insecurity, and the legal implications of eviction in Indiana. Register for part one of the Hoosier Housing Needs Coalition's three-part webinar series, "[Evicted in Indiana](#)."

Massachusetts

[Representative Ayanna Pressley](#) (D-MA) called on Governor Charlie Baker to take immediate action and extend the eviction moratorium. "With a stroke of a pen, Governor Baker could prevent the looming eviction tsunami in the Commonwealth this Saturday – or he could fail to act and stand by as thousands of families impacted by the public health crisis and economic fallout lose their homes," said Representative Pressley.

[Attorney General Maura Healey](#) on October 16 called on Governor Charlie Baker to extend the pandemic eviction moratorium. She applauded the governor's Eviction Diversion Initiative but urged him to extend the moratorium until the resources under the plan are fully available to all residents. Attorney General Healey also noted that the federal eviction is narrower in scope than the state moratorium was and more complex to qualify for.

The [Metropolitan Area Planning Council](#) estimates 60,000 renter households across Massachusetts fear "[imminent eviction](#)" after the state's eviction moratorium expired on October 17. The housing advocacy group City Life/Vida Urbana estimates the number to be closer to 100,000 renter households.

Advocates are concerned about the [rise in the number of unsheltered women](#) in Boston. Sandy Mariano of Rosie's Place, a shelter and community center for women, believes there has been a 75% surge in people living unsheltered in Boston, and the rise in the number of women is "clearly observable."

Minnesota

[NBC News](#) reports seven people who were evicted from homeless encampments in Minneapolis this year and had their property destroyed filed a lawsuit in the U.S. District Court of Minnesota claiming that their constitutional rights were violated. The lawsuit seeks to stop homeless encampment sweeps in the city parks.

Nevada

Nevada has altered several requirements to simplify the [application process for emergency rental assistance](#). Nevada's Rural Housing Authority already adopted a simplified application model and more assistance was distributed during the first week of the program than the entire month of September.

New Mexico

After a recent COVID-19 outbreak at the [Westside Homeless Shelter in Albuquerque](#), the city is conducting contract tracing but struggling to reach individuals who may have come in contact. The shelter is not accepting new people, and people who are being turned away from the shelter are sent to other shelters or given hotel vouchers if there no other options.

The [New Mexico Mortgage Finance Agency](#) will begin accepting applications for the new [COVID-19 Housing Cost Assistance Program](#) on Monday, November 2. The program will provide mortgage and rental assistance to New Mexicans impacted by COVID-19.

New York

Judge Debra James issued a [temporary restraining order](#), preventing New York City from forcing more than 200 men experiencing homelessness from the Lucerne Hotel. Mayor Bill de Blasio announced the move after Upper West Side NIMBYs threatened to sue the city over its decision to temporarily house people experiencing homelessness at a local hotel during the pandemic.

Advocates with [Legal Services of the Hudson Valley](#) are concerned about a surge of evictions when the federal moratorium expires at the end of the year. Since the eviction moratoriums were enacted, the organization has seen instances where landlords have sent threatening letters, turned off essential services, refused to address hazardous living conditions, and employed other illegal tactics to force tenants out of their homes.

North Carolina

Since North Carolina's emergency rental and utility assistance program opened on October 15, [over 11,000 people have applied](#) for aid, with over 9,100 being eligible for assistance (as of October 20). The [Housing Opportunities and Preventing Evictions](#) (HOPE) program utilizes \$117 million in federal CARES Act resources.

Ohio

While homeless shelters in [Cuyahoga County](#) dodged devastating COVID-19 outbreaks by enacting mitigation strategies, an eviction crisis and homelessness epidemic looms as emergency rental assistance funds dwindle and the federal eviction moratorium expires at the end of the year.

The [Columbus Dispatch](#) reports federal and local eviction prevention assistance is dwindling rapidly. Housing advocates continue to call on Ohio officials to allocate a portion of its remaining federal Coronavirus Relief Fund dollars toward rental assistance and eviction prevention.

Oklahoma

The [Oklahoma Policy Institute](#) reports that nearly half of adults in Oklahoma believe they are likely to be evicted or foreclosed upon in the next two months. Data show that eviction filings and orders have increased in Oklahoma even after the CDC moratorium took effect on September 4, and residents remain at risk for eviction through the end of the year.

Oregon

Four months after the Oregon Legislature's Emergency Board allocated \$60 million in federal Coronavirus Relief Fund dollars to provide rental assistance, the [majority of funds](#) have not been distributed. According to a

[report](#) from Oregon Housing and Community Services, approximately 38% of the funds had been distributed to 7,431 households by October 2, while another 11% has been committed to specific households but not yet paid.

Despite the pandemic and wildfires, [homelessness remains the most concerning issue](#) for Portlanders and much of the region. According to a new poll, many surveyed voters in the region also say their communities are headed in the wrong direction in addressing homelessness.

[KGW8](#) reports amid the COVID-19 pandemic and devastating wildfires, Salem’s homelessness crisis is challenging, complex, and growing worse.

Tennessee

Chattanooga Mayor Andy Berke’s office presented a plan to the City Council on October 20 that would use more than \$1 million in Community Development Block Grant – Coronavirus (CDBG-CV) funds to [convert a local hotel property](#) into an emergency hotel shelter.

Texas

During the past two weeks, organizers with Building and Strengthening Tenant Action (BASTA) have placed [10,000 plastic signs](#) on the doors of renters living in buildings where landlords have filed evictions in the past several months. The door hangers, translated in English and Spanish, direct tenants to a website where they can learn about tenants’ rights and current eviction protections.

[Spectrum News](#) spoke with Willie Hodge, a Dallas resident who was evicted 15 years ago for nonpayment of rent, who shared about the lasting mental health effects eviction has had on his life.

Virginia

With stimulus talks stalled in Washington, [shelter providers in Richmond](#) fear a surge in homelessness when the federal eviction moratorium expires at the end of the year.

Richmond, Henrico County, and Chesterfield County are partnering with the [Greater Richmond Continuum of Care](#) to help those at imminent risk of homelessness by housing individuals in hotel rooms and connecting them to food assistance, mental health services, and permanent housing. [Richmond Mayor Levar Stoney](#) recently announced plans for sheltering people experiencing homelessness.

The [James City County Social Services](#) Housing Unit has received two grant awards from the CARES Act for the homeless emergency response program, including [\\$129,630](#) for rapid re-housing and [\\$90,141](#) for a non-congregate, winter shelter.

Washington

[Early findings](#) from a study of King County’s initiative to move people out of shelters and into hotel rooms demonstrate the [efforts helped slow the transmission](#) of the coronavirus. Individuals who moved to area hotels also reported improved physical and mental health, as well as the ability to focus on long-term goals rather than solely focusing on day-to-day survival.

Wisconsin

The [Milwaukee Journal Sentinel](#) lists agencies offering eviction prevention assistance, including rental assistance and legal aid.

Guidance

Department of Housing and Urban Development

[CDC Eviction Moratorium: FAQs for HUD's Office of Public and Indian Housing](#) – Updated October 19

[COVID-19 Homeless System Response: Alternative Approaches to Winter Sheltering During COVID-19](#)

[COVID-19 Homeless System Response: ESG-CV Reporting Guidance](#)

[COVID-19 Homeless System Response: Primer on Serving People with High-Acuity Needs](#)

[Register Today: Using CDBG-CV to Address Housing Instability Webinar on November 3, 2020](#)

Department of Treasury

[Coronavirus Relief Fund: Frequently Asked Questions](#) – Updated October 19

Additional Disaster Housing Recovery Updates - October 26, 2020

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

Hurricanes Laura & Delta

FEMA on October 17 announced President Donald Trump approved a [Major Disaster Declaration](#) for Louisiana, making federal disaster assistance available to residents of Acadia, Calcasieu, Cameron, Jefferson Davis, and Vermilion parishes affected by Hurricane Delta. State and federal officials are encouraging Louisiana residents who suffered losses from Hurricane Delta to register for disaster assistance with FEMA as soon as possible. If residents previously applied for FEMA assistance after Hurricane Laura, they [must register again for Delta assistance](#).

FEMA released a [statement](#) reminding Hurricane Laura survivors that FEMA grants are not taxable income and will not affect eligibility or benefits received for other federal aid.

[KPLC](#) reports more tenants are being evicted from their Lake Charles apartments in the aftermath of Hurricanes Laura and Delta. The Ridge complex and the Villa, which houses seniors, are among the latest apartments to inform their residents that they must leave and remove their belongings by the end of the month. Some residents report that their apartments show no evidence of damage from the hurricanes.

The [New York Times](#) reports that after Hurricanes Laura and Delta, Lake Charles residents and officials fear the city's cries for help have gone unheard.

Lake Charles evacuees are being [forced from FEMA-funded hotels](#) in New Orleans after being told their homes, many of which have been damaged or destroyed by Hurricanes Laura and Delta, are livable. The Red Cross told evacuees temporarily residing in hotels that their homes must be inspected by FEMA before they can ask the Louisiana National Guard to relocate them.

The [Advocate](#) reports the state of Louisiana recently restarted bus trips to and from the Alexandria shelter, New Orleans, Lake Charles, and Texas, where evacuees have been scattered after Hurricanes Laura and Delta. Some evacuees who have been residing in state-provided hotels received text messages on October 17 notifying them

that their hotel room will “come to an end” on October 20, leaving them scrambling to find shelter since their homes were destroyed by Hurricane Laura.

In the first of a three-part series on Hurricane Laura and Hurricane Delta recovery, [Southerly Magazine](#) examines how the hurricanes have made it more difficult for Lake Charles’ Black residents to vote.

Hurricane Michael

[WFSU](#) reports permanent housing remains out of reach for many low-income residents two years after Hurricane Michael. According to a FEMA spokesperson, 98 households in Bay County still occupy trailers through FEMA’s Direct Temporary Housing Assistance Program. Many families who are not living in FEMA trailers still lack permanent housing, with Bay District Schools counting 3,500 students who were homeless at the end of last school year.

Wildfires in the West

California

FEMA on October 16 announced President Trump approved a [Major Disaster Declaration](#) for California, making federal disaster assistance available to certain counties affected by the wildfires.

FEMA released a [statement](#) saying wildfire survivors can apply for federal assistance even if they are insured. Disaster assistance may be able to fill insurance gaps or provide help if survivors have been waiting more than 30 days on a homeowner’s claim. The deadline for registering with FEMA is November 23.

The [LA Times](#) reports the Trump administration denied a request from Governor Gavin Newsom for a major presidential disaster declaration. President Trump [reversed the decision](#) several hours later after a direct appeal from Governor Newsom.

Oregon

The [USDA announced](#) on October 16 that low-income Oregon residents enduring the ongoing wildfires could be eligible for much-needed assistance from the USDA’s Disaster Supplemental Nutrition Assistance Program (D-SNAP).

Four weeks after the Almeda fire devastated the cities of Phoenix and Talent, [thousands of people are still without homes](#), with some staying at hotels, at the fairgrounds, or sleeping in cars and tents. “We need to give people a place to call home for now while we develop permanent solutions,” says Laz Ayala, the founder of KDA Homes. “We need something better than sleeping in cars, tents, and shelters.”

An op-ed in the [Oregonian](#) urges Governor Kate Brown and all public officials to ensure that rebuilding efforts in Talent and Phoenix bring home the households that were displaced by the wildfires and create more affordable housing that the communities desperately need.

Racial Equity

Representative Beatty Introduces Bill to Block Trump Administration’s Executive Order on Race and Sex Stereotyping

Representative Joyce Beatty (D-OH) introduced on October 16 [H.R.8595](#), a bill to nullify President Trump’s [Executive Order 13950](#) which seeks to “combat offensive and anti-American race and sex stereotyping and scapegoating” and end so-called “divisive concepts” related to racial equity, diversity, and inclusion.

NLIHC signed onto a [letter](#) with the National Racial Equity Working Group on Housing and Homelessness condemning the Executive Order. Understanding how historical and ongoing racism impacts every facet of American life – especially housing and homelessness – is fundamental to addressing and ultimately ending racial inequities. This order threatens to worsen racial disparities and fails to equip federal employees and contractors with the information necessary to effectively do their jobs. For HUD-funded homeless service providers, this order will interrupt efforts to improve services and outcomes for historically marginalized and underserved communities.

See Diane Yentel’s Twitter thread on the Executive Order at: <https://tinyurl.com/yyzt329a>

The sign-on letter is still open for both organizational and individual signatories. Read the letter and join at: <https://tinyurl.com/yypc265l>

Opportunity Starts at Home

Campaign Revamps Website to Amplify Racial Equity

The *Opportunity Starts at Home* multi-sector affordable homes campaign recently unveiled website changes that amplify the importance of racial equity in its housing advocacy work. Updated mission, vision, and goal statements are now prominently featured on the [homepage](#), along with a new banner highlighting the campaign’s commitment to racial justice and the need for policy action. Clicking on the banner takes visitors to a [new page](#) which explains how decades of structural racism have created dramatic racial disparities in housing and how that legacy continues to shape the present landscape. Specifically, the page discusses:

- How racial disparities manifest in terms of housing affordability, housing segregation, housing quality, homelessness, and wealth building, as well as which historical policies caused these disparities in the first place;
- How racial disparities in housing spill over into other sectors, such as education;
- How some modern-day policies and practices, while not explicitly racist, in effect continue to exacerbate racial inequities;
- How the campaign’s federal policy agenda could help advance racial equity and ensure that people most in need receive the most help.

Additionally, the campaign has updated its [fact sheet](#) on the nation’s housing crisis, including more data on the disproportionate impact on people of color. These various changes were designed and built in consultation with the campaign’s Racial Equity Working Group, which includes leading national organizations from housing, education, health, food security, faith, civil rights, child welfare, social work, and criminal justice.

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

Congress

Senate Budget Committee Releases Report Calling for Streamlining of “Duplicative” HUD Housing Programs

Republicans on the Senate Budget Committee released on October 22 a [report](#) calling for the streamlining of “duplicative” HUD housing programs. The report proposes “merging programs,” claiming that doing so would extend funding for housing programs and ultimately serve more people.

The report’s analysis, however, ignores [meaningful differences](#) in HUD housing programs that alter who the program is able to serve. For example, the report claims the HOME Investments Partnership Program (HOME) and National Housing Trust Fund (HTF) are “overlapping programs that should be consolidated or streamlined,” but omits the fact HTF better serves extremely low-income people – those earning less than 30% of area median income (AMI) – by more deeply targeting resources.

Under the HTF, 75% of funds for rental housing must go to extremely low-income households, while the HOME program specifies 90% of rental units constructed with HOME funding must serve households with incomes at or below 60% AMI. Ninety percent of HTF allocations must be used for deeply affordable rental housing, while HOME does not have any such restrictions – a state or local government could devote 100% of HOME resources to helping people earning 80% of AMI purchase a home. Additionally, while HOME is funded through appropriations, the HTF is funded through a dedicated source of revenue on mandatory federal spending and is therefore not subject to the annual appropriations process.

NLIHC’s President and CEO Diane Yentel testified at the Senate Budget Committee Roundtable on Federal Housing Assistance Programs in September (see *Memo*, [9/21](#)). When asked by Committee Chairman Mike Enzi (R-WY) about the consolidation of federal programs, Diane cited the mortgage interest deduction – 75% of which has been used to help higher-income people purchase a home – as an example of poor alignment, and noted that “scarce federal resources should be targeted towards those with the greatest needs. When it comes to housing, it is very clear the greatest needs exist among the lowest-income people – extremely low-income people and people experiencing homelessness. So, the more we can realign federal housing programs to meet the needs of those low-income renters, the better the federal dollars will be used.”

Read Diane Yentel’s testimony before the Budget Committee at: <https://tinyurl.com/y5jggeyy>

View the Senate GOP’s report at: <https://tinyurl.com/yxjphxjo>

HUD

HUD PIH Guidance Urges PHAs to Avoid Excess Voucher Reserves

HUD’s Office of Public and Indian Housing (PIH) issued [Notice PIH 2020-29](#) providing tools and guidance to help public housing agencies (PHAs) avoid excessive reserves of Housing Choice Voucher (HCV) funds. The *Notice* observes that in recent years HCV reserves held by PHAs have increased. Reserves are an accumulation of unspent budget authority obligated to PHAs for voucher Housing Assistance Payments (HAP).

PIH notes that while a reasonable level of reserves is a prudent program management tool, there is an important trade-off to consider because excess reserves represent unserved families on wait lists and families facing rent burdens. Excess reserves can also reflect families’ inability to find housing due to low payment standards. An ‘optimized’ HCV program maximizes the number of families served while minimizing rent burden within a given PHA’s financial constraints.

The *Notice* warns that PHAs ending the calendar year with excessive reserves could lead to Congress directing PIH to rescind or offset those funds. This would mean that this money is no longer available to serve families. In addition, PIH has authority to initiate offsets for reallocation, which would compel a PHA to use available program reserves first instead of new renewal budget authority.

A more PHA-centric concern is that PHAs do not receive administrative fees for unleased units. Because the voucher program is budget-based (future year funding is based on current year spending), unspent dollars are not renewed and therefore are not included in the re-benchmarking process used to establish the baseline for calculating next year's fund allocation for a PHA.

Most of the *Notice* is devoted to descriptions of tools and associated guidance intended to help PHAs optimize their HCV program. The *Notice* closes with four suggestions for best practices: ensuring that payment standards and subsidy standards are optimally set, conducting quality landlord outreach, providing high quality voucher briefings and communication during a family's search for a home to rent with their voucher, and developing Project-Based Voucher Housing to increase the supply of housing that families can access with their vouchers.

Notice PIH 2020-29 is at: <https://bit.ly/35olcY3>

More about Housing Choice Vouchers housing is on [page 4-1](#) of NLIHC's *2020 Advocates' Guide*.

NLIHC Summary and Analysis of HUD's Final Section 3 Rule Now Available

NLIHC has released a "[Detailed Summary and Analysis of the Final Section 3 Regulations](#)" and a "[Brief Summary and Analysis of the Final Section 3 Regulations](#)." The former has regulation citations, quotes from the preamble to the final rule, as well as more detailed information. The latter is a more streamlined version. As previously reported (see *Memo*, [10/5](#)), HUD published a [final rule](#) implementing the Section 3 obligations of public housing agencies (PHAs) and other recipients of HUD housing and community development funding. The final rule, published on September 29 and effective on November 30, adopts most of the problematic proposed rule, but does make three positive changes.

The purpose of Section 3 of the Housing and Urban Development Act of 1968 is to ensure that when HUD funds are used to assist housing and community development projects, "to the greatest extent feasible" preference for some of the jobs, training, and contracting opportunities that are created go to low-income people, "particularly those who are recipients of government assistance for housing." Another Section 3 obligation is to support businesses owned or controlled by low-income people or businesses that hire them. Public housing agencies (PHAs) and jurisdictions using Community Development Block Grant (CDBG), HOME Investment Partnerships program, and other HUD funds, must comply with Section 3 and ensure that contractors and subcontractors comply.

Both summaries cover all of the key features of the final Section 3 rule, including the three positive changes along with major and minor remaining problems.

"Detailed Summary and Analysis of the Final Section 3 Regulations" is at: <https://bit.ly/3dXxcnD>

"Brief Summary and Analysis of the Final Section 3 Regulations" is at: <https://bit.ly/2HoSmic>

The *Federal Register* version of the final Section 3 rule is at: <https://bit.ly/33e0Vos>

An easier to read version of the final rule is at: <https://bit.ly/30mPLf7>

More information about the now-defunct Section 3 regulations is on [page 7-75](#) of NLIHC's *2020 Advocates' Guide* and on [NLIHC's public housing webpage](#).

Research

New Evidence Shows Evictions Have Lasting Negative Health Outcomes

An article in *Housing Policy Debate*, "[Losing Your Home Is Bad for Your Health: Short- and Medium-Term Health Effects of Eviction on Young Adults](#)," compares health outcomes for young adults who have and have not experienced an eviction. The research adds to a growing body of evidence documenting the detrimental effects of evictions. The researchers find that individuals who experience an eviction are more likely to report poorer general health or mental health outcomes compared to those who were not evicted. These impacts were measurable in both the short-term (a year after the eviction) and medium-term (seven to eight years following the eviction).

The researchers used data from the Longitudinal Study of Adolescent to Adult Health (Add Health) survey, which collected data four times over the course of 14 years from individuals who were adolescents in grades 7 through 12 in 1994-1995. The fourth survey was conducted in 2008. The survey asked respondents about their health status and whether they experienced an eviction in the past 12 months. The researchers assessed the effect of eviction during the third and fourth survey period on three self-reported health outcomes: general health, the presence of depression and anxiety, and a combined general and mental health score. The analysis controlled for variables related to health, including sex, race, education, and income, to isolate the effect of eviction on health outcomes. The final sample contained data from 11,514 individuals.

Of the weighted sample, 1.8% of individuals reported experiencing an eviction during the third or fourth survey period, while participants were between the ages of 18 and 34. The researchers found that respondents who experienced an eviction were significantly more likely to report combined poorer general health and mental health than those who did not experience an eviction. The magnitude of negative health effects of an eviction was larger in the short-term, approximately 12 months after the eviction. However, significant effects persisted seven to eight years following an eviction.

The researchers found females experienced a higher probability of poor health across all three health measures regardless of eviction. In the short-term, evicted females were more likely than evicted males to report poor mental health, but less likely to report poor general health, as a result of eviction. In the medium-term, seven to eight years after eviction, evicted females were more likely than evicted males to report negative health effects. Evicted white individuals were more likely to report poor health in the short-term than their non-White counterparts. Conversely, in the medium-term, non-white individuals were more likely to experience poor combined and general health outcomes and white individuals were somewhat more likely to experience poor mental health outcomes.

These findings add to the growing body of evidence linking evictions to negative economic, social, and health outcomes. Further, the results indicate that women and non-white individuals are more likely to experience persistent negative health outcomes following an eviction, potentially exacerbating inequality across groups already at disproportionate risk for eviction, including women, Black families, low-income families, and families with children. The authors call for increased collaboration among housing and public health professionals to promote housing stability as a public health intervention.

The report can be found at: <https://bit.ly/2FMUzTZ>

Study of Housing and Transportation Costs Finds Suburbs Most Costly, but Low-Income Renters Struggle Everywhere

An article in *Housing Policy Debate*, “[Another Look at Location Affordability: Understanding the Detailed Effects of Income and Urban Form on Housing and Transportation Expenditures](#),” confirms that expenditures on transportation vary for urban, suburban, and rural households, and that lower transportation costs in urban areas help offset higher housing costs for most income groups. For all renters, combined housing and transportation expenditures were highest in suburban locations. For renters with incomes higher than 35% of area median income (AMI), combined expenditures were lowest in urban locations. Renters in the lowest-income category spent the least in “midurban” neighborhoods (older inner-ring suburbs), but even in those locations they spent 91% of their income on housing and transportation costs.

Location affordability measures the share of income spent on housing and transportation. This measurement builds on the idea of location efficiency, which describes the accessibility of a given location to daily destinations, such as jobs, groceries, and other retail. Higher location efficiency is thought to lower transportation costs. Scholars continue to debate the extent to which location affordability can be predicted by neighborhood characteristics (e.g., whether a neighborhood is rural, suburban, midurban, or urban).

The authors used the Panel Study of Income Dynamics (PSID) to test the location affordability hypothesis. From the 2015 PSID sample, they selected 8,004 families for whom family income, transportation expenditures, vehicle ownership, total commute time, and basic family characteristics were identifiable. They matched the location of these families with data from the Center for Neighborhood Technology’s (CNT) Housing and Transportation Affordability Index, which measures the density of transit and jobs in an area. Because income is one of the influential predictors of transportation costs, families were grouped into five income categories (at or below 35% AMI, 65% AMI, 95% AMI, 135% AMI, and 200% AMI or above). Neighborhoods were classified as urban, midurban, suburban, or rural on the basis of the area’s gross household density, transit connectivity, diversity of land uses, and intersection density.

The patterns of combined housing and transportation costs for renters largely support the hypothesis of a beneficial trade-off between housing and transportation: housing costs generally increase as one moves from suburban to midurban and urban locations, while transportation costs fall. Housing costs were lower in rural locations than in suburban locations, but rural transportation costs were not higher than suburban transportation costs. Across all income groups, suburban renters spent the most on housing and transportation. For example, on average, suburban renters in the 65% AMI income group spent 61% of their income on housing and transportation, whereas urban renters at the same income level spent 47%. Suburban renters in the lowest income category spent 106% of their income on housing and transportation, compared to 98% for urban renters at the same income level.

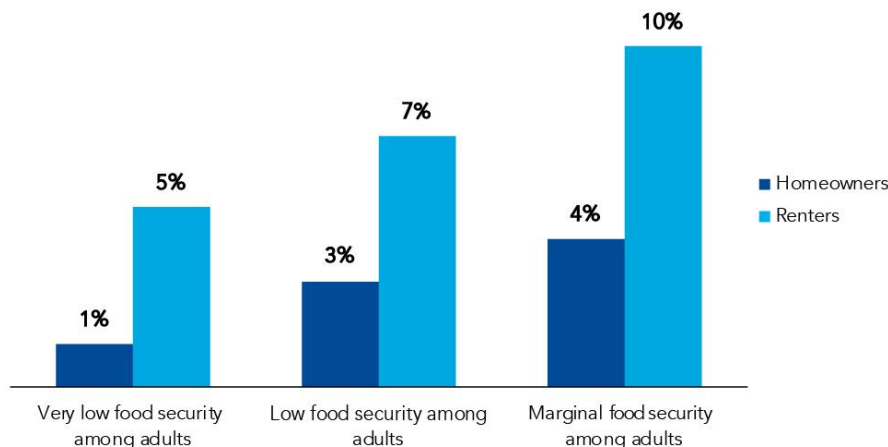
The authors argue that further interventions are necessary to support the lowest-income renters, who spend nearly all their income on housing and transportation regardless of neighborhood type. They recommend increasing the supply of deeply subsidized affordable housing in location-efficient urban locations, as well as reinvesting in transit access for midurban locations that could become more location efficient over time.

The article can be found at: <https://bit.ly/35n2m3w>

Fact of the Week

Renters Much More Likely than Homeowners to Experience Food Insecurity

Food Security by Tenure



Source: American Housing Survey, 2019
Note: Mutually exclusive food security categories are based on a number of household factors including concern about running out of food, actually running out of food, skipping meals, going hungry, losing weight, not eating all day, or inability to eat balanced meals because of too little money for food. Households with marginal food security met 1 to 2 factors, with low food security met 3 to 5 factors, and with very low food security met 6 or more factors.

Source: American Housing Survey, 2019.

From the Field

Texas Scorecards Track Local Efforts to Prevent Evictions and Keep Localities Accountable

Texas Housers, an NLIHC state partner, recently released its [Local Policy Scorecards](#) to assess how select cities and counties in Texas have allocated direct assistance resources and if they have created renter protections. The scorecards use an equity score to grade jurisdictions on how their response is impacting low-income communities. The goal of the scorecards is to ensure that funds are spent in a transparent, equitable way that effectively supports the state's lowest-income tenants. This tool is one of several on "Keep Texans Housed," a website designed by Texas Housers to track the impact of the COVID-19 pandemic on housing justice.

San Antonio, for example, initially allocated \$50.3 million for rent and legal assistance and added an additional \$24.1 million after city officials determined the fund would be gone by the end of September. City officials are anticipating the remaining funds to last until mid-December. Houston allocated \$15 million for rental assistance programs which was quickly claimed. The city has since added an additional \$19 million to the program.

The scores for each locality are based on three components: financial assistance (50%), transparency of localities (25%), and legal protections for renters (25%). Financial assistance is comprised of all financial assistance available to households including rental assistance and assistance with utilities and other household needs. Transparency of localities is based on the degree to which local government is adhering to the Public Information Act and if they have a data dashboard showing how much money they have allocated for direct assistance. The third component, legal protections for renters, is calculated by evaluating what policies are currently enacted at the city and county level to protect renters from evictions.

Actions taken by local governments to keep Texans housed have varied widely. Harris County received the highest overall score and was given full points for financial assistance and transparency. Harris County opened

their rental assistance program in August and has had over 42,000 tenants apply requesting over \$60.2 million in assistance. Travis County also scored well with nearly full marks for financial assistance and full marks for legal protections. Those two counties alone account for 20% of the Texas population. Lubbock, Houston, Fort Worth, and El Paso were all given poor marks due to lack of financial assistance and few legal protections for renters facing eviction.

“The COVID-19 pandemic is a public health disaster, so Texas Housers is tracking public funds the same way we have done after several hurricanes over the last 10 years,” said deputy director Christina Rosales. “We need to keep governments accountable for meeting this moment. A crisis has tragic consequences, but it’s an opportunity to push our governments respond to the need now and help communities recover so they are more resilient in the face of another disaster, whether it’s a pandemic, a hurricane, or wildfires.”

Texas Housers continues to utilize the scorecards to advocate for its [10 Point Plan to Protect Texas Tenants](#):

1. Extend eviction moratorium
2. Public funding of rental assistance
3. Guarantee fairness and transparency in administration of public rent assistance
4. Reduce evictions by reforming the eviction process
5. Equalize state laws governing landlord & tenant rights
6. Ensure competent, unbiased, knowledgeable eviction judges
7. Increase the availability of rental housing affordable to households at greatest risk of eviction
8. Rehouse people who are evicted
9. Guarantee legal counsel to all low-income renters facing evictions
10. Provide tenant rights information and landlord dispute counseling

For more information about Texas Housers and its work towards housing justice during COVID-19, visit: <https://www.keeptexanshoused.org/> or contact: Christina Rosales, Texas Housers Deputy Director at christina@texashousing.org

NLIHC News

NLIHC in the News

NLIHC in the News for the Week of October 18

The following are some of the news stories that NLIHC contributed to during the week of October 18:

- “Landlords challenge U.S. eviction ban and continue to oust renters,” *Bloomberg News*, October 22 at: <https://tinyurl.com/y2bo27j7>
- “Renters and landlords seek clarity in CDC's new eviction moratorium guidance,” *KGTV-TV (San Diego, CA)*, October 22 at: <https://tinyurl.com/y2yynoxl>
- “Loophole found in federal evictions memorandum,” *The Washington Informer*, October 21 at: <https://tinyurl.com/y3j2e8n3>
- “First ever COVID winter threatens to leave millions homeless,” *Invisible People*, October 19 at: <https://tinyurl.com/y2wj64nz>
- “CDC greenlights evictions despite continued pandemic,” *New York Amsterdam News*, October 18 at: <https://tinyurl.com/y3hd5knn>
- “Carson says relief for renters up to Congress,” *The Business Journal (Youngstown, OH)*, October 16 at: <https://tinyurl.com/yyey7ktx>

NLIHC Staff

Kyle Arbuckle, Housing Advocacy Organizer, x227
Olivia Arena, Housing Advocacy Organizer x219
Xavier Arriaga, Policy Analyst, x231
Andrew Aurand, Vice President for Research, x245
Victoria Bourret, Housing Advocacy Organizer, x244
Alayna Calabro, Policy Analyst–COVID-19 Response, x252
Josephine Clarke, Executive Assistant, x226
Bairy Diakite, Operations Manager, x254
Emma Foley, Research Intern, x249
Dan Emmanuel, Senior Research Analyst, x316
Ed Gramlich, Senior Advisor, x314
Kim Johnson, Housing Policy Analyst, x243
Paul Kealey, Chief Operating Officer, x232
Mike Koprowski, Director, Multisector Housing Campaign, x317
Joseph Lindstrom, Director, Field Organizing, x222
Mayerline Louis-Juste, Communications Specialist, x201
Richard Mbouombouo, Graphic Design/Communications Intern
Sarah Saadian, Vice President, Public Policy, x228
Khara Norris, Director of Administration, x242
Noah Patton, Housing Policy Analyst, x227
Ikra Rafi, Creative Services Specialist, x246
Catherine Reeves, Development Coordinator, x234
Brooke Schipporeit, Housing Advocacy Organizer, x233
Dan Threet, Research Analyst, x202
Britt Wall, Media Relations and Communications Manager, x239
Chantelle Wilkinson, Housing Campaign Coordinator, x230
Renee Willis, Vice President for Field and Communications, x247
Rebecca Yae, Senior Research Analyst–COVID-19 Response
Diane Yentel, President and CEO, x225
Shuting Zhou, Graphic Design/Communication Intern, x240