



NATIONAL LOW INCOME  
HOUSING COALITION

March 14, 2024

The Honorable Sherrod Brown  
Committee on Banking, Housing and Urban Affairs  
U.S. Senate  
Washington, DC

The Honorable Tim Scott  
Committee on Banking, Housing and Urban Affairs  
U.S. Senate  
Washington, DC

To Chair Brown and Ranking Member Scott:

On behalf of the National Low Income Housing Coalition, I write to thank you for the recent hearing on March 12 in the Senate Banking Committee on “Examining Proposals to Address Housing Affordability, Availability, and Other Community Needs.” I was honored to [testify](#) at a similar hearing before your committee on April 26, 2023, when I urged the committee to advance bipartisan policy proposals that would have a meaningful impact on the housing crisis. America’s affordable housing and homelessness crisis demands urgent action by all levels of government, and it is critical that Congress work to find common ground to enact legislation to help improve the lives of America’s lowest-income and most marginalized households.

We urge you to continue your work as Chair and Ranking Member to advance a bipartisan package of legislation to help address the affordable housing and homelessness crisis. This package should include legislation to increase housing stability and economic mobility among low-income families; invest in cost-effective eviction prevention tools; improve and streamline existing housing programs; cut red tape to build housing for people with the lowest incomes; improve oversight of federal disaster resources; expand and reform affordable housing development programs; and provide better access to fair and affordable housing, among others.

### **Key Legislation for Any Bipartisan Housing Package**

Below are bills NLIHC urges you to include in any bipartisan housing package that advances in the committee.

#### **Eviction Crisis Act**

Any bipartisan housing package should include the “Eviction Crisis Act” (S.2182), introduced in the 117th Congress by Senators Rob Portman (R-OH), Michael Bennet (D-CO), and Sherrod Brown (D-OH). The legislation, which is expected to be reintroduced shortly, would provide emergency, short-term assistance to help stabilize households in crisis, building on lessons learned from and the infrastructure developed during the pandemic to keep families stably housed.

Evictions push families deeper into poverty, harming health outcomes, hampering educational attainment, and resulting in numerous other negative effects. When a household faces an emergency, it needs focused, short-term help, not a one-way ticket to further housing instability.

By passing the bipartisan Eviction Crisis Act, Congress would draw on extensive experiences and insights gathered during the pandemic and create a permanent, cost-effective tool to help stabilize households before they face evictions and homelessness and to reduce the harms and costs associated with evictions for individuals and communities.

### **Family Stability and Opportunity Vouchers Act**

Any bipartisan housing package should include the “Family Stability and Opportunity Vouchers Act” (S.1257, H.R.3776) to connect low-income families with economic and educational opportunities. The bipartisan bill, re-introduced by Senators Chris Van Hollen (D-MD) and Todd Young (R-IN) and Representatives Joe Neguse (D-CO) and Brian Fitzpatrick (R-PA), would provide 250,000 new housing vouchers as well as counseling services to help low-income families with young children move to communities of their choice, including communities with high-performing schools, strong job prospects, and other essential resources.

Access to safe, stable, affordable housing is linked to nearly every quality-of-life measure, including better educational and health outcomes, racial equity, and economic mobility. A landmark study by Harvard University economist Raj Chetty demonstrates the enormous positive impact of affordable housing on upward economic mobility for children of low-income families. The Family Stability and Opportunity Vouchers Act is a bipartisan, evidence-based initiative that would improve outcomes for low-income children by helping their families afford homes in neighborhoods of their choice.

### **Reforming Disaster Recovery Act**

We urge you to include in any housing package bipartisan legislation to permanently authorize HUD’s long-term disaster recovery program to provide greater oversight and deeper targeting of resources. The “Reforming Disaster Recovery Act” (S.1686, H.R.5940), introduced by Representative Al Green (D-TX) and Senators Brian Schatz (D-HI), Susan Collins (R-ME), and others, would permanently authorize the Community Development Block Grant-Disaster Recovery (CDBGDR) program and provide important safeguards and tools to help ensure that federal disaster recovery efforts reach the lowest-income and most marginalized disaster survivors. Because the program is not currently authorized, HUD must issue new rules through a Federal Register Notice whenever Congress provides long-term disaster funding, slowing the distribution of funds and preventing states and municipalities from anticipating and preparing for the receipt of funding before disasters occur.

### **Fair Housing Improvement Act**

We encourage you to include in any housing package legislation to provide federal source-of-income protections. Before retiring in 2018, Senator Orrin Hatch (R-UT) worked with Senator Tim Kaine (D-VA) to sponsor the “Fair Housing Improvement Act,” which would expand the “Fair Housing Act” to prohibit discrimination based on source of income and military and veteran status. The bill was reintroduced in the 118th Congress by Senator Kaine and Representative Scott Peters (D-CA).

### **Choice in Affordable Housing Act**

We urge you to include in any bipartisan housing package legislation to streamline and improve the Section 8 Housing Choice Voucher program. For example, Congress should enact the bipartisan “Choice in Affordable Housing Act” (S.32, H.R.4606), introduced by Senators Chris

Coons (D-DE) and Kevin Cramer (R-ND) and Representatives Emanuel Cleaver (D-MO) and Lori Chavez DeRemer (R-OR), to reduce inspection delays, create landlord incentives, facilitate recruitment efforts with local property owners, and expand the use of Small Area Fair Market Rents. Such changes could increase voucher holders' housing choices and reduce programmatic barriers to help attract and retain landlords in the program. To help renters on tribal land, the bill would also increase funding to the Tribal HUD-Veterans Affairs Supportive Housing (HUD-VASH) program.

### **Yes In My Back Yard Act**

A bipartisan housing package should include legislation to encourage state and local governments to reduce or eliminate restrictive zoning and land use requirements that drive up housing costs and constrict the supply of housing, especially in markets with significant growth in demand for housing. To help reduce or eliminate zoning and land use restrictions, we urge you to include in any bipartisan housing package the "Yes In My Backyard (YIMBY) Act" (S.1688, H.R.3507), introduced by Senators Todd Young (R-IN) and Brian Schatz (D-HI) and Representative Derek Kilmer (D-WA). The bill would require HUD Community Development Block Grant (CDBG) grantees to report on actions taken to address zoning and land use barriers. Developers are often burdened with restrictive zoning rules that delay or prevent new housing and further restrict communities' economic development. The YIMBY Act would cut red tape that prevents the development of affordable housing.

### **Yes in God's Back Yard Act**

We urge you to include in any bipartisan housing package the "Yes In God's Back Yard Act," introduced by Senator Sherrod Brown (D-OH). The bill helps to support faith-based organizations and colleges wanting to build and preserve affordable housing on their land and reduce barriers to the development of this housing. The bill provides technical assistance to faith-based organizations and institutions of higher education wanting to use their existing land to increase or preserve the supply of affordable rental housing. It also creates challenge grants to provide additional resources to communities that adopt policies that remove barriers to the production and preservation of affordable rental housing on property owned by faith-based organizations and institutions of higher education.

### **Rural Housing Service Reform Act**

NLIHC supports the "Rural Housing Service Reform Act," (S.2790) from Senators Tina Smith (D-MN) and Mike Rounds (R-SD). The bipartisan bill would improve the housing programs administered by the U.S. Department of Agriculture's (USDA) Rural Housing Service (RHS) through several reforms, including decoupling rental assistance from maturing mortgages, permanently establishing the Multifamily Housing Preservation and Revitalization Demonstration (MPR), improving USDA's Section 542 voucher program to better serve voucher holders, permanently establishing the Native Community Development Financial Institutions (CDFI) Relending pilot program, and improving staff training and capacity within RHS.

### **Native American Housing Assistance and Self-Determination Act**

To help address the dire affordable housing needs in Native communities, we urge you to include the reauthorization of the Native American Housing Assistance and Self Determination Act (NAHASDA) in any bipartisan housing package. NAHASDA is the primary federal statute governing the development, operation, and maintenance of housing in Tribal communities.

Called “the backbone of Indian housing,” NAHASDA grants can be used for affordable housing activities that primarily benefit low-income Indian families living on Indian reservations and Alaska Native communities or in other Indian areas. Since its creation, Tribes and Alaska Native governments have used Indian Housing Block Grant (IHBG) funding to build or acquire almost 41,500 affordable homes and restore an additional 105,000 affordable homes on Tribal lands and Alaska Native communities. Despite its crucial role, NAHASDA has not been reauthorized in a decade. As a result, its programs are in desperate need of updates, and funding has decreased by 29% when accounting for inflation, remaining at less than 2% of the overall HUD budget.

### **Affordable Housing Preservation and Protection Act**

NLIHC urges the committee to include in any bipartisan housing package the Affordable Housing Preservation and Protection Act from Senator Sherrod Brown (D-OH) to help preserve distressed HUD-assisted properties for future generations. HUD-assisted buildings provide safe, affordable homes to 1.3 million households, including seniors, people with disabilities, and families with children. This valuable source of affordable housing, however, has become physically obsolescent and needs immediate rehabilitation.

### **Areas of Concern**

NLIHC appreciates Senator Scott’s work to address the housing crisis, and we thank him in advance for his leadership in advancing a bipartisan legislative package to address the housing crisis. However, NLIHC has concerns about some provisions in the “ROAD to Housing Act.” For the reasons outlined below, we urge you to not include these provisions in any bipartisan housing package.

### **Expanded Moving To Work**

NLIHC opposes provisions in the ROAD to Housing Act to expand and authorize Moving To Work (MTW) as a permanent program. The MTW demonstration allows public housing agencies (PHAs) to obtain broad waivers of federal rules governing the public housing and Housing Choice Voucher programs so they can test alternative policies related to work requirements, rent increases, and time limits, as well as other areas. While some PHAs have used their MTW flexibilities in useful ways, the outcomes of MTW have not been rigorously evaluated. NLIHC is deeply concerned about the serious adverse impacts on residents by some PHA’s uses of MTW flexibilities. One such adverse impact on residents that has been documented in some MTW agencies is a significant reduction in the number of households served and rent increases resulting in cost burdens.

A thorough, independent evaluation is needed for the original 39 PHAs participating in MTW, as well as a complete evaluation of all the MTF “flexibilities” undertaken by the 100 Expansion MTW PHAs (not just their cohort-specific MTW flexibility). Rather than permanently authorizing MTW or expanding MTW to more PHAs, we urge the committee to instead provide greater oversight and accountability of the existing 39 MTW PHAs and 100 Expansion PHAs.

### **Rental Assistance Demonstration**

NLIHC opposes provisions in the ROAD to Housing Act to lift the cap on the Rental Assistance Demonstration (RAD). After decades of disinvestment from public housing that has led to an estimated \$70 billion backlog in capital needs, Congress created RAD in 2012 as a

demonstration to allow public housing authorities to change the funding source for their public housing developments from Section 9 to Section 8 of the U.S. Housing Act to help leverage public and private capital to preserve these homes. Since that time, Congress has incrementally increased the number of public housing units that can convert to the Section 8 platform to 455,000 units.

Although RAD statute and regulation provide significant tenant rights and protections, such protections are not always followed in practice and there has been a lack of federal oversight of those rights and protections. Many tenants have well-founded concerns about displacement and the long-term viability of their homes.

Currently, tenants in some RAD-converted projects are not experiencing the full benefit of the promise and potential of the program. There is often little transparency after conversion, and some private management agents impose improper leases with provisions inconsistent with RAD public housing lease requirements. Some residents continue to experience poor housing conditions and are losing important public housing rights, such as an explicit right to organize, access to grievance procedures, and opportunities to transfer to other PHA-owned units.

While we encourage Congress to make important improvements to HUD's monitoring and enforcement of the RAD program, we oppose the lifting of its current, expanded conversion cap and the elimination of a sunset date for the demonstration until these critical issues are fully addressed.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Diane Yentel".

Diane Yentel  
President and CEO  
National Low Income Housing Coalition