

# THE DO'S AND DON'TS OF VOTER ENGAGEMENT IN HUD-ASSISTED PROPERTIES

Housing providers can create a culture of civic engagement and provide important opportunities for residents to update their voter registrations, learn about elections, and cast their ballots. Some owners of HUD-assisted properties, however, worry that federal funding prohibits them from doing voter engagement work. Fortunately, this is not the case!

This resource provides guidance for public housing agency (PHA) directors, owners and operators of federally assisted housing, service coordinators, tenant leaders, and other advocates who are seeking to encourage voter participation and strengthen civic engagement in their communities.

## Background

President Biden's [Executive Order on Promoting Access to Voting](#) (March 2021) affirms that the right to vote is fundamental to American democracy and that it is the obligation of the federal government to ensure that American citizens can exercise that right. The executive order directs federal agencies to evaluate ways to expand voter registration opportunities, provide information about voting, and facilitate participation in the electoral process.

In response to the executive order, the U.S. Department of Housing and Urban Development (HUD) [circulated announcements](#) to its email lists on February 9, 2022, clarifying that PHAs and recipients of HUD funding are permitted – and actively encouraged! – to facilitate nonpartisan voter engagement activities. This resource summarizes key takeaways from HUD's announcements.

## What Can Recipients of HUD Funding Do?

An announcement from the [Office of Multifamily Housing Programs](#) encourages owners of HUD-assisted housing to share voter and election resources, such as those available via [Vote.gov](#), with residents. The [Office of Public and Indian Housing](#) (PIH) also encourages PHA directors to share this information with residents and PHA staff. The announcements clarify that PHAs and owners of HUD-assisted properties can pursue the following nonpartisan engagement activities:

- Permit the use of community space on an incidental basis to hold meetings, candidate forums, or voter registration, provided that all parties and organizations have access to the facility on an equal basis and are assessed equal rent or use charges.
- Collaborate with local election administrators to permit the use of space for voter drop boxes and voting sites, including for early voting.

All voter engagement activities – including voter registration, voting sites, and ballot drop boxes – must be accessible for people with disabilities. Visit [https://www.ada.gov/ada\\_voting/ada\\_voting\\_ta.htm](https://www.ada.gov/ada_voting/ada_voting_ta.htm) for additional information.

## What Can PHAs Do?

The [PIH announcement](#) lists additional ways that PHAs can support voter participation for residents of public housing and Section 8 voucher holders:

- Provide documentation of residence (e.g., address verification, leases, etc.) to public housing residents when requested to ensure that residents can register and vote. [Vote.gov](#) is a useful resource to determine what documentation of residence will be most helpful for voter registration in each state.
- Apply to states to operate as a voter registration agency under the [National Voter Registration Act](#). States are allowed to designate state, federal, and nongovernmental offices as voter registration agencies. To



apply to become a voter registration agency, PHAs can reach out to their county clerk or state election officials for more information. Note that state election offices, not HUD, evaluate applications to become a voter registration agency.

- Make voter registration resources available to residents. A PHA that is not designated by the state as a voter registration agency can still facilitate residents' access to voter registration. Such permissible actions include:

- ◊ Making voter registration forms available to residents.

- ◊ Accepting completed voter registration application forms and transmitting these forms to the appropriate state election official, where permissible by state law.

- ◊ Running PHA-initiated voter registration drives, where permissible by state law. PHAs should consult with their legal counsel and state election director to identify the rules and laws around voter registration drives in each state.

### **What Funding is Available for Voter Engagement?**

The PIH announcement clarifies that PHAs may use Section 8 administrative fees and public housing operating subsidies to fund permissible nonpartisan voter engagement activities. Where PHAs fund Resident Councils, the Resident Councils may use their funds to provide transportation to the polls as a resident service. Resident Councils should consult with their PHAs to determine whether tenant participation funds can be used for additional voter engagement activities.

### **Which Activities are Prohibited?**

HUD funding cannot finance the use of facilities or equipment for partisan political purposes or partisan political activities that favor one candidate, party, or political position over another. Voter registration activities must be nonpartisan. Voter engagement activities must not give the impression that benefits are tied to a resident's voting activity or suggest that voter registration and voting are not voluntary processes. For example, the residence cannot host an Election Night party and offer rewards only to community members who voted – they must be available to all who choose to attend.

The Alliance for Justice's [Bolder Advocacy initiative](#) offers comprehensive resources on keeping voter engagement work strictly nonpartisan.

### **Notes on Conflicts with State Law**

Many voting laws are set at the state level. PHAs and private owners of HUD-assisted housing should always check with their legal counsel to ensure that their voter engagement activities comply with state and local laws.

For more information, please reach out to NLIHC's Our Homes, Our Votes campaign by emailing [ourhomes@nlihc.org](mailto:ourhomes@nlihc.org).

