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# **Budget and Appropriations**

## Join CHCDF Sign-On Letter to Push for Increased Funding for Vital HUD Programs in FY2023!

Congressional leaders have left Capitol Hill to campaign in their home districts and states in the run-up to Election Day, but Congressional and appropriations staff have continued behind-the-scenes discussions over a final fiscal year (FY) 2023 spending bill. Though members of both chambers will return to Washington, D.C., in mid-November, they will be in session for only one week before leaving for the Thanksgiving break, making the week of November 14 a pivotal time for FY2023 advocacy.

NLIHC and our partners in the Campaign for Housing and Community Development Funding (CHCDF) are leading our <u>annual 302(b) letter</u>, which calls on Congress to provide the highest possible allocation for HUD's and USDA's affordable housing, homelessness, and community development programs in the new fiscal year. The FY2023 spending bill represents the last opportunity this year for Congress to make robust investments in affordable housing and homelessness programs.

More than 1,800 state, local, tribal, and national organizations have already joined, and we are aiming to reach 2,000 organizations by November 16 before re-sending the letter to appropriations leaders in Congress. Lawmakers must not pass up the chance to provide the significant funding needed to ensure the nation is moving towards safe, affordable, and accessible housing for all.

Currently, the federal budget is set to expire on December 16, but there is already talk that Congressional leaders might pursue another, shorter-term continuing resolution (CR) lasting until December 25 to buy lawmakers more time to reach a final deal on the FY2023 budget.

#### **Take Action**

Advocates should sign their state, local, tribal, or national organization on to <u>CHCDF's 302(b) letter</u> and share the letter with their networks to encourage members to join. Advocates should also <u>contact their members of Congress</u> and urge them to support the highest possible level of funding for HUD's and USDA's affordable housing and homelessness programs in FY2023, including significant funding for NLIHC's top priorities:

- Full funding for the Tenant-Based Rental Assistance (TBRA) program to renew all existing contracts and expand housing vouchers to an additional 140,000 households.
- \$5 billion for the Public Housing Capital Fund to preserve public housing, and \$5.04 billion for the Public Housing Operating Fund.
- \$3.6 billion for HUD's Homeless Assistance Grants program to address the needs of people experiencing homelessness.
- \$100 million for legal assistance to prevent evictions.
- \$300 million for the competitive tribal housing program, targeted to tribes with the greatest needs.

# Take Action to Ensure the Low-Income Housing Tax Credit Addresses the Needs of People with the Lowest Incomes

The U.S. Congress may enact a tax extenders package before the end of 2022. Many tax provisions are authorized for only a set number of years, forcing Congress to reevaluate them periodically and decide whether to extend those provisions that are expiring. With a number of tax provisions up for extension at the end of this year, the tax extenders package presents an opportunity to make <u>needed legislative changes</u> to the Low-Income

Housing Tax Credit (LIHTC) program so that it better serves households with the lowest incomes. NLIHC is urging Congress to include the following LIHTC reforms in any tax extenders package:

- Provide incentives to serve extremely low-income households and people experiencing homelessness, as
  well as reforms to encourage affordable housing development in tribal nations and rural areas, so that
  LIHTC better serves communities with the greatest affordable housing needs.
- Eliminate the "Qualified Contract" loophole, ensure data transparency, and clarify and strengthen nonprofits' right of first refusal to ensure long-term affordability.
- Extend vital renter protections to tenants living in LIHTC properties.

Learn more about key reforms needed to ensure LIHTC is serving households with the lowest incomes <u>here</u>.

Advocates should continue contacting their members of Congress to urge them to include these provisions in any tax extender package moving forward. Use NLIHC's <u>Fall and Winter 2022 Advocacy Toolkit</u> to help create your message to Congress, and visit our <u>Take Action page</u> for more ways to get involved!

### **Events**

# Join November's "Tenant Talk Live" Webinar for Renters and Resident Leaders to Provide Feedback on National Tenant Bill of Rights

NLIHC will host a session of "Tenant Talk Live" – a webinar with and for renter and resident leaders – on November 7 at 6 pm ET. During the webinar, NLIHC staff will be joined by staff from the National Housing Law Project (NHLP) to discuss a national Tenant Bill of Rights. Register for next week's Tenant Talk Live webinar at: <a href="https://bit.ly/361rmy2">https://bit.ly/361rmy2</a>

NLIHC has been tracking tenant protections passed nationwide since January 2021 through its ERASE Project. In that time, 31 states and 71 localities have passed tenant protections. These protections include, but are not limited to, emergency rental assistance- (ERA) related protections, right-to-counsel ordinances, source-of-income protections, and just cause standards. Some states and localities have also worked to enact a different type of protection: a Tenant Bill of Rights, which provides tenants with important advocacy tools to address concerns they may have regarding their relationship with their landlord. Localities like Miami-Dade County, the District of Columbia, and New York City have passed such Tenant Bills of Rights, while at the federal level, the U.S. Congress passed a Tenant Bill of Rights for military members and their families in privatized military housing through the "National Defense Authorization Act" (NDAA) for the fiscal year 2020.

Such efforts have faced challenges but led to major triumphs as well. Meanwhile, they have created precedents that could be drawn upon to develop a federal tenant bill of rights. With soaring rental costs, high inflation, and increased evictions, it is critical that Congress work to enact federal protections for tenants through a Tenant Bill of Rights. At the same time, the Biden-Harris administration should consider taking action through the regulatory process. NLIHC and its partners will continue to advocate for a nationwide Tenant Bill of Rights and regulatory changes that will protect tenants from experiencing harassment, housing instability, or even homelessness.

NLIHC encourages tenants to join the next webinar to provide feedback concerning what should be included in a national Tenant Bill of Rights. The conversation will be guided by Sarah Saadian, senior vice president of public policy and field organizing at NLIHC, and Noëlle Porter, director of government affairs at NHLP.

Remember: Tenant Talk Live would not be possible without tenants like you! We strive to connect and engage with tenants and tenant leaders through our webinars. You can e-mail <a href="mailto:sbetancourt@nlihc.org">sbetancourt@nlihc.org</a> with any feedback.

Register for next week's Tenant Talk Live webinar at: bit.ly/361rmy2

Stay up to date on Tenant Talk Live events via the Facebook group

# PAHRC to Host Webinar on Using the National Housing Preservation Database

The Public and Affordable Housing Research Corporation (PAHRC) will host a <u>webinar</u> on November 2 at 2 pm ET focused on using the National Housing Preservation Database (NHPD). The NHPD, a joint project undertaken by PAHRC and NLIHC, provides an inventory of federally assisted rental housing that can be used by researchers and advocates to identify homes at risk of being lost from the affordable housing stock. The database includes property-level data about subsidy-type, affordability end dates, and target populations (when applicable) for properties supported by HUD, U.S. Department of Agriculture (USDA), and Low-Income Housing Tax Credit (LIHTC) programs.

Over the next five years, more than 300,000 federally assisted rental homes affordable to low-income households will reach the end of their current subsidy contracts and affordability restrictions. While many of these homes will remain in the affordable housing stock, others could be permanently lost. In the <u>webinar</u>, participants will learn how to use the NHPD to gather knowledge about these properties. In particular, attendees will learn to:

- utilize the latest features of the NHPD through a live demonstration.
- identify federally assisted homes at risk of loss.
- recognize risk factors that increase the likelihood of a federally assisted home being removed from the affordable housing stock.

The webinar will be led by Kelly McElwain, lead research analyst, and Eric Brushett, research analyst, at PAHRC.

Register for the webinar at: <a href="https://bit.ly/3fdsF5q">https://bit.ly/3fdsF5q</a>

# **Disaster Housing Recovery Updates**

# **HUD Creates New Disaster Recovery Program to Assist Disaster-Impacted Individuals Experiencing Homelessness and Households with Low Incomes**

Following years of advocacy by the NLIHC-led Disaster Housing Recovery Coalition (DHRC), HUD announced on October 24 the creation of the Rapid Unsheltered Survivor Housing (RUSH) program to help the lowest-income and most marginalized disaster survivors regain or maintain stable, affordable housing. RUSH will provide displaced disaster survivors with the longer-term direct rental assistance and supportive services they need to get back on their feet. The program will offer rapid re-housing assistance, including up to 24 months of rental assistance, as well as supportive services for people currently experiencing homelessness and those at risk of homelessness, through its network of housing providers and experts. Program funds can also be used to cover move-in expenses, outreach costs, and other urgent needs for individuals who are unsheltered. RUSH funding will be available for people experiencing or at risk of homelessness, including those with incomes at or below 30% of area median income and those living in overcrowded homes, facing imminent eviction, or experiencing another risk factor for homelessness. Read a fact sheet about the new program at: <a href="https://bit.ly/3Ftbo2C">https://bit.ly/3Ftbo2C</a>

"Too often, FEMA relies on housing programs that are inaccessible to disaster survivors with the greatest needs, putting them at higher risk of eviction, displacement, and in the worst cases, homelessness," said Diane Yentel, president and CEO of NLIHC, in a <u>statement</u>. "I applaud HUD Secretary Marcia Fudge for her leadership in launching RUSH to immediately fill the gap caused by FEMA's inadequate response to the housing needs of low-income disaster survivors. This new program will prevent untold suffering and ensure that homelessness isn't prolonged or newly created by disasters."

RUSH is similar to the <u>Disaster Housing Assistance Program</u> (DHAP), which advocates identify as a model program for disaster housing recovery. DHAP was created in part by taking into account hard-won lessons from Hurricane Katrina, and the program has been deployed with great success after major disasters. Yet despite support from both Democratic and Republican administrations, FEMA has refused to activate DHAP in recent years. The Biden-Harris administration previously announced plans to create a similar program in time for the 2022 hurricane season, but progress was halted after FEMA backtracked and refused to activate the program.

For households with low incomes displaced by a disaster, FEMA housing assistance is often inaccessible and inadequate due to an overly complex application process, arbitrary deadlines, and failure to keep pace with rising post-disaster rents. As a result, these households typically face long-term displacement and the threat of homelessness after a disaster. Individuals who were experiencing homelessness prior to a disaster are ineligible for most forms of FEMA assistance, including the Transitional Shelter Assistance (TSA) Program and rental assistance.

Join next week's (Tuesday, November 1) **National Disaster Housing Recovery Coalition** webinar at 2 pm ET for further updates on the federal response to Hurricanes Ian and Fiona and the latest on advocacy efforts to improve America's disaster recovery system.

Read HUD's RUSH fact sheet at: <a href="https://bit.ly/3Ftbo2C">https://bit.ly/3Ftbo2C</a>

Read NLIHC's statement on RUSH at: <a href="https://bit.ly/3N89s1">https://bit.ly/3N89s1</a>

# Latest COVID-19 and Housing/Homelessness Updates - October 31, 2022

## **National Updates**

Department of the Treasury

The U.S. Department of the Treasury (Treasury) released the reallocation amounts for <u>ERA2 Quarter 1</u> <u>Reallocation</u> and <u>Designated Voluntary Reallocations</u> on October 18. Treasury released on October 21 the reallocation amounts for <u>ERA1 Tribal Reallocations</u> and <u>ERA1 Round 3 Designated Voluntary Reallocations</u>.

Treasury directs Emergency Rental Assistance (ERA) program recipients with questions about reporting, technical problems, eligible uses of funds, or other issues to its ERA Self-Service Resources.

State and Local Fiscal Recovery Fund (SLFRF) recipients with questions about reporting, eligible uses of funds, or other items can find answers on Treasury's <u>SLFRF Self-Service Resources webpage</u>.

#### **State and Local News**

Alabama

The Jefferson County Commission, in partnership with the Birmingham Urban League, is <u>reopening</u> applications for the COVID-19 Emergency Rental Assistance Program (ERAP). After launching in 2020, ERAP

paused applications in June 2022 due to the depletion of funds. The program is reopening after receiving additional funding.

## Arizona

<u>Evictions are increasing across Maricopa County</u>, with eviction filings rising in Phoenix for the third month in a row. Eviction filings are not just surpassing pre-pandemic levels – they are hitting historically high levels. In September, <u>6,685 evictions</u> were filed in Maricopa County, the highest number since 2008. Rental assistance is still available in <u>Maricopa County</u>, <u>Phoenix</u>, <u>Glendale</u>, and <u>Mesa</u>. Tenant advocates are <u>urging Arizona</u> <u>lawmakers</u> to invest in long-term solutions to the affordable housing crisis.

## California

<u>Thousands of households</u> approved for San Diego County's Emergency Rental Assistance (ERA) program are facing eviction after receiving notice that the rental assistance they were approved for would not be paid. The county continued to accept applications for the months of April through June, without knowledge whether additional funds would be made available. Applicants with pending requests for April, May, or June 2022 were notified that there is no available funding to cover those months.

According to the <u>Mercury News</u>, evictions are soaring across the Bay Area following the expiration of state and local pandemic eviction protections over the past year. Evictions across the core five counties of the Bay Area have more than doubled since last year. More than 6,300 evictions were filed from July 2021 through June 2022. The surge in evictions occurred when emergency tenant protections were rolled back in September 2021, and filings have spiked even higher as statewide protections were progressively lifted.

#### Colorado

Since June, <u>eviction filings in Colorado</u> have risen to their highest level in nearly three years. More than 3,000 evictions were filed in the past three months, a benchmark not reached since February 2020. State officials predict that emergency rental assistance will be depleted by early 2023.

#### Delaware

After temporarily stopping accepting new applications in September, the <u>Delaware Housing Assistance</u> <u>Program (DEHAP) reopened applications</u> with new guidelines. The Delaware Housing Authority hopes to keep the emergency rental assistance program open until 2025. The program lowered the income cap for applicants from 80% of the area median income (AMI) to 50% of AMI. The program now caps monthly rental assistance at \$1,500, rather than \$2,000. Additionally, the program now requires most applicants to provide proof of income, rather than allowing self-attestation. Treasury <u>strongly discourages</u> ERA grantees from requiring burdensome documentation requirements. ERA programs should allow applicants to self-attest that they meet eligibility requirements. See <u>Treasury's resource on self-attestation</u> and check out <u>NLIHC's ERA Resource Hub</u> for examples of how programs are incorporating self-attestation to expand access to ERA.

### Florida

Following the end of pandemic-era eviction protections, <u>evictions in Miami-Dade County</u> increased this year by 45% in June, 52% in April, and an astonishing 84% in May compared to the same months in 2021. Nearly 1,600 evictions were filed in June – the highest number of evictions filed for the quarter.

### Illinois

Residents of Lake County, Illinois, may submit applications to the Lake County Rental Assistance Program through November 15. The \$6 million program is funded through Treasury's emergency rental assistance program.

#### Indiana

The <u>Homeless Coalition of Southern Indiana</u> is warning that the region's housing needs are reaching crisis levels. Southern Indiana residents are facing increasing evictions and growing housing instability, and local agencies are concerned that they lack the capacity to meet the overwhelming demand for assistance.

#### Maine

The <u>Portland City Council</u> voted on October 18 to extend an emergency rent cap and eviction moratorium for an additional six months while it continues to review a permanent rent stabilization proposal. If approved at a second reading on November 1, the moratorium and emergency cap would remain in place for an additional 180 days, through May 26. Council members unanimously supported the extension, noting that it was the right course of action given reports that some landlords are threatening to collect back rent and impose late fees when the rent cap is lifted.

#### Massachusetts

Housing advocates in Massachusetts are concerned that a new policy regarding the Residential Assistance for Families in Transition (RAFT) program will prevent eligible tenants from accessing needed emergency rental assistance (ERA). Governor Charlie Baker's administration implemented on August 1 a new policy limiting access to RAFT to tenants who have received an eviction notice or court summons or whose landlords have filed a notice to quit. Advocates argue that the new eligibility requirement is preventing eligible households from accessing aid and leading to preventable evictions.

#### Missouri

As of October 14, the Missouri State Assistance for Housing Relief program has distributed \$438.6 million in federal COVID-19 housing relief, including over \$413 million in rental assistance.

#### New Hampshire

New Hampshire will not receive any additional resources to continue its Emergency Rental Assistance program beyond December 29, 2022. In response, the state will <u>pause incoming applications</u> under the NH Emergency Rental Assistance Program (NHERAP). After October 21, new applications will not be accepted pending a review of backlogged applications, the amount of available federal funding, and the status of existing state requests to the U.S. Department of the Treasury for additional funding.

## New Jersey

A <u>new report</u> released by Make the Road NJ, an immigrant advocacy group, finds that New Jersey immigrants have been among the hardest hit by the state's affordable housing crisis and the economic impacts of COVID-19. Roughly 58,000 evictions were filed by New Jersey landlords in the first half of 2022, with low-income renters of color disproportionately impacted. The report states that because many immigrants were barred from receiving federal COVID-19 relief and state unemployment benefits, a disproportionate share of immigrant New Jersey residents are at risk of losing their homes. Although New Jersey's emergency rental assistance (ERA) programs did not restrict eligibility based on immigration status, persistent fears about public charge, language barriers, informal rental situations, and other barriers prevented many New Jersey immigrants from accessing ERA. Read the <u>full report</u>.

#### Ohio

The City of Columbus and Franklin County awarded \$3 million in federal emergency rental assistance (ERA) funds to the Columbus Urban League. The Columbus Urban League has provided ERA to approximately 1,700 families in the past year.

#### **Texas**

Evictions are on the rise <u>across North Texas</u>. <u>Evictions in Dallas County</u> in September reached a <u>five-year high</u> as federal emergency rental assistance (ERA) funds run out. According to the Child Poverty Action Lab, landlords filed 4,045 evictions in Dallas County in September. Through September, 32,890 evictions had been filed in the county during 2022 – an average of 135 per day. Both the city of Dallas and Dallas County have committed 100% of their federal emergency rental assistance funds.

## Virginia

As of September, monthly <u>eviction filings</u> in Virginia are at <u>87.5% of the historical average</u>. Following the end of many pandemic-era renter protections, monthly eviction filings in Virginia have tripled since January.

### Washington

Grays Harbor residents can apply for assistance through the <u>Eviction Rental Assistance Program</u> (ERAP) starting on November 9.

#### **Wyoming**

The <u>Wyoming Department of Family Services</u> announced on October 21 that the Emergency Rental Assistance Program (ERAP) will <u>stop taking new applications</u> and letters of intent on November 10 because it expects to run out of funds by early spring 2023. The changes will only impact individuals who have not previously received ERAP. For the time being, the program will continue to fund extension requests for enrolled and eligible households.

# Latest Disaster Housing Recovery Updates - October 31, 2022

#### **Hurricane Ian**

FEMA has <u>acknowledged</u> that more than 400 disaster survivors in Florida received improper approvals for Critical Needs Assistance payments. Many of those survivors said they were relying on the funds after receiving their approval notices.

Frustrations are <u>beginning</u> to rise amid the slow rollout of temporary housing in Florida's Collier County, where between 1,500 and 2,000 units are needed to house displaced residents. FEMA <u>approved</u> direct temporary housing program assistance this week.

Residents in one apartment complex in Orlando are being <u>evicted</u> in order to make repairs following flooding from Hurricane Ian.

Texas A&M professor and NLIHC Disaster Research Consortium member Shannon Van Zandt explained the importance of rebuilding affordable housing in areas <u>impacted</u> by Hurricane Ian.

Florida Governor Ron DeSantis <u>provided</u> a briefing on recovery efforts.

Those hardest hit by Hurricane Ian – including households with low incomes – are having the greatest difficulties recovering afterwards, explains an article published in <u>TIME</u>.

A lack of available housing and <u>soaring rents</u> in the areas impacted by Ian mean that workers contracted to assist in recovery are having difficulty finding places to stay.

Hurricane Ian showed the <u>vulnerability</u> of older mobile homes whose owners were already feeling displacement pressures from investors and rising rents.

After the <u>hasty release of an evacuation order</u> prior to the landfall of Hurricane Ian, many are wondering if the delay cost lives in coastal Lee County.

Debris collection is now underway in Cape Coral.

A Tampa native has created an interactive map to help displaced homeowners check on their homes remotely.

Officials in Volusia County and state emergency managers held a <u>community meeting</u> to discuss emergency repairs in the area following Hurricane Ian.

## **Hurricane Fiona**

Heavy rains this week may lead to dangerous flooding in Puerto Rico and <u>compound</u> the negative effects of Hurricane Fiona.

An additional Disaster Recovery Center (DRC) is now open in Aguadilla.

Disaster debris is overwhelming Puerto Rico's landfills and waste management system.

FEMA indicated that it is seeking to avoid past mistakes by rushing storm aid to Puerto Rico.

With more than 60% of Puerto Rico residents seeking assistance from FEMA, DHRC member <u>Ivis Garcia</u> broke down the available assistance, as well as the obstacles in accessing it, in a recent article.

<u>Advocates</u> from Puerto Rico spoke to National Public Radio regarding obstacles to recovery after Hurricane Fiona.

## **Congressional and Federal Updates**

HUD Secretary Marcia L. Fudge and Representative Val Demings (D-FL) both <u>spoke</u> at a roundtable to discuss the current state of affordable housing in Florida in the aftermath of Hurricane Ian.

Florida Senator Marco Rubio <u>released</u> a request for a disaster supplemental spending bill with \$33 billion for Hurricane Ian recovery. The plan includes \$5 billion in HUD long-term recovery money but is viewed as insufficient given the impact of the hurricane.

Senator Alex Padilla (D-CA) and Representative Zoe Lofgren (D-CA) <u>celebrated</u> the passage of the FIRE Act this week.

Members of Disaster Researchers for Justice published an <u>op-ed in *The Hill*</u> calling for the creation of a National Disaster Safety Board.

#### State and Local

#### Alaska

Western Alaska communities will receive more than \$1 million in recovery funding to help recovery efforts following a massive storm in September. According to the Alaska Community Foundation, over \$500,000 will be disbursed this month to the towns that need the funds most, with the rest of the money being distributed in early November. For households, the aid can help pay for repairs, damages, and temporary housing. Businesses can also apply for funds to help offset the costs of physical damage and economic losses caused by the storm.

#### California

More than a dozen volunteers are helping homeowners <u>build new homes</u> in Paradise, California, nearly four years after the Camp Fire. The Community Housing Improvement Program (CHIP), USDA Rural Development, and Wells Fargo are backing the project.

California has passed two laws to protect certain wildfire victims from state taxes being imposed on their legal settlements in wildfire cases. However, the IRS still treats lawsuit settlements as taxable. Congressmen Doug LaMalfa (CA-R) and Mike Thompson (CA-D) <u>introduced</u> a bill to exempt certain fire victims from paying federal income tax on their settlements.

## Kentucky

The Mayfield-Graves County Long-Term Recovery Group (LTRG) <u>claims</u> that of the housing in the Mayfield community destroyed by the December tornado, 70% was rental housing. With many residents "essentially homeless," the LTRG hopes to reclaim vacant properties and rent those homes to people in need of housing.

Governor Andy Beshear <u>created</u> an advisory council to help guide responses to natural disasters and prepare communities for future disasters with the goal of being ready for whatever disaster comes next. Floyd County has already formed a committee to help flood victims return to normal life.

FEMA <u>extended</u> the deadline to apply for federal disaster assistance to October 28 for Eastern Kentucky homeowners and renters who saw their properties damaged or washed away by the July floods.

#### Louisiana

Residents of the Lake Charles area are set to <u>receive</u> more than \$1 billion in federal long-term recovery funds to help rebuild from Hurricanes Laura and Delta after more than two years. After the two storms hit Lake Charles less than two months apart, the area has struggled to recover, even with immediate help from FEMA and other federal agencies. Housing continues to be one of the area's biggest needs. The state plans to use funds for economic revitalization, construction of new rental properties, and infrastructure repairs in storm-affected areas.

#### **North Carolina**

The North Carolina Office of Recovery and Resiliency (NCORR) is <u>funding</u> an 80-unit affordable multifamily apartment development in Fayetteville called McArthur Park II. The apartments help meet key housing needs stemming from housing loss from the damage caused by Hurricanes Matthew and Florence, while also allowing residents to stay in their community. In total, the NCORR program has committed more than \$81.4 million in funding to projects that will create more than 1,000 affordable rental units for storm-impacted regions of the state.

### **Oregon**

According to Oregon Housing and Community Services, HUD has <u>approved</u> Oregon's Action Plan to spend \$422 million to assist communities and survivors who continue to recover from the 2020 Labor Day Fires through Community Development Block Grant-Disaster Recovery (CDBG-DR) funds. Administered by Oregon Housing and Community Services, these funds helped set up efforts called ReOregon, which will provide new permanent housing in areas most impacted by the fires to help individuals, households, and communities recover. Affordable housing options, including rental and homeownership options, will be accepting applications in the coming year. The funding will help provide hundreds of new homes for low- and moderate-income households, with preferences being made for survivors in the counties hardest hit by the fires.

# **National Housing Trust Fund**

# **NLIHC Issues Report Summarizing How States Used National Housing Trust Fund Allocations** in 2018

NLIHC issued a new report, *The National Housing Trust Fund: A Summary of 2018 State Projects*, on October 26. Part of NLIHC's effort to document the impact of the national Housing Trust Fund (HTF), the report summarizes how each state and the District of Columbia planned to use \$267 million allocated in 2018 by the HTF. In 2018 – the third year of HTF implementation – states continued to use most of their HTF resources to target projects that served people with disabilities, people experiencing homelessness, elderly people, or other special needs populations. The report finds that 28% of funds were to be devoted to projects serving people with disabilities, 20% to projects serving households experiencing homelessness,18% to projects serving elderly people, 10% to projects serving a mix of special needs populations (including people experiencing homelessness, people with disabilities, and elderly people), and 3% to other special needs populations, such as survivors of domestic violence and youth aging out of poverty. The remaining 21% of funds were devoted to projects in the category of "general occupancy" or "family." Seventy-one percent of the projects in the "family" category included a meaningful percentage of three-bedroom or larger units needed by families.

Although NLIHC is not confident that all states indicated whether a project entailed permanent supportive housing (PSH), 20 states did indicate PSH, with 62 projects containing 692 HTF-assisted PSH units.

Most of the 2018 HTF allocation – more than \$181 million – was used to construct new affordable housing units. Another \$7 million was used for adaptive re-use projects creating more affordable housing in properties previously used for non-housing purposes, such as by converting office buildings, commercial buildings, former convents, and schools to affordable housing. Although reported to HUD as "rehabilitation," NLIHC research showed that eight projects used nearly \$5 million to create new affordable housing. Only two projects seemed to fall exclusively in the category of "acquisition and rehabilitation," and these projects used only \$700,000. Meanwhile, \$41 million of HTF was used to preserve existing affordable housing, helping to ensure that this stock does not revert to market-rate housing. Of that \$41 million, more than \$18 million was used to help preserve earlier federal investments in affordable housing through HUD's Project-Based Section 8 program and USDA's Rural Development (RD) Section 515 program.

The HTF remains an essential source of gap financing, used in conjunction with the HOME Investment Partnerships Program (HOME), the Federal Home Loan Banks' Affordable Housing Program (AHP), and other state affordable housing programs, including state or local housing trust funds. The HTF was used as gap financing for 131 projects that also used the Low-Income Housing Tax Credit (LIHTC) program's equity investments in 2018, meaning that some units in LIHTC projects would serve extremely low-income households. Worth noting is the fact that 62 projects in 28 states did not rely on LIHTC equity; in these cases, states tended to use HTF strategically in smaller projects not conducive to the LIHTC process.

The national Housing Trust Fund (HTF) is a relatively new program that provides block grants to states to build, preserve, or rehabilitate housing affordable to extremely low-income households – those with income at or less than 30% of the area median income (AMI), or at or less than the federal poverty line (whichever is greater). The statute authorizing the HTF requires 90% of any funds awarded to a state to be used for rental housing. The amount of HTF resources awarded to a state is determined by a formula established in the statute. The formula is based principally on the shortage of rental homes affordable and available to extremely low-income renter households and the extent to which such households are spending more than half of their income on rent and utilities.

The HTF, authorized by the "Housing and Economic Recovery Act of 2008," requires Fannie Mae and Freddie Mac to generate funding for the HTF through an annual 4.2 basis point (0.042%) assessment on their new business. The resulting funds are transferred at the end of every calendar year to HUD, which allocates them to the states, the District of Columbia, and U.S. territories using the statutory formula. Since 2016, the amount of money collected for the HTF has grown almost every year: from \$173.6 million in 2016, \$219.2 million in 2017, and \$266.8 million in 2018, to \$247.7 million in 2019, \$322.6 in 2020, \$689.7 in 2021, and \$739.6 million in 2022.

In September 2018, NLIHC published a preliminary report examining the 2016 HTF awards, <u>Getting Started:</u> <u>First Homes Being Built with National Housing Trust Fund Awards</u>, later supplementing the report with additional data as more states provided the necessary information ("<u>Supplemental Update to Getting Started</u>"). In addition, in September 2022, NLIHC published <u>The National Housing Trust Fund: An Overview of 2018</u> <u>State Projects</u>, which addressed how states proposed awarding their 2017 HTF allocations (see <u>Memo</u>, <u>9/12</u>). NLIHC will continue providing such reports in the future.

Read The National Housing Trust Fund: A Summary of 2018 State Projects at: https://bit.ly/3TWJY9s

More information about the national Housing Trust Fund can be found on <u>page 3-1</u> and <u>page 3-14</u> of NLIHC's 2022 Advocates' Guide and on NLIHC's website at <a href="https://bit.ly/2JMafrd">https://bit.ly/2JMafrd</a>

# HoUSed Campaign for Universal, Stable, Affordable Housing

# Recording of October 24 National HoUSed Campaign Call Now Available

On NLIHC's most recent (October 24) national call for the "HoUSed: Universal, Stable, Affordable Housing" campaign, NLIHC President and CEO Diane Yentel welcomed members back after a brief hiatus, during which NLIHC and our partners at the National Alliance to End Homelessness (NAEH) and Center on Budget and Policy Priorities (CBPP) launched the Housing First webinar series.

During the HoUSed campaign call, we were joined by PolicyLink's Rasheedah Phillips and Jasmine Rangel, who discussed PolicyLink's <u>Housing Anti-Displacement Toolkit</u>. The toolkit provides advocates with guidance to expand housing opportunities and prevent the displacement of low-income communities of color, utilizing three overarching strategies: increase affordability through inclusionary zoning and community power; ensure investments foster healthy, economically integrated neighborhoods and community ownership; and protect the security of tenants through legal representation, just cause protections, and other vital tenant protections.

Stephanie Ettinger de Cuba and Allison Bovell-Ammon from Children's HealthWatch shared findings from their <u>new report</u>, *Eviction and Household Health and Hardships in Families with Very Young Children*. Researchers found that both formal and informal evictions place families at risk of poor health and increased hardship, while making families five times more likely to experience homelessness and up to four times more likely to experience other forms of housing instability. Children were also found to have poorer health

outcomes, and mothers were more likely to report depressive symptoms than children and mothers in stable housing.

NLIHC's Sarah Gallagher provided an overview of the <u>ERASE project's national convening</u>, "Emergency Rental Assistance: The Path to a Permanent Program," held in Washington, D.C., on October 17, which was attended by more than 1,200 people in person and virtually. The convening focused on the implementation of emergency rental assistance (ERA) programs, what it would take to create a permanent program, and what states and localities are doing on the ground to make this happen. NLIHC's Sophie Siebach-Glover also shared ERA spending and reallocation data from the most recent U.S. Department of the Treasury (Treasury) report, which showed that \$31.8 billion in <u>ERA funds</u> have been spent so far on assistance, administrative expenses, and housing stability services, and that 6.39 million payments have been made to households.

Maine Affordable Housing Coalition's Laura Mitchell discussed "HOMEforME," a new campaign to address the affordable housing crisis in Maine by gathering ideas about best practices for policy priorities from stakeholders, partner organizations, and other states. United Native American Housing Association's (UNAHA) David Heisterkamp then outlined UNAHA's priorities for ERA legislative policy. Tribes were not allocated ERA2 funds, so UNAHA is seeking a one-year extension through legislative approval to protect tenants and preserve housing stability.

NLIHC's Sarah Saadian provided updates on two major opportunities to advance housing policy in the coming months: the fiscal year (FY) 2023 spending package and the end-of-year tax extenders package, two priority pieces of legislation that Congress hopes to enact before the new year begins and a new Congress arrives in Washington. Congress is still negotiating a final FY23 spending bill, and key decisions are being made now about how much funding will be allocated to support housing and homelessness programs across the country. Sarah encouraged advocates and organizations to weigh in with their member of Congress on a variety of legislative priorities, including funding for housing vouchers, public housing, homelessness assistance grants, legal assistance for tenants, and competitive tribal grants. Additionally, NLIHC is advocating not only for the expansion of the Low-Income Housing Tax Credit (LIHTC) but also to reform the program to better serve households with the greatest needs in the year-end tax extenders package.

National HoUSed campaign calls occur every other week. Our next call will be on November 7 from 2:30 to 4:00 pm ET. Register for the call at: <a href="https://bit.ly/3ub2sWM">https://bit.ly/3ub2sWM</a>

Watch a recording of the October 24 call at: tinyurl.com/2p8978y6

View presentation slides from the October 24 call at: tinyurl.com/25u5ath7

## NLIHC Releases Fact Sheet on LIHTC Reforms and New Call-to-Action Tool

NLIHC has released a new <u>fact sheet</u> explaining the need for targeted reforms to the Low-Income Housing Tax Credit (LIHTC) program and a <u>call-to-action tool</u> to help advocates ask their members of Congress to include these reforms in an end-of-year tax extenders package. Congress regularly passes tax extender bills to reauthorize tax provisions, and many housing advocates are pushing both for the expansion of and reforms to LIHTC in this year's package. NLIHC continues to advocate for <u>a range of needed changes to LIHTC</u>, and the new fact sheet summarizes those three provisions most needed to ensure that LIHTC serves extremely low-income households.

LIHTC is the primary source of financing for the construction and preservation of affordable housing. While an important resource, LIHTC on its own is generally insufficient to support the construction and preservation of homes affordable to households with the lowest incomes. Congress now has the opportunity to improve LIHTC

via the tax extenders package by pairing any expansion of LIHTC with key reforms, such as those included in the "Build Back Better Act" enacted by the U.S. House of Representatives and the bipartisan "Affordable Housing Credit Improvement Act," to ensure that the tax credit program better serves people experiencing or at risk of homelessness. NLIHC urges advocates to contact their members of Congress to urge them to include these LIHTC reforms in any tax extender package moving forward.

Read the fact sheet at: https://bit.ly/3gDnV9o

Find the new call-to-action tool at: https://p2a.co/4qstqc5

Read about NLIHC's other policy priorities in the Fall and Winter 2022 Advocacy Toolkit.

# **Emergency Rental Assistance**

# Nearly \$3.7 Billion in ERA1 and ERA2 Funds Reallocated, with Majority of Funds Remaining within Same States

The U.S. Department of the Treasury (Treasury) recently released additional data on <u>voluntary</u> reallocations from the third round of Emergency Rental Assistance (ERA1) funds; ERA1 <u>reallocation</u> from tribal grantees; the final round of ERA1 <u>reallocation</u>; and the first round of <u>involuntary</u> and <u>voluntary</u> reallocations from the second tranche of Emergency Rental Assistance (ERA2) funding. Reallocation is a process by which Treasury transfers funds from grantees determined to have "excess" funds to grantees with additional needs. Between ERA1 and ERA2 reallocation, nearly \$3.7 billion of ERA funds have been reallocated since September 2021.

Of the \$3.6 billion of ERA1 and ERA2 funds reallocated from state and local grantees, over 51% have been voluntarily reallocated either to another eligible grantee within the same state or to a national pool if another grantee cannot be identified (e.g., if there is only one grantee within the state). Due to the large proportion of voluntarily reallocated funds, over 60% of funds remained in the same state. Reallocated funds remaining in the same state likely helped correct for the initial allocation formula, which gave a disproportionate amount of funding to state grantees compared to local grantees.

ERA1 Reallocation: Approximately \$978.6 million of ERA1 funds were reallocated between the third and final rounds from state and local grantees. Tribal grantees, which were not subject to reallocation until April 2022, had just under \$35.1 million reallocated. This brings the total ERA1 funds reallocated over all three rounds to nearly \$3.1 billion. Between the third and final rounds of reallocation, 60% of funds were transferred to state grantees or the District of Columbia, over one-third went to local grantees, and 3% went to tribal grantees.

ERA2 Reallocation: Just over \$518.9 million of ERA2 funds were reallocated in the first round from 84 grantees (75 localities and nine states). Over three-fourths of reallocated ERA2 funds came from state grantees. While the majority of funds went to local grantees, several states received large reallocations. The grantees that received the most ERA2 funds in the first round were the State of California (\$52.1 million), the State of New York (\$36.4 million), Madison, Wisconsin (\$33.9 million), the State of New Jersey (\$30.5 million), and the State of Texas (\$28.2 million).

Considering what grantees have received so far in both ERA1 and ERA2 reallocations, the grantees that have received the most additional funds are: the State of California (\$459.9 million), the State of New York (\$334.5 million), the State of New Jersey (\$187.8 million), the State of Texas (\$163.3 million), and Indianapolis, Indiana (\$98.1 million).

It is anticipated that there will be three additional rounds of ERA2 reallocation. Additional information regarding the reallocation process can be found <a href="here">here</a>.

## **HUD**

# **HUD to Hold "Get Ready for NSPIRE" Sessions**

HUD's Real Estate Assessment Center (REAC) announced 14 "Get Ready" sessions regarding National Standards for the Physical Inspection of Real Estate (NSPIRE). NSPIRE is a new approach to defining and assessing housing quality among most HUD programs, particularly public housing and privately owned multifamily properties assisted with Section 8. The purpose of the sessions is to help all REAC stakeholders, including residents, property owners, and inspectors, learn more about NSPIRE and prepare for its full implementation.

HUD published a <u>proposed rule</u> in the *Federal Register* on January 13, 2021 (see *Memo*, <u>1/19/21</u>). The title of the upcoming sessions – "Get Ready" – implies that implementation of a final rule is imminent, though there is currently no indication that a final rule is soon to be published because one is not posted at the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB).

The intent of the proposed rule, along with the existing NSPIRE demonstration (see *Memo*, <u>8/26/19</u>), is to improve HUD oversight by aligning and consolidating the physical inspection regulations used to evaluate HUD-assisted housing across multiple HUD programs, creating a unified assessment of housing quality. Currently, the various HUD programs evaluate housing quality using different inspection standards, protocols, and frequencies. NLIHC has submitted <u>comments</u> about the proposed rule (see *Memo*, <u>3/22/21</u>) and prepared a detailed <u>summary of key features of the proposed rule</u>.

A list of cities and dates for the upcoming "Get Ready" sessions can be found here.

REAC's NSPIRE homepage is accessible here.

## **Our Homes, Our Votes**

# Join Today's (Monday, 10/31) *Our Homes, Our Votes* Webinar on GOTV Efforts, Election Protection, and Post-Disaster Ballot Access

The *Our Homes, Our Votes:* 2022 webinar series features experts with frontline election experience to walk through every step of voter and candidate engagement activities and support housing organizations' nonpartisan election efforts. The next webinar, "Countdown to Election Day: GOTV, Election Protection, and Post-Disaster Ballot Access," will be held today (Monday, October 31) at 2:30 pm ET. Register for the webinar series <a href="here">here</a>.

Election Day is an all-hands-on-deck effort to get voters to the polls and the culmination of months of voter registration, education, and mobilization activities. Panelists will review the most effective Election Day Get Out the Vote (GOTV) tactics, such as coordinating rides to the polls, hosting community walks to the polls, bringing snacks and music to keep people in line at busy polling locations, and recruiting volunteers to follow up with those who have not yet voted. Panelists will also discuss election protection efforts to prevent the harmful impact of voter intimidation campaigns, which are often intended to deter low-income people and communities of color from voting, and cover strategies for preserving voter access in the aftermath of a natural disaster. The panel will feature Morgan Conley, national coordinator for Election Protection at the Lawyers'

Committee for Civil Rights Under Law; Blake Tyler, voting rights organizer at the Granite State Organizing Project; and Jesse Burns, executive director of the League of Women Voters of New Jersey.

*Our Homes, Our Votes* webinars will be held on a biweekly basis until the week that follows the 2022 midterm elections. View the full schedule for the webinar series and the archive of past webinar recordings <u>here</u>.

# **Opportunity Starts at Home**

# New Research Finds 104,000 NYC Public School Students Were Homeless Last Year

A *New York Times* article explores new data on homelessness among New York City public school students. The data reveal that 104,000 students in NYC experienced homelessness during the last school year and that the number of students in temporary housing grew by 3% during the prior year. The city continues to seek solutions to address student homelessness, yet the number of students who are homeless continues to grow quickly: in the past four months alone, the city has integrated more than 6,000 additional homeless students. Many students experiencing homelessness stay in shelters, double up with family members, or stay in cars, parks, or abandoned buildings. The impact of homelessness on education is severe. According to the article, "only 60 percent of homeless high school students living in shelters graduate in four years. Their high school drop-out rate is three times higher than that of students in stable housing." As the article makes clear, it is critically important that education advocates address housing needs in order to improve educational outcomes. For this reason, many education advocates have joined the Opportunity Starts at Home campaign to urge policymakers to enact robust and equitable housing solutions. Read the *New York Times* article here.

## Research

# **Research Demonstrates Importance of Holding Tenant-Landlord Mediation Prior to Eviction Litigation**

A new study from the Hawai'i Appleseed Center for Law and Justice, "Eviction Prevention through Hawai'i's Tenant-Landlord Mediation Program," compares tenant outcomes across three tenant-landlord mediation programs in Hawai'i. The three mediation programs include one that took place during the COVID-19 pandemic and offered mediation prior to eviction litigation; one that took place during the pandemic and offered mediation post-litigation; and one that took place before the pandemic and also offered mediation post-litigation. The study found that the pre-litigation mediation program resulted in higher settlement rates than the post-litigation mediation programs. Pre-litigation mediation also resulted in significantly higher rates of tenants remaining in their homes.

The researchers used administrative data from the Mediation Center of the Pacific (MCOP) to assess outcomes for the three tenant-landlord mediation programs. The primary program serving tenants during the pandemic was instituted as a part of Act 57, a temporary COVID-19-era mediation program intended to serve households that had fallen behind on rent but had not yet accessed rental assistance. The program required landlords to inform tenants about the availability of a mediation program before filing for eviction, and tenants who opted in were entitled to a 1.5-hour long mediation session with a professional. The other two programs were both held post-litigation and used volunteer mediators, with one program occurring before the COVID-19 pandemic and another occurring during the pandemic. The research compared settlement data from 1,653 mediations: 92 that occurred pre-pandemic, 1,378 that occurred as a part of the pre-litigation Act 57 approach, and 183 that occurred as part of a post-litigation approach during the pandemic. The researchers supplemented these data

with additional outcome data from a smaller sample of cases, as well as interview data from interviews with involved mediators, tenants, and legal counsel.

The study found that tenant-landlord mediations held before a landlord filed for eviction were far more successful at reaching a settlement than mediations that were held after a landlord already filed for an eviction. Eighty-seven percent of pre-litigation mediation cases were settled, compared to 52% of post-litigation cases during the pandemic and 47% of pre-pandemic, post-litigation cases. The study also found that Act 57 pre-litigation mediations were significantly more successful in allowing tenants to remain in their homes than post-litigation mediations. Among a sample of settlement agreements provided by MCOP, 85% of pre-litigation mediation cases resulted in a tenant remaining in their apartment. Among tenants that received post-ligation mediation, only 28% of cases during the pandemic and 11% of cases pre-pandemic resulted in a tenant staying in their home.

Interviews with stakeholders provided additional context for why the Act 57 program may have been more successful than other mediation programs. Attorneys emphasized that pre-litigation mediation could help landlords and tenants reach a settlement because both parties may have a more open mindset before litigation begins. For example, landlords have not yet invested time or money in the litigation and may therefore be open to alternatives to eviction. Interviewed mediators also suggested the availability of rental assistance amid COVID-19 was critical in reaching settlements. Among the Act 57 settlement agreements reviewed, two-thirds explicitly said that rental assistance would be used to pay back rent owed. The authors emphasized the importance of rent relief in ensuring housing stability but suggested that the availability of rental assistance may be most effective when combined with other factors, such as holding mediation prior to litigation.

The Act 57 mediation program, which ended in August 2022, resulted in far more favorable outcomes for tenants compared to other mediation programs. The authors attribute the program's success to the timing of mediation (pre-litigation), the utilization of professional mediators rather than volunteers, the availability of rent relief, and the flexibility of video conferencing. The researchers recommend that pre-litigation mediation be continued, and that this mediation be paired with emergency rent relief in order to achieve the most favorable tenant outcomes.

Read the article at: <a href="https://bit.ly/3gtUXZz">https://bit.ly/3gtUXZz</a>

# Potential Harm of Rent Reporting Outlined in National Consumer Law Center Paper

The National Consumer Law Center (NCLC) issued a short paper, "Even the Catch-22s Come with Catch-22s: Potential Harms and Drawbacks of Rent Reporting," detailing how rent reporting can carry significant risks for renters, especially renters of color. The paper suggests that rent reporting runs the risk of helping better-off renters at the cost of placing others at risk of homelessness. Rent payment data have been promoted as a form of alternative data to help renters who are either "credit invisible" or who have poor credit histories.

NCLC states that rent reporting should be limited to positive payment information only. Programs that report negative or "full file" information will harm vulnerable households because landlords use credit reports and scores as part of tenant screening reports. Many landlords will not rent to a household with a record of a late rent payment or will require a very large security deposit from such a household.

When HUD's Office of Public and Indian Housing (PIH) established Asset Building as one of four cohorts in its so-called Moving to Work Demonstration Expansion (see *Memo*, 5/2), one of the options made available to the 18 public housing agencies participating in the Asset Building cohort was Credit Building. NLIHC urged PIH to limit this option to positive payment (see *Memo*, 5/16); however, PIH chose to use "full file" reporting without any guardrails to account for rent payments that were only slightly late or only \$500 short.

NCLC cautions that even reporting positive payment history alone could carry some risks. If there is a month for which a rental payment is not recorded or that records a lower amount than the "scheduled payment," a landlord might make a negative assumption that the tenant failed to pay rent that month.

Rent payment reporting to credit bureaus should be carried out only with a household's active permission – that is, it should be opt-in only, rather than opt-out or mandatory. In general, consumers should always have control over whether their data are shared.

When conducted correctly, rent reporting can be a relatively helpful practice. Pilot studies found that rent reporting increased credit scores from between 10 to 23 points (and one study found that such reporting increased scores by 60 points). However, aside from the study finding the 60-point increase, rent reporting seems to result in relatively limited increases and might not be helpful unless households have credit scores close to cut-off points for credit score tiers (such as scores that are on the verge of subprime levels).

Read the NCLC paper at: <a href="https://bit.ly/3DBjSnh">https://bit.ly/3DBjSnh</a>

# **Urban Institute and The Kelsey Release Report Highlighting Barriers to Housing Access Faced** by People with Disabilities

Urban Institute and The Kelsey released a new report on October 21 highlighting the barriers to housing access faced by people with disabilities. The report, <u>People with Disabilities Living in the US Face Urgent Barriers to Housing</u>, found that 18 million people with disabilities and low incomes are eligible for federal housing assistance but do not receive assistance.

Fourteen percent of low-income people with disabilities receive Supplemental Security Income (SSI). According to NLIHC's <u>research</u>, on average a person receiving SSI can only afford to spend \$252 per month on rent, but the average cost of a one-bedroom rental unit at Fair Market Rent is \$1,105 – over four times the amount a person receiving SSI can reasonably afford. The lack of housing assistance makes these individuals particularly vulnerable to housing instability.

The researchers suggest four policies to increase access to housing assistance for people with disabilities, grow the stock of affordable, accessible housing for people with disabilities, and ensure housing is designed to be both accessible and inclusive:

- Expand access to both tenant- and project-based vouchers to support long-term housing stability.
- Target development subsidies and incentives to the construction of housing for people with disabilities.
- Make significant investments in Medicaid's Home and Community-Based Services (HCBS), which allow people with disabilities to access in-home supportive services that may be necessary for an individual to live independently.
- Pilot new, community-based housing models inclusive of people with disabilities.

The report was released as part of Urban Institute's <u>Disability Equity Policy Initiative</u>, which aims to increase the research available on the housing and economic needs of people with disabilities so that policymakers can create systems that better address those needs.

Read the full report at: tinyurl.com/4rm37ef7

Learn more about Urban Institute's Disability Equity Policy Initiative at: tinyurl.com/zszcs9r2

## Fact of the Week

# Greater Share of Renters Were Behind on Rent and Experiencing Deeper Rental Arrears in 2021 Compared to 2017



Source: U.S. Census Bureau, "2021 American Housing Survey," https://bit.ly/3rQ1QGZ

Note: The survey asks respondents, "For how many of the last 3 months [were you] unable to pay all or part of the rent?" As a result, some renters may be more than three months behind but this data is not collected.

## From the Field

# Evanston, Illinois, Adds Protections to New Fair Housing Ordinance

Evanston, Illinois, has expanded the protections the city offers tenants by amending its "Fair Housing Ordinance," which was adopted with unanimous support by the Evanston City Council on September 27, 2022. The amendment to the ordinance extends protections to prospective tenants who possess criminal records that have no bearing on their role as a tenant, as well as victims of domestic violence who are in danger of being unstably housed.

With the new amendment, the protections included in the city's Fair Housing Ordinance now mirror similar protections offered on the county level. Cook County (where Evanston is located) passed a <u>Just Housing Amendment to the Human Rights Ordinance</u> in April 2019 preventing tenants from being denied housing based on criminal charges that are more than three years old. To create a more equitable process, the county mandated that all applicants must go through a pre-screening process during which standard factors such as income, credit score, and eviction history are considered. Landlords can only perform background checks on prospective tenants who have been pre-approved as a result of this process. Landlords seeking to reject the applications of clients with criminal charges less than three years old must justify their rejection by claiming that the applicant would pose personal safety or property risks.

In fact, Evanston's amendment to the Fair Housing Ordinance goes one step further by outlining how the new protections will be enforced within city limits. A landlord who is found to be in violation of the protections will be subject to a fine for each offense, and the ordinance explains that tenants may take civil action regarding any discrimination they encounter.

The protections were passed following the advocacy of Illinois-based housing advocates who have been working towards achieving fair and safe housing for their communities. Gail Schechter, executive director of the local group H.O.M.E., believes the new ordinance is a step in the right direction for Evanston. "I am so pleased that the Evanston City Council is taking housing discrimination seriously, and we look forward to seeing the city provide the enforcement, education, and affirmative outreach to make sure every resident and home-seeker is treated fairly, no matter their background."

## **NLIHC Careers**

## **NLIHC** in the News

## NLIHC in the News for the Week of October 23

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

- "First look: Federal program tackles post-Ian homelessness" *Axios*, October 24 at: https://bit.ly/3Nc64T8
- "Lawmakers, advocates eye year-end bills for housing credit" *Roll Call*, October 25 at: <a href="https://bit.ly/3TItKRP">https://bit.ly/3TItKRP</a>
- "Developers aren't building enough affordable housing despite an unprecedented crisis" *Business Insider*, October 26 at: <a href="https://bit.ly/3U4mWNW">https://bit.ly/3U4mWNW</a>

## **NLIHC News**

#### Where to Find Us – October 31

NLIHC staff will be speaking at the following events in the coming months:

- Housing for All Reception Washington, DC, November 2 (Kim Johnson)
- <u>California Rural Housing Coalition Summit</u>: Reconnecting to Build Affordable Homes and Equitable Communities Keynote Speaker, Asilomar, CA, November 3 (Diane Yentel)
- Partnership for Strong Communities <u>2022 Connecticut Affordable Housing Conference</u> Keynote Speaker, Virtual, November 14 (Diane Yentel)
- Maine Affordable Housing Coalition's Housing Policy conference Keynote Speaker, Portland, ME, November 17 (Diane Yentel)
- <u>Fargo-Moorhead Coalition to End Homelessness, Annual Town Hall</u> Virtual, November 17 (Courtney Cooperman)
- Prosperity Indiana Summit and Statehouse Day Indianapolis, IN, February 1 and 2 (Diane Yentel)

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Zak Zethner, Research Intern