Volume 23, Issue 3 January 22, 2018

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Take Action

Ask Your Representative to Sign Dear Colleague Letter on HUD's Suspension of AFFH Rule

Representatives Pramila Jayapal (D-WA) and Keith Ellison (D-MN) are circulating a "Dear Colleague" letter asking HUD Secretary Ben Carson to provide more information on the agency's recent decision to effectively suspend its Affirmatively Furthering Fair Housing rule (AFFH).

The letter states, "The Fair Housing Act not only makes it unlawful for jurisdictions to discriminate, it also requires that they take actions to dismantle historical patterns of segregation, which continue to limit the housing choices and opportunities of protected classes, including people of color, people with disabilities, families with children and religious groups. Despite the law's passage 50 years ago, segregation still plagues our communities, resulting in inequities in all aspects of life, including education, health and income. The AFFH rule reaffirms the strongly held American belief that your zip code should not determine your access to opportunity. Unfortunately, HUD has abruptly decided to push back implementing this rule without input from these stakeholders and has not justified the agency's actions in any convincing manner."

The following groups have endorsed the Dear Colleague letter: NLIHC, National Fair Housing Alliance, PolicyLink, Paralyzed Veterans of America, NAACP Legal Defense and Educational Fund, NAACP, National Urban League, UnidosUS, National CAPACD, Network Lobby for Catholic Social Justice, Lawyers' Committee for Civil Rights Under Law, Consortium for Citizens With Disabilities Housing Task Force, National Alliance on Mental Illness, National AIDS Housing Coalition, National Center for Lesbian Rights, National Housing Law Center, National Coalition for the Homeless, National Consumer Law Center, Center for Responsible Lending, Collaborative Solutions, Grounded Solutions Network, National Housing Trust, Housing Assistance Council (HAC), Housing Choice Partners, National Network to End Domestic Violence, and Prosperity Now.

We urge all representatives to sign on by the **January 29 noon** deadline. Members should contact Danielle.Fulfs@mail.house.gov (Jayapal) or Abby.Schanfield@mail.house.gov (Ellison).

Read the Dear Colleague letter at: http://bit.ly/2mY3gyf

Budget and Appropriations

Senators Negotiate End to Federal Government Shutdown

After failing last week to reach an agreement fund the federal government for FY18, the Senate is voting this afternoon to temporarily extend federal funding under a fourth continuing resolution (CR) through February 8 and to authorize the Children's Health Insurance Program (CHIP) through 2023. Within hours of Senate passage, the CR is expected to be approved by the House before heading to the White House for the President's signature. When enacted, the CR officially ends the government shutdown that has been in effect since midnight on January 19. It also gives lawmakers and the White House more time to negotiate an agreement on lifting mandatory caps on discretionary spending, a fix for young undocumented immigrants enrolled in the Deferred Action for Childhood Arrivals (DACA) program, and disaster relief funds.

Below is a summary of how a government shutdown would have impacted operations at HUD, USDA, the U.S. Interagency Council on Homelessness (USICH), and Fannie Mae and Freddie Mac, and would affect disaster relief efforts.

Impact on HUD Operations

During a government shutdown, approximately 96% of HUD's 7,797 staff would be furloughed; just 289 employees are currently classified as "excepted" from the shutdown and would continue working in order to perform duties for programs also "excepted" from the shutdown. The programs, or functions of programs, that have been deemed "excepted" from the shutdown would continue to operate. These include housing and emergency services for people experiencing homelessness or living with HIV/AIDs and the distribution of disaster aid and HUD block grants "where the failure to address issues result in a threat to safety of life and protection of property."

Local public housing agencies (PHAs) are not federal government entities and thus do not shut down. But PHAs receive significant federal funding and their hours and capacities may be impacted by a shutdown. A HUD contingency plan from 2017 posted on its website states that, depending on the length of the shutdown, some PHAs may not be able to maintain normal operations. HUD recommends that local PHAs be contacted for information as to their operating levels.

Public housing and Housing Choice Voucher funds already obligated by HUD to PHAs in the Line of Credit Control System (LoCCS), HUD's primary grant disbursement system, or the HUD Central Accounting Program System (HUDCAPS) would be available for PHAs to drawdown. During a shutdown, HUD may be able to bring in pre-designated staff intermittently to get current payments for public housing and Housing Choice Vouchers through processing.

According to the 2017 contingency plan, HUD would not process requests for tenant protection vouchers for public housing or multifamily actions during a shutdown. HUD would make some payments under Section 8 contracts, rent supplement, Section 236, and project rental assistance contracts (PRACs) where there is budget authority available from prior appropriations or recaptures. HUD would not process any Section 8 contract renewal or waiver requests during a shutdown.

HUD homeless assistance grants, including supportive housing for veterans and housing for people with AIDS, would continue to be funded "to protect against imminent threats to the safety of human life." HUD would "continue to disburse CDBG, HOME funds, and other block grant funds in cases where failure to address issues result in a threat to safety of life and protection of property." HUD would disburse CDBG, HOME, and other block grant funds that have already been appropriated, and competitive funds that have been awarded and are under grant agreement.

HUD's contingency plan provides details on agency functions that continue or halt for additional HUD programs.

Read HUD's 2017 contingency plan at: http://bit.ly/2G2zwbc

Impact on USDA

Under USDA's December 2017 contingency plan, nearly 98% of Rural Development's 4,902 staff would be furloughed by a government shutdown by the fifth day.

All Rural Development (RD) programs, including housing, would stop operations under a shutdown. The only exempted activities that would continue are those that "preserve the government's property." Loan and grantmaking would be suspended, as well as processing loan or rent payments.

Mandatory programs, including the Supplemental Nutrition Assistance Program and school lunch and breakfast programs would continue to operate. Because the Women, Infants and Children (WIC) program is funded with discretionary money, it could be affected by a shutdown. In the 2013 shutdown, USDA said it did not have legal authority to continue providing benefits under the WIC program, but it said states might have money and legal authority to fund assistance for a week or so.

Read USDA's Rural Development 2017 contingency plan at: http://bit.ly/2DXQR4L

Impact on U.S. Interagency Council on Homelessness

All operations at USICH would be suspended during a government shutdown, according to its December 2017 contingency plan. There are no exempted activities at USICH that would be allowed to continue.

Read USICH's contingency plan: http://bit.ly/2E0C74Q

Impact on Fannie Mae and Freddie Mac

Operations at Fannie Mae and Freddie Mac (the "enterprises") would not be impacted during a government shutdown because government-sponsored enterprises do not depend on the federal budgetary process for their money.

Impact on Disaster Relief

Nearly 90% of the Department of Homeland Security's 241,000 personnel, including FEMA staff, are considered essential and would continue to perform their duties during a government shutdown. A FEMA spokesperson explained, "ongoing response to recent, as well as any future disasters, will continue because this work is funded by the Disaster Relief Fund (DRF), which is not related to other appropriations."

HUD's involvement with disaster response would largely continue during a shutdown. The department's Office of Field Management would continue to implement active FEMA Mission Assignments (MA), as well as ongoing response to possible disasters.

HUD's Office of Management would exempt employees "who are necessary to address emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property." While HUD's Disaster Response and Recovery Teams are not currently "excepted," these staff can be recalled should a disaster strike or a security incident occur.

HUD's Disaster Recovery Assistance Programs would continue during a government shutdown, and Disaster Recovery funds would continue to be disbursed.

Read HUD's 2017 contingency plan at: http://bit.ly/2G2zwbc

NLIHC News

Register Today for NLIHC 2018 Housing Policy Forum: Building the Movement, March 19-21

The movement for socially just affordable housing solutions is growing and expanding across the country. The NLIHC 2018 Housing Policy Forum, March 19-21 in Washington DC, will provide an opportunity for those committed to building the movement to engage with affordable housing advocates and practitioners, movement leaders, policy experts, researchers, government officials, and low income residents on the challenges and opportunities ahead and on strategies for achieving real solutions. Space is limited and the Forum is filling up, so register today!

Confirmed and invited speakers include:







Richard Rothstein



Danica Roem (Invited)

- U.S. Senator Cory Booker (D-NJ) (Invited)
- James A. A. Cadogan, director of the Thurgood Marshall Institute at NAACP Legal Defense Fund
- Kriston Capps, staff writer, CityLab
- Don Chen, director of equitable development, Ford Foundation
- Charlie Cook, editor and publisher of The Cook Political Report
- Laura Kusisto, reporter, Wall Street Journal
- Marla Newman, director of community development, City of Winston-Salem, and NLIHC Board Member
- Danica Roem, state delegate (D-VA) (Invited)
- Richard Rothstein, author of *The Color of Law* and research associate at Economic Policy Institute
- Megan Sandel, MD, MPH, principal investigator, Children's HealthWatch

The Forum will provide an array of sessions and workshops on the threats and opportunities for affordable housing policy in 2018 and beyond; the state of fair housing on the 50th anniversary of the Fair Housing Act; a new national campaign to expand the affordable housing movement with non-traditional allies in health, education, faith, civil rights, and other sectors; the current political and legislative environment in the run-up to the 2018 elections; the keys to state, local, and resident-led organizing; making housing an issue with the media; and effective story-telling for affordable housing. The Forum will also explore mobilizing nonpartisan voter and candidate engagement; using dynamic research to change the story and influence policy solutions; ensuring housing protections for LGBTQ individuals; housing the formerly incarcerated; and others. There will also be opportunities to engage with leaders and staff in Congress on affordable housing challenges, solutions and priorities.

There will be a special session for low income residents on the morning of March 19.

Celebrate NLIHC 2018 Housing Leadership Award Honorees by Making a Donation Today

NLIHC's annual Housing Leadership Awards Reception taking place in Washington DC on March 20, 2018, will recognize the 2018 Housing Leadership Award honorees Matt Desmond, MacArthur Genius awardee and author of the Pulitzer Prize-winning book *Evicted: Poverty and Profit in the American City*; Lisa Hasegawa, former executive director of the National Coalition for Asian and Pacific American Community Development (CAPACD) and NLIHC board member; and U.S. Senator Susan Collins (R-ME). Make a donation in their honor and/or register to attend the event today.





Matthew Desmond

Lisa Hasegawa



Sen. Susan Collins

Dr. Desmond will receive the Sheila Crowley Housing Justice Award in 2018 for his groundbreaking work to elevate the need for affordable housing for the lowest income people in America. In the book *Evicted*, Dr. Desmond brings readers into the lives of eight families struggling to get by in the poorest neighborhoods of Milwaukee, and demonstrates how, in Dr. Desmond's words, "eviction is a cause, not just a condition, of poverty." Through this book and others, his articles in major news publications and journals, and public appearances around the country, Dr. Desmond has heightened public and policy-maker awareness about issues of racial, social, and housing justice and called for bold solutions.

Ms. Hasegawa will receive the 2018 Cushing Niles Dolbeare Lifetime Service Award for her years of dedication to affordable housing on behalf of the Asian American and Pacific Islander (AAPI) community. As the executive director of National CAPACD for 15 years, Ms. Hasegawa led national efforts to meet the affordable housing and community development needs of AAPI communities. Prior to National CAPACD, she was the Community Liaison of the White House Initiative on Asian Americans Pacific Islanders at the end of the Clinton administration. In 2017 Ms. Hasegawa was named the UCLA Asian American Studies Center (AASC) Activist Fellow, and she currently serves as the UCLA assistant director of federal relations. For her entire career, Ms. Hasegawa has worked at the intersections of civil and human rights, affordable housing, health, and community development and organizing.

Senator Collins will receive the 2018 Edward W. Brooke Housing Leadership Award for her years of strong support in the Senate for federal affordable housing and homelessness programs. As the chair of the Transportation/HUD Appropriations Subcommittee, the senator has been a bulwark opposing proposed cuts to critical HUD programs year after year. Ms. Collins was one of the first co-sponsors of the bill that created and funded the national Housing Trust Fund; she has been a vocal supporter of the Housing First model for addressing homelessness; and she was instrumental in getting key provisions into the Section 8 Voucher Reform Act (SEVRA) to strengthen the voucher program to serve more very low income people. She has opposed attempts to eliminate the U.S. Interagency Council on Homelessness, protected the Housing Trust Fund from attacks, and introduced and shepherded legislation to address opposition to HUD's Affirmatively Furthering Fair Housing rule.

Please make a Leadership Award Reception sponsorship <u>donation</u> honoring these leaders and supporting NLIHC's mission of promoting socially just public policy to ensure the lowest income people in America have decent, affordable homes. To register for the 2018 Leadership Reception at which Dr. Desmond, Ms. Hasegawa, and Ms. Collins will be recognized, contact Christina Sin at <u>csin@nlihc.org</u> or register <u>online</u> (a separate ticket from the NLIHC Housing Policy Forum, taking place the same week, is required to attend the reception).

Disaster Housing Recovery

Members of Congress Urge Action on Puerto Rico and Virgin Islands Housing Recovery

A bipartisan group of senators sent a <u>letter</u> on December 22, 2017 to HUD and the government sponsored entities (GSEs) Fannie Mae and Freddie Mac, calling on them to extend the foreclosure moratorium for the U.S Virgin Islands and Puerto Rico set to expire in March, 2018. Representative Nydia Velázquez (D-NY) released on January 16 her vision for a <u>comprehensive recovery plan</u> to help Puerto Rico recover from the 2017 hurricanes.

Senators Marco Rubio (R-FL), Catherine Cortez Masto (D-NV), Bill Nelson (D-FL), and Robert Menendez (D-NJ) urged HUD and the GSEs to extend the foreclosure moratorium an additional year for victims of Hurricane Maria in the Virgin Islands and Puerto Rico. The senators expressed concern that the foreclosure moratoriums could potentially expire before electricity and other services were fully restored. The moratoriums are set to expire on March 18 for HUD and March 31 for the GSEs.

Ms. Velázquez's plan for Puerto Rico recovery includes five key principles: permanently address healthcare inequities, including addressing the Medicaid funding shortfall; rebuild a renewable, clean energy grid that withstands future hazards; invest in resilient homes and public buildings to reduce the loss of life and property from future disasters; provide Puerto Rico with tools to jumpstart the economy, including forgiving the territory's debt and providing sufficient disaster funding; and improve fiscal transparency and accountability for all stakeholders involved in recovery.

FEMA and Treasury Withhold Funds for Puerto Rico

FEMA and the U.S. Treasury Department are temporarily withholding a billion-dollar emergency loan to help Puerto Rico with disaster recovery efforts. The loan was approved by Congress several months ago, but officials from FEMA and Treasury issued a letter on January 8 stating that the island's central cash balance did not display a need for the loan. The administration will work with Puerto Rico officials and the federal control board currently overseeing Puerto Rico's finances to determine when the funds will be released. The same control board recently rejected legislation that would have created an emergency fund of \$100 million for municipalities to fund recovery efforts. Nearly 40% of electric-power customers in Puerto Rico remain in the dark.

Local officials have forecasted that Puerto Rico's power, water, and sewer companies will run out of money later this month, jeopardizing essential services for residents of the island. The territory is also struggling to restructure its significant public debt.

See the letter from FEMA and Treasury at: http://bit.ly/2mS6eEe

Additional Updates on Disaster Housing Recovery

The following is a review of additional housing recovery developments related to Hurricanes Harvey, Irma, and Maria, and the California wildfires since last week's *Memo to Members and Partners* (for the article in last week's *Memo*, see 1/16). NLIHC also posts this information at our On the Home Front blog.

FEMA

A <u>U.S. Government Accountability Office (GAO) report</u> from December 2017 found that FEMA's incomplete and inaccurate data limit its ability to administer the Public Assistance (PA) appeals process and called for process improvements. Applicants have two chances to appeal FEMA grant decisions, but the GAO analysis found that FEMA struggled to process those appeals within the 90-day limit. Only 9% of first appeals and 11% of second appeals were processed within this timeframe. FEMA concurred with all four GAO recommendations to improve its processes.

California Wildfires

FEMA

The Major Disaster Declaration for the wildfires, flooding, mudflows, and debris flows in Southern California has been amended to <u>include Individual Assistance (IA)</u> for Los Angeles, San Diego, Santa Barbara, and Ventura Counties. Santa Barbara and Ventura Counties were already eligible for Public Assistance (PA) through the original declaration.

Hurricane Maria

FEMA

FEMA data from January 7 indicates that 15,448 Hurricane Maria survivors have left Puerto Rico for Florida and registered with FEMA. An additional 4,746 individuals are staying in 1,900 Transitional Shelter Assistance (TSA)-eligible hotel rooms.

The deadline for survivors in Puerto Rico to file for Disaster Unemployment Assistance has been extended to <u>February 9</u>. This FEMA-funded program provides unemployment benefits and re-employment services to individuals who became unemployed due to Hurricanes Irma and Maria.

Local Perspectives

Florida Governor Rick Scott and Puerto Rico Governor Ricardo Rosselló have announced <u>a \$1 million investment</u> in twelve Florida workforce development boards in an effort to assist families displaced by Hurricane Maria. Governor Scott also announced that FEMA agreed to his request to provide case management services to Puerto Rican families in Florida. The Florida Department of Economic Opportunity sent letters to local housing authorities and community leaders to identify various resources and better coordinate assistance at all levels of government for Puerto Rican families.

The nonprofit organization Florida Prosperity Partnership is partnering with Consumer PR/FL to create a one-stop web portal for Puerto Rican families in need of assistance. They are currently crowdsourcing Florida organizations, offering services to Hurricane Maria survivors through an <u>online survey</u>.

Hurricane Irma

FEMA

Survivors of Hurricane Irma in <u>Hamilton County</u> are now eligible to apply for Individual Assistance. The county was already designated for the Public Assistance program.

Hurricane Harvey

FEMA

Eligible Hurricane Harvey survivors may receive an extension for the TSA program through March 12. Survivors will receive notification if they have continued eligibility and must complete a mid-term review on February 20.

Local Perspective

Nueces County commissioners held a <a hreating with Kevin Hannes, FEMA's federal coordinating officer for Hurricane Harvey in Texas, on January 3. Commissioners and residents expressed frustration with the recovery process, citing the difficult-to-navigate application process, insufficient funding, and lack of temporary housing options like FEMA trailers. Mr. Hannes stated that he believed the recovery process was "the best recovery [he has] been a part of in the last 10 years." When county commissioners told Mr. Hannes that residents were forced to live in tents, he responded, "Everybody in Port Aransas who is living in a tent is living there by choice."

Congress

House Subcommittees Hold Hearing on Veteran Homelessness

The House Committee on Veterans' Affairs Subcommittees on Economic Opportunity and Health held a hearing on January 18 to examine the issue of veterans' homelessness. The hearing included two separate panels, one for local service providers and another for officials from HUD, the Department of Labor, and Department of Veterans Affairs (VA). Witnesses from local service providers stressed the need for additional case management resources to ensure veterans receive necessary supportive services in addition to housing. Both panels acknowledged high housing costs can be a substantial barrier for employed veterans looking to become self-sufficient.

Several service providers expressed concern about the VA's decision, recently rescinded, to move funds for the HUD-supported Veterans Affairs Supporting Housing (VASH) program out of the special projects category into the general fund where they could be used for other purposes. Stephen Peck of US VETS, the largest veteran services provider in the country, asserted that this decision and the VA's poor management of the VASH program suggests that the VA no longer sees getting veterans off the streets as a priority. Thomas Lynch of the Veterans Health Administration in the VA rebutted this claim, stating that the proposed funding shift was an effort to provide greater flexibility in the use of resources.

Another principal concern from local providers pertained to the availability of wrap-around services for veterans. They all praised the "housing first" model, which ensures an individual experiencing homelessness has a safe, stable home before anything else, but warned that the model was ineffective if not combined with mental healthcare, job training, and other relevant services. Several witnesses also stressed that some models like housing first are more effective in certain communities than in others, and programming flexibility is vital to addressing the needs of unique communities. John Clancy of Tristate Veterans Community Alliance spoke about his organization's efforts to help service members better prepare for their transition to civilian life. Members of the committee supported working with the Department of Defense and VA to promote proactive policies to help service members successfully transition out of the armed forces.

Watch the archived webcast of the hearing at: http://bit.ly/2EVt1Wi

Senator Brown Introduces Bill to Study Housing Barriers for Trafficking Survivors

Senator Sherrod Brown (D-OH) introduced the "Trafficking Victims Housing Act of 2017" (S.2305) on January 11. The bill would require the U.S. Interagency Council on Homelessness (USICH) to conduct a study on current resources and policies that affect human trafficking survivors' access to homeless and housing services. Safe, affordable housing is critical for preventing human trafficking and helping survivors—who are often homeless before, during, or after this experience—fully recovery. The national shortage of affordable housing and limited federal funding leaves survivors vulnerable to re-victimization, economic instability, and other barriers. The bill aims to bring together the expertise and data from various federal agencies to develop family-centered and survivor-led best practices and programs to better help survivors recover.

NLIHC endorsed the bill and sent a letter to Senator Brown to voice our support.

Learn more about the Trafficking Victims Housing Act at: http://bit.ly/2DHjF18

Read NLIHC's letter at: http://bit.ly/2mQaqUy

Family Self Sufficiency Act Passes House

The House of Representatives passed on January 16 the "Family Self Sufficiency Act" (HR 4258) under a "suspension of the rules," a designation intended to speed passage of noncontroversial bills. The bill, introduced by Representatives Sean Duffy (R-WI) and Emanuel Cleaver (D-MO), permanently reauthorizes the Family Self-Sufficiency (FSS) program, combines the FSS programs for Housing Choice Vouchers and public housing, which are currently run separately, and expands eligibility to include families in privately owned properties subsidized with HUD project-based rental assistance. The program would also offer new services for financial literacy and educational attainment. The bill will now move to the Senate.

The FSS program has bi-partisan and bi-cameral support. The House bill mirrors the bi-partisan Senate bill introduced by Senators Roy Blunt (R-MO) and Jack Reed (D-RI) in June, 2017 (see *Memo*, <u>6/19</u>). Representative Cleaver voiced his support for the bill on the House floor, sharing a personal story and stating that "this program would help countless numbers of people who want to take advantage of the help that the federal government can give them with housing, but at the same time, work and strive toward independence." He cited NLIHC and other partner organizations as supporters of the bill.

Since its establishment, the FSS program has enabled families living in public or project-based assisted housing or using Housing Choice Vouchers to access workforce training and other resources to pursue higher paying employment opportunities. Families enrolled in the FSS program receive an interest-bearing escrow account, allowing them to save and apply those savings to work-related, and education-related expenses.

Read more about the House bill at: http://bit.ly/2muPhC4

Read a letter from NLIHC and the Center on Budget and Policy Priorities supporting the bill at: http://bit.ly/2zU5cPA

Senate Committee Again Approves HUD Nominees

The Senate Committee on Banking, Housing, and Urban Affairs voted on January 17 to recommend two nominees for HUD assistant secretary positions. The nominees are Brian Montgomery for HUD assistant

secretary for housing and commissioner of the Federal Housing Administration (FHA) and Robert Kurtz for assistant secretary for Public and Indian Housing. Both Mr. Montgomery and Mr. Kurtz were previously approved by the Banking Committee in November (See *Memo*, <u>12/4</u>). Senate rules, however, kept the nominations from being carried into the 2018 session, and a new vote was required.

Both Mr. Montgomery and Mr. Kurtz have experience at HUD. This would be Mr. Montgomery's second time as the FHA commissioner. He held the position under the Bush administration from 2005 to 2009. Mr. Kurtz is currently the deputy chief of staff for policy and programs at HUD in the Office of the Secretary. Senators Elizabeth Warren (D-MA) and Catherine Cortez Masto (D-NV) voted against both nominations, and Senator Jack Reed (D-RI) voted against the nomination of Mr. Montgomery. The nominees will next be voted on by the full Senate; the timing for such a vote is uncertain.

HUD

HUD Posts FAQs about Suspension of Assessment of Fair Housing Submissions

HUD's Office of Fair Housing and Equal Opportunity (FHEO) posted <u>Frequently Asked Questions (FAQs)</u> about the January 5 *Federal Register* notice suspending most local governments' obligation under the Affirmatively Furthering Fair Housing (AFFH) rule to submit an Assessment of Fair Housing (AFH) until after October 31, 2020 (see *Memo*, <u>1/8</u>). The suspension effectively postpones implementation of the AFFH rule until 2024 for a large majority of jurisdictions.

The FAQ restates provisions of the January 5 *Federal Register* notice in a question-and-answer format that might be easier to interpret than the notice. The AFFH rule requires local governments to use an "Assessment of Fair Housing Tool" to assist them in meeting their obligation to affirmatively further fair housing. Unlike the notice, the FAQ clearly states that HUD intends to use the suspension to revise and streamline the Assessment Tool. In addition, the FAQ notes that, if a local jurisdiction's next Consolidated Plan is due on or before October 31, 2020, its first AFH submission will not be due to HUD until 2024. Consequently, advocates estimate that 900 of approximately 1,200 local jurisdictions will not have to comply with the AFFH rule until 2024.

Based on a review of the first 49 AFH initial submissions, HUD claims that many local governments need additional time and technical assistance to adjust to the AFFH process instituted in 2015. Of those 49 AFH submissions, 17 were not accepted when first submitted. HUD does not discuss why those 17 AFHs were not accepted on the first go-round, or how meaningful the deficiencies were. Misinterpretations and mistakes are to be expected when a new process is instituted, and the rule provides for re-submission based on HUD guidance.

The FAQ is available on a new webpage devoted to the suspension at: http://bit.ly/2EUba20

NLIHC, together with 75 national civil rights, faith-based, affordable housing, and other organizations issued a statement opposing HUD's suspension of the AFFH rule. Read the statement at: http://nlihc.org/press/releases/8662

HUD Provides Guidance on Small Area FMRs

HUD's Office of Public and Indian Housing (PIH) posted <u>Notice PIH 2018-01</u> on January 17 providing guidance regarding the provisions of the Small Area Fair Market Rent (Small Area FMR or SAFMR) rule. Public housing agencies (PHAs) in 24 metropolitan areas that are required to use SAFMRs are now expected to implement SAFMRs by April 1, 2018. Any PHA that will not be able to meet that new deadline is instructed to

contact its PIH field office. HUD anticipates amending the guidance once it has received and evaluated the complete results of the Small Area FMR Demonstration Evaluation (see *Memo*, 8/21/17).

Small Area FMRs reflect rents for U.S. Postal ZIP codes, while traditional fair market rents (FMRs) reflect a single rent standard for an entire metropolitan region. The intent of SAFMRs is to provide voucher payment standards that are better aligned with neighborhood-scale rental markets, resulting in relatively higher subsidies in neighborhoods that have higher rents but greater opportunities and relatively lower subsidies in neighborhoods that have lower rents and higher concentrations of voucher households. The primary goal of SAFMRs is to help households use vouchers in areas of higher opportunity and lower poverty, thus reducing voucher concentrations high-poverty areas.

The final Small Area FMR rule was published on November 16, 2016 (see *Memo*, 11/21/16) after a year and a half rulemaking process that included multiple rounds of comments (see *Memo*, 6/8/15, 7/6/15, 6/20/16 and 8/22/16). However, without public notice, on August 10, 2017, HUD abruptly suspended the SAFMR rule for two years. Five civil rights organizations representing three plaintiffs sued HUD over the suspension (see *Memo*, 10/30/17). On December 23, 2017, the U.S. District Court for the District of Columbia granted a preliminary injunction against HUD, finding that HUD had neither the authority nor compelling reasons to suspend implementation of the use of SAFMRs. Notice PIH 2018-01 is a sign that HUD will not appeal the Court's decision.

The January 17 Notice (Section 9 of Notice PIH 2018-01) discusses how a metro area or a PHA required by the rule to use SAFMRs (the Notice calls them "Designated SAFMR PHAs") can seek suspension of or temporary exemption from the use of SAFMRs. The Notice states that any request must be based on a documented finding of an "adverse rental housing market condition specific to the area or PHA." If the request is for a suspension for a metro area, the requesting PHA or PHAs must administer more than 50% of the vouchers leased in the metro area.

Adverse rental housing market conditions may include vacancy rates falling below four percent, a sudden influx of families into the metro area, a sudden loss of rental units, and a rapid increase in a PHA's per-unit costs that cause the PHA to experience a funding shortfall. The Notice provides an example of adverse rental market conditions that does not fit neatly with the four factors: a declining ability of voucher households to find owners willing to accept vouchers despite PHA outreach to owners. According to the Notice, adverse rental housing market conditions may apply to the broad rental housing market or to the part of the rental market that is affordable and available to voucher households. Advocates in the 24 metro areas will need to be vigilant to ensure that any PHA request for suspension or exemption from using SAFMRs is based on genuine and serious adverse rental market conditions.

The Notice offers a form of SAFMR implementation not provided for in the final rule. The Notice allows Designated SAFMR PHAs and "Opt-in PHAs" (PHAs that voluntarily seek HUD approval to use SAFMRs) to use a voucher payment standard based on a group of ZIP code areas instead of using the payment standard based on the SAFMR of each ZIP code area. The value of a voucher is based on the payment standard chosen by a PHA, which generally must be in the "basic range," between 90% and 110% of a FMR (or in this case the SAFMR). If grouped ZIP code areas are used, the payment standard for each grouped ZIP code area must be within the "basic range" of the SAFMR for each ZIP code area in the group.

As an example, the Notice provides an exhibit with three ZIP code area groups. One of the groups (Group B) raises a potential concern. Group B contains ZIP codes 90013 and 90014. ZIP code 90013 has a SAFMR of \$1,630. If a PHA uses a payment standard of 100% of the SAFMR, the value of a voucher in ZIP code 90013 is based on a monthly rent of \$1,630. ZIP code 90014 has a SAFMR of \$1,810, which means the voucher payment standard basic range there is between \$1,629 and \$1,991. Rather than providing a payment standard of 100% of ZIP code 90014's SAFMR (\$1,810), grouping the two Zip code areas allows the PHA to use ZIP code 90013's

lower payment standard of \$1,630 (because it falls within ZIP code 90014's basic range). The lower payment standard, however, is contrary to the intent of SAFMRs because the value of a voucher in ZIP code 90014 will be \$180 less, and a voucher household might have greater difficulty using its voucher there. Slightly reducing a PHA's administrative task might result in reducing households' housing opportunities.

In addition to providing guidance regarding PHAs that choose to apply SAFMRs to their project-based voucher (PBV) programs, Notice PIH 2018-01 provides guidance for all PHAs administering a voucher program because the final rule also made changes to the voucher program in general. Such guidance includes topics like decreases in FMRs, rent reasonableness, revisions to payment standards and amounts and schedules, exception payment standards, and decreases in the payment standard during a Housing Assistance Payment (HAP) contract term.

HUD has created a <u>Small Area FMR webpage</u>. That page has a link to FAQs that are likely to grow beyond the current two items.

National Housing Trust Fund

FHFA Shares Views on Housing Finance Reform

Federal Housing Finance Agency (FHFA) Director Mel Watt sent a letter and an accompanying report to the Senate Banking Committee on January 16 to provide the agency's perspective on housing finance reform. The report states that a future housing finance system should ensure sustainable rental options for families across income levels and maintain a focus on serving rural and other underserved markets. Mr. Watt stated he still has a "strongly held view that it is the prerogative and responsibility of Congress, not FHFA, to decide on housing finance reform." He reiterated that the ongoing conservatorship of mortgage giants, Fannie Mae and Freddie Mac, is not sustainable and needs to end.

The report says that if Congress provides an explicit government guarantee on mortgage-backed securities, future "secondary [mortgage] market entities" should remain subject to affordability obligations. The report further states that if any new approaches or authorities are substituted for any or all existing authorities (e.g., authority to fund the national Housing Trust Fund and Capital Magnet Fund, set housing goals, and review and assess duty to serve plans), they should provide benefits at least comparable to those existing requirements.

See Director Watt's letter at: http://bit.ly/2FUQRmH

See the accompanying report at: http://bit.ly/2FQ199U

Research

Study Links Housing Instability to Increased Child and Caregiver Health Risks

A study by Megan Sandel, Richard Sheward, Stephanie Ettinger de Cuba, and others published in *Pediatrics*, "Unstable Housing and Caregiver and Child Health in Renter Families," finds that housing instability puts children and their caretakers at greater risk of poor health and material hardships. Thirty-four percent of 22,324 households surveyed through a medical clinic or emergency department had experienced housing instability, defined as having fallen behind on rent or moved more than twice in the past year, or having a child experience homelessness. The study's results suggest that health practitioners should screen for housing instability as a risk factor for adverse health.

Of the households surveyed, 27% reported being behind on rent, 8% had made multiple moves in the past year, and 12% reported current or past homelessness within a child's lifetime. Eighty-six percent of those who had experienced housing instability experienced only one of these circumstances. Two-thirds of households who experienced housing instability were behind on their rent. Households behind on their rent have health risks similar to those who experience homelessness or multiple moves. "[Being behind on rent] should be something doctors pay attention to when screening patients for housing instability, as it hasn't been recognized as a factor in the past," stated to Dr. Sandel, a pediatrician and researcher at Children's HealthWatch.

All three measures of housing instability were associated with a greater risk of fair or poor health of children and their caregivers and of maternal depressive symptoms. Multiple moves and homelessness were also associated with greater child developmental risk. All three measures of housing instability were associated with material hardships, including food insecurity, energy insecurity, and forgone health care.

"Unstable Housing and Caregiver and Child Health in Renter Families" is available at: http://bit.ly/2DLP3M3

Insufficient Evidence Exists on Work Requirements Related to Housing Assistance

A paper by The Urban Institute, *Work Requirements in Public Housing Authorities*, examines work requirements for public housing and housing choice voucher (HCVs). The large majority of families receiving housing assistance are disabled or elderly, or they are already working. Work requirements' potential impact on families' work effort is therefore likely negligible. The paper's authors noted a lack of evidence on whether work requirements raise incomes and lift families out of poverty and whether they increase housing instability for vulnerable families. They recommended future research on the consequences of work requirements to inform future policy.

Nine Moving to Work (MTW) public housing authorities (PHAs) have work requirements. These requirements vary across the PHAs, but in general one or more adult household members must work at least 20 hours a week, unless he or she is elderly or disabled. The authors used HUD data to estimate the percentage of households subject to work requirements within these nine housing authorities. The authors assumed that households with Social Security, Supplemental Security Income, or Social Security Disability Income as a major source of income were not subject to the requirements, as these are typically elderly or disabled households. They assumed households with Temporary Assistance to Need Families (TANF), public assistance, or general assistance as their major source of income were subject to the requirements. Based on these assumptions, the percentage of households subject to the work requirements ranged from 1% to 13% of households. A policy that affects such a small share of households would have minimal effects on overall work effort.

Not enough data or evidence currently exists to understand the impacts of work requirements on households. To date, only one published study has evaluated outcomes from work requirements. The study showed that work requirements of the Charlotte Housing Authority, an MTW agency, had modest positive effects on employment, but the authors noted caution in assuming these results could be generalized to all PHAs without further research (See *Memo*, 10/5/2015).

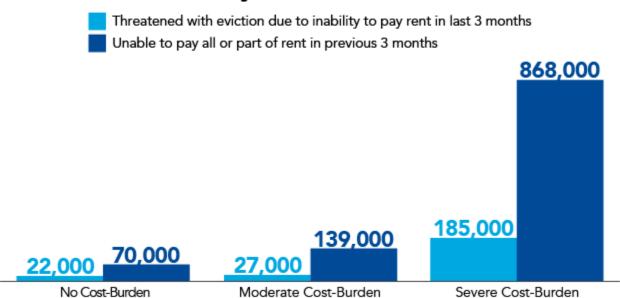
The authors recommended additional research to inform future policy. HUD should have information on the number of households potentially subject to work requirements, the supports these tenants need to participate in the labor market, and the outcomes of current MTW work requirements. In addition, policy makers must understand how local factors like transportation systems and job market conditions affect the type of services and supports tenants need for employment.

Work Requirements in Public Housing Authorities is available at: http://urbn.is/2mBKRpX

Fact of the Week

Poor Households with Severe Housing Cost Burdens Face Greater Housing Instability

Number of Poor Households that Face Housing Instabilty by Cost-Burden



Source: American Housing Survey, 2013

No Cost-Burden

Note: Households with no cost-burden pay less than 30% of their income on housing costs. Moderately cost-burdened households pay between 30%-50% of their income on housing costs. Severely cost-burdened households pay more than 50% of their income on rent. Poor households are households with income below the Federal Poverty Level.

Source: American Housing Survey, 2013

From the Field

Wisconsin Governor Proposes Drug Testing and Work Requirements for Residents of Public Housing

Severe Cost-Burden

Wisconsin Governor Scott Walker (R) is seeking to reduce public assistance for low income people in Wisconsin and to increase barriers to accessing the support they need. Mr. Walker is calling a special session of the legislature for consideration of the "Wisconsin Works for Everyone" legislation that makes sweeping changes to various entitlement programs low income households throughout the state rely on for the survival. The legislative package includes a bill to impose drug testing and work requirements for residents of public housing. Advocates are mobilizing to defeat the bill and to show that the proposed requirements for public housing agencies (PHAs) are illegal under federal law.

If passed, the new legislation would require all PHAs to conduct evaluations to determine whether any adult resident of public housing is able-bodied and available for work. For those who are determined to be ablebodied, PHAs would then produce employability plans the residents would be required to abide by in order to maintain housing assistance.

For all residents with an employability plan, the PHA would be further required to conduct a questionnaire to determine if residents are potentially abusing controlled substances. For those determined to be at risk of abusing substances, the PHA would be required to implement a drug testing program. A PHA must provide substance-abuse treatment options for residents who test positive.

The proposed legislation is silent on what penalties might befall PHAs or residents who are not compliant. Advocates argue the bill's provisions directly contradict federal law governing public housing and, if passed, may be challenged in court. The proposed legislation appears to be aware of possible legal conflicts, beginning with the phrase, "To the extent allowed under federal law...."

"Our low income clients throughout Wisconsin tell us that what they need to get out of poverty is reliable transportation, access to job skills training and higher education, and safe, affordable housing," said Vicky Selkowe, director of legislative, rulemaking, and training compliance at Legal Action of Wisconsin. "We are concerned that this bill fails to provide these needed and effective supports. It instead further stigmatizes and isolates our clients and their families. Jeopardizing low income households' access to food and housing will not help them escape poverty through work."

Read more about Mr. Walker's efforts to reduce program benefits available to low income households at: http://bit.ly/2DuWVUs

Read the proposed legislation to impose work requirements and drug testing at: http://bit.ly/2DmZ6WT

Resource

NLHA Seeks Scholarship Applications for Assisted Housing Residents

The National Leased Housing Association (NLHA) Education Fund is seeking applications for its scholarship program. The NLHA Education Fund was created in 2007 to provide educational assistance to residents of federally assisted rental housing. Fifty-two scholarships were awarded in 2017.

The Education Fund will provide scholarships on behalf eligible individuals living in privately owned federally assisted housing or Section 8 voucher recipients following four distinctive roads to higher education, three named in memory of long-time housing advocates. Funds are provided directly to the college/school for tuition assistance on behalf of successful applicants upon confirmation of need. Applicants may apply under one of the following categories:

- The AIMCO Cares Scholarship This scholarship is designed to assist college freshmen or returning undergraduates.
- The Bill Gandert Memorial Scholarship This scholarship program is directed to graduating high school seniors interested in studying a specific trade (electrician; nurse; plumber; medical assistant, etc.).
- The Mary Lou Manzie Memorial Scholarship Assistance will be provided to benefit non-traditional students (students who have been out of high school for at least three years) in pursuing an associates or undergraduate degree.
- The Neil Churchill Memorial Scholarship is provided to those eligible applicants who are seeking to complete graduate level coursework.

Specific criteria have been developed for each scholarship category, and consideration will be afforded to all eligible candidates who apply. Applicants must apply electronically through NLHA's website at: http://bit.ly/2ETFKJ9 or directly at: http://bit.ly/2FPguFr

Applications are due by **April 18, 2018**. Awards are expected to be announced in early June.

NLIHC in the News

NLIHC in the News for the Week of January 14

The following are some of the news stories that NLIHC contributed to during the week of January 14:

- "Berkeley low-income seniors get a fresh start at Harper Crossing," *Berkeleyside*, January 18 at: http://bit.ly/2EVhc2u
- "Hey, America: your high rents are hurting people's health," *Publicnow*, January 17 at: http://bit.ly/2DsZYfN
- "There's a \$27 Trillion Pot of Money to Tap for Affordable Housing," *Next City*, January 16 at: http://bit.ly/2mKGmtV

More NLIHC News

NLIHC Seeks Housing Campaign Coordinator

NLIHC is accepting applications for a National Multisector Campaign Coordinator to support the implementation of a long-term multisector affordable housing campaign.

Background:

After a year-long planning process and with the input from education, health, children's, anti-poverty, faith-based, and civil rights organizations, NLIHC, the National Alliance to End Homelessness, the Center on Budget and Policy Priorities, Make Room, and Children's HealthWatch launched a dynamic, long-term, multi-sector Campaign to meet the housing needs of the lowest income people in America.

This is a critical moment in federal housing policy. Support for addressing rental affordability has gained momentum over the past several years. Potentially powerful new constituencies - in the health care, education, veterans, aging, child welfare, child poverty, faith, and other communities - are recognizing the impact the inability to afford decent housing has on the wellbeing of the people they serve. At the same time, there are unprecedented threats to federal housing assistance.

In the face of these opportunities and challenges, the multisector housing campaign will strive to address the entrenched shortage of housing affordable for the lowest income people. Strengthened and expanded coalitions nationally and in priority states will pursue a coordinated strategy to educate policymakers, the media, and the public about the problem and its practical solutions and the impact the solutions will have on the quality of life not only of low income people, but of the country more broadly.

The Campaign will deploy policy analysis and development, communications, and informing to impact opinion leaders and policymakers. It will be staffed and operated out of NLIHC. The Campaign's steering committee includes leaders in education, health, civil rights, poverty alleviation, children's issues, faith communities, disability rights, and other others. The goals of the Campaign are to advance federal policy solutions that:

- 1. *Fill the gap between rents and incomes* for the most vulnerable households through a variety of rental assistance strategies.
- 2. *Prevent destabilizing housing crises* through the creation of flexible short-term tools for low income homeowners and renters.
- 3. *Create more housing affordable to the lowest income people* through deeply income-targeted production programs like the national Housing Trust Fund.

4. Defend against funding cuts and harmful policy changes in existing low income housing programs.

A key part of the Campaign will be to develop and nurture an infrastructure of state partners that promotes the Campaign's federal substantive objectives. Seven state-based organizations have received grants to enable them to build broad and diverse state-based coalitions. These coalitions will lead state-based efforts supportive of the Campaign, including effective communications and engagement activities. The efforts by the initial seven grantees will serve as models that can be replicated in other states as additional funding becomes available. The work of the state partners will be supported by the national Campaign, with a significant role played by the Campaign Coordinator.

The Job Description: The Campaign Coordinator will report to the Campaign Director. S/he will have the following responsibilities:

- Support the Campaign Director in building and maintaining a cooperative, productive coalition structure, including close coordination with the Campaign's partners, the Campaign Steering Committee, and a larger network of cooperating organizations;
- Support the Campaign director in carrying out all aspects of the Campaign plan, including helping to develop and implement effective communications, outreach and advocacy plans;
- Working closely with the NLIHC field team, provide and administer grants to state partners and ensure
 effective partner grants management: ensure grantees are carrying out the terms of their grants and are
 effectively and appropriately using the grants provided to achieve intended outcomes;
- Ensure the effective integration of a state-based Campaign efforts into national efforts;
- Ensure that state-based coalitions in grant-receiving states have the materials, tools, and other supports needed to function as effectively as possible;
- Organize webinars and other training and technical assistance for key coalition members engaged in the campaign in all states;
- In partnership with NLIHC's field team, stay in close contact with key organizational leaders in grant-receiving and other states to ensure that the Campaign and state efforts are best synchronized;
- Review plans and reports about state coalition efforts in grant-receiving states to determine ongoing effectiveness;
- Develop and implement a plan to ensure that state and local leaders are effectively engaged with and apprised of Campaign-related developments;
- Contribute to periodic reports to the Campaign's partners, Steering Committee members, donors, and relevant others about the Campaign's progress; and
- Other duties as assigned.

Qualifications for the Job: To receive serious consideration for this position, an applicant should have the following attributes and background:

- A bachelor's degree (master's degree preferred).
- A minimum of five years previous experience working in, coordinating, or leading efforts on one or more complex, multi-faceted projects or campaigns;
- A demonstrated, clear commitment to the alleviation of poverty (affordable housing experience a plus);
- Experience successfully building partnerships among organizations;
- Demonstrated excellence in organizational skills;
- Excellent communications skills, both orally and in writing;
- Experience in grant management and in reporting to donors, a plus; and
- An ability to work in a diverse, fast-paced environment.

Compensation and Benefits: An equal opportunity, affirmative action employer, NLIHC offers a competitive salary and benefits package. This is a full-time position located in Washington, DC.

Status: Full-time (exempt)

Reports To: Multisector Housing Campaign Director

Job Application Process: Candidates for this position should send a cover letter, resume, and two writing samples to: Paul Kealey, Chief Operating Officer, NLIHC, 1000 Vermont Avenue, N.W., Suite 500, Washington, D.C. 20005 at pkealey@nlihc.org. The cover letter should describe the candidate's interest in, and relevant experiences for, the position, and it should include salary requirements and the names and contact information for at least three people serving as candidate references. (NLIHC will not contact references before consulting with the candidate.)

NLIHC Welcomes New Housing Advocacy Organizer Victoria Bourret

NLIHC welcomes Victoria (Tori) Bourret as our new housing advocacy organizer. In this position, Tori will mobilize NLIHC members on federal policy advocacy. Prior to her position at NLIHC, Tori served for four years as a communications and program manager at the Housing Alliance of Pennsylvania, an NLIHC state partner dedicated to ensuring a home within reach of all Pennsylvanians.

At the Housing Alliance of Pennsylvania, Tori provided management and outreach assistance for policy campaigns and specialized projects. Tori was also in charge of all communications, including social media, the newsletter, and the website. Prior to her role at the Housing Alliance, Tori served two terms in AmeriCorps, one with AmeriCorps NCCC in Denver and one with Public Allies in Delaware. Tori earned her Bachelor of Arts in Women Studies and Psychology from the University of Delaware and her Master of Social Work from the University of Pennsylvania.

Please join us in welcoming Tori to the NLIHC team!

Where to Find Us – January 22

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

- <u>CHAPA Federal Forum On Affordable Housing & Community Development</u>, Boston, MA on February
 13
- 2018 Illinois Governor's Conference on Affordable Housing, Chicago, IL, February 21-22
- NCSHA Legislative Conference, Washington, DC on March 7
- Housing First Partners Conference 2018, Denver, CO, April 10-12
- 2018 Building Michigan Communities Conference, Lansing, MI, April 30-May 2
- 2018 Denver Housing Summit, Denver, CO on May 24

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Josephine Clarke, Executive Assistant, x226

Dan Emmanuel, Research Analyst, x316

Ellen Errico, Creative Services Manager, x246

Jared Gaby-Biegel, Research Intern, x249

Ed Gramlich, Senior Advisor, x314

Paul Kealey, Chief Operating Officer, x232

Emma Kerr, Research Intern, x229

Joseph Lindstrom, Manager, Field Organizing, x222

Lisa Marlow, Communications Specialist, x239

Lauren McMahon, Graphic Design and Communications Intern, x252

Sarah Mickelson, Director of Public Policy, x228

Khara Norris, Director of Administration, x242

James Saucedo, Housing Advocacy Organizer, x233

Christina Sin, Development Coordinator, x234

Debra Susie, Disaster Housing Recovery Coordinator, x227

Elayne Weiss, Senior Housing Policy Analyst, x243

Renee Willis, Vice President for Field and Communications, x247

Diane Yentel, President and CEO, x228