NATIONAL LOW INCOME HOUSING COALITION

Memo TO Members

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In This Issue:

NLIHC News

U.S. Lacks Housing for 7.2 Million Lowest Income Renters

NLIHC released a new report on March 24 titled *The Gap: The Affordable Housing Gap Analysis, 2016* that documents a shortage of 7.2 million affordable and available rental units for the nation's 10.4 million extremely low income (ELI) renter households, those with incomes at or below 30% of their area median (AMI). Three-quarters of ELI renters are severely cost-burdened, spending more than half of their income on rent and utilities. The report calls for greater federal investment in ELI rental housing through the National Housing Trust Fund (NHTF) and other housing programs.

Nationally, there are only 31 affordable and available rental units for every 100 ELI renter households. The report details the shortage of affordable and available rental housing at different income thresholds as well as cost burdens for each of the states, the District of Columbia, and the 50 largest metropolitan areas. No state or metropolitan area has an adequate supply of housing for ELI renters and 20 states have fewer than the national average of 31 affordable and available units per every 100 ELI households. Nevada, the state with the lowest supply relative to need, had 17 affordable and available rental units for every 100 ELI renter households. Other states with the greatest shortfalls include Alaska (21/100), California (21/100), Arizona (21/100), Florida (22/100) and Oregon (22/100). No state has more than 64 affordable and available rental units for every 100 ELI renter households.

The states with the greatest percentage of ELI renters spending more than half of their income on housing are Nevada (85%), Florida (84%), Georgia (81%), Oregon (81%), and Arizona (81%). In every state, at least half of ELI renters spend more than 50% of their income on housing.

The report calls for addressing the nation's most critical housing needs through greater investment in the production of ELI housing. In addition to the shortage of 7.2 million available rental units for ELI households, an additional 400,000 rental units, at a minimum, are needed to house the nation's homeless. New rental housing affordable to ELI households is impossible to produce without subsidies. Today's major federal affordable housing production programs allow for rents that are too high for ELI renters to afford.

Millions of ELI renters live in housing that is unaffordable to them. Expanding the affordable rental supply to which these cost-burdened ELI households could move would free up their current units for other households further up the income ladder. In short, federal housing policy that targets extremely low income renters will expand housing choices for very low and low income renters.

The Gap is available at http://nlihc.org/research/gap-report.

The media release is at http://nlihc.org/press/releases/6611.

Special Presentation by Matthew Desmond on his Book *Evicted* in Washington DC, April 28

NLIHC is hosting a special presentation by Matthew Desmond on his *New York Times* best-selling book: *Evicted: Poverty and Profit in the American City* on April 28, from 9:30 to 11:30am ET at the Washington Court Hotel in Washington, DC. The event is cosponsored by the Coalition on Human Needs and the National Housing Conference.

The *Washington Post* describes *Evicted* as "an extraordinary feat of reporting and ethnography. Desmond has made it impossible to ever again consider poverty in America without tackling the central role of housing."

Dr. Desmond is the John L. Loeb associate professor of the Social Sciences and co-director of the Justice and Poverty Project at Harvard University. He is a 2015 MacArthur Fellow.

To RSVP for this event, go to: http://bit.ly/1oba4G8

NLIHC Leadership Reception

Final Week to Support Leadership Reception Honoring Barbara Lee and Nancy Bernstine

Please make a contribution today for the 2016 NLIHC Leadership Reception to celebrate the affordable housing contributions of Representative Barbara Lee (D-CA) and Nancy Bernstine on April 5, 6-8 pm, at the Washington Court Hotel in Washington DC.

U.S. Representative Barbara Lee (D-CA) will receive the 2016 Edward W. Brooke Housing Leadership Award for being a forceful progressive voice in Congress for social, economic, and housing justice on behalf of the most vulnerable in her district and nationwide, and especially for her early, consistent, and vocal leadership on the National Housing Trust Fund.

Nancy Bernstine will receive the 2016 Cushing N. Dolbeare Lifetime Service Award in recognition of her many years of affordable housing advocacy as executive director of the National AIDS Housing Coalition, NLIHC board member, and policy leader at the National Housing Law Project and the McAuley Institute.

To make a contribution on behalf of this year's awardees and to register for the Leadership Reception, go to: http://nlihc.org/events/leadership/registration.

NLIHC's 2016 Housing Policy Forum on April 3-5 is sold out, but tickets are still available for the Leadership Reception.

NHTF

Representative Waters Introduces Bill to End Homelessness, Funds NHTF at $1.05 Billion Annually

On March 23, Ranking Member of the House Committee on Financial Services Maxine Waters (D-CA) introduced legislation to provide significant resources to end homelessness in the United States. The bill would dramatically increase resources for McKinney-Vento Homeless Assistance grants, Section 8 Housing Choice Vouchers, and the National Housing Trust Fund (NHTF), among other programs.

"The Ending Homelessness Act of 2016" (H.R.4888) provides $1 billion annually in mandatory spending for the NHTF in perpetuity, as well as $50 million a year for project based rental assistance for NHTF units. Rents would be based on tenant income.

The bill also provides funding over five years for housing and supportive services programs and initiatives above what these programs already receive, including:

- $5 billion to the McKinney-Vento Homeless Assistance Grants program, expected to produce approximately 85,000 new permanent supportive housing units with special targeting to chronically homeless individuals and families,
- $2.5 billion for special-purpose Section 8 vouchers targeted to persons and households who are homeless based in geographies of greatest need as determined by the HUD Secretary,
- $500 million for outreach efforts to ensure that homeless people are connected to the resources they need, and

- $20 million for technical assistance to help states and localities align health and housing systems.

"It is all too common to hear Members on both sides of the aisle express their concerns about the homeless, but it takes more than sympathy to address this issue; it takes robust resources," Ms. Waters said. "That is why today I introduced a bill that will finally provide the funds necessary to end homelessness in this country. For far too long, we have lacked the resources to help all of those in need and I urge my colleagues to support this bill if they are serious about achieving this goal. It is simply shameful that there are nearly 600,000 homeless people living on the streets in the richest country in the world. But this is not an insurmountable problem. We know how to end homelessness in America; what is lacking is the political will to put the necessary resources behind the solutions we know will work."

Responding to the introduction of H.R. 4888, NLIHC President and CEO Sheila Crowley said, "The National Low Income Housing Coalition enthusiastically supports Representative Maxine Waters's (D-CA) bold new bill that tackles the unacceptably high levels of homelessness in our country. The "Ending Homelessness Act of 2016" proposes considerable new resources for the only answer to homelessness – affordable housing. There is ample evidence of the high cost of homelessness to communities and health care and criminal justice services, but most of all to the well-being of people who lose their homes. The toll that homelessness takes on the health, mental health, and education of children is immense. We can afford to end homelessness; we can't afford not to.

The bill was introduced without cosponsors. It has been referred to the House Committee on Financial Services and the House Committee on the Budget.

Read the bill at: https://www.congress.gov/bill/114th-congress/house-bill/4888/text

Read Representative Water's press release at: http://1.usa.gov/1RgQLqR

Sequester Hits NHTF, NLIHC Update State Allocation

NLIHC has learned that an unfortunate provision in the Budget Control Act of 2011, the law that created the sequester, will take a 6.9% cut out of the National Housing Trust Fund (NHTF) and the Capital Magnet Fund (CMF) along with numerous other mandatory programs in FY17. Based on Fannie Mae and Freddie Mac's 2015 finance reports to the SEC, NLIHC estimated that the NHTF would receive $186.6 million in 2016 (see *Memo,* 2/22); the revised amount is $173.7 million. The initial NLIHC estimate for the CMF of $100.4 million is revised to $93.5 million.

The good news is that cuts to both programs is not lost, but will be added back to the 2017 totals.

In a letter to the Speaker of the House Paul Ryan (R-WI), OMB Director Shaun Donovan reports that almost $19 million is not exempt from sequestration, including 2% to non-exempt Medicare spending, 6.9% to other non-exempt nondefense mandatory programs, and 9.1% to non-exempt defense mandatory programs. These programs were not protected from the sequester by the Bipartisan Budget Act of 2015 (see *Memo*, 11/2/15).

NLIHC's recalculation of the NHTF allocation per state based on $173.7 million is posted at http://nlihc.org/sites/default/files/StateAllocations_2016.pdf. The new state allocations also are based on new estimates of construction costs in each state, one the five formula factors for distribution of NHTF funds among the states. The first state allocation estimates from NLIHC use an earlier report on construction costs as the new report was not yet available. NLIHC also has updated its calculations based on new information about how the formula is to be applied to the five territories. Because the NHTF statute requires a state minimum of $3 million, most of the sequester cut will fall on the states with larger allocations, especially California.

To read the letter from OMB Director Donovan to Speaker Ryan, go to http://1.usa.gov/1UvLAWG

Congress

Witnesses at Congressional Hearing Support LIHTC Income Averaging, MID Reform

On March 22, the House Financial Services Subcommittee on Housing and Insurance held a hearing to examine whether government regulations impact the cost of producing affordable housing. Some hearing witnesses testified that federal and state government policies drive up production costs, while others discussed why certain policies were needed and how new policies could promote future development. In particular, several witnesses endorsed allowing income averaging in the Low Income Housing Tax Credit (LIHTC) program so that the program can better serve poor families.

Vicki Been of the New York City Department of Housing Preservation and Development stated, "While the credit is a wonderful resource, it could be even more successful if the stagnant statutory cap on incomes for affordable units were modified. When a tax credit building is built, the developer must make a percentage available to families that earn either 50% or 60% of area median income. This creates two problems: first, the affordable units funded by the LIHTC are only available to families earning a narrow band of income; second, developments funded with LIHTC cannot serve extremely low-income or homeless families unless they secure another subsidy, such as Section 8." By allowing income averaging, Ms. Breen said, the developer would be able to serve a wider range of incomes and create more mixed-income housing. "The higher-income units would cross-subsidize the lower-income units, and communities would be able to serve lower-income households without any additional cost to taxpayers or the developer." Clyde Holland of the National Multifamily Council and the National Apartment Association also voiced support for income averaging.

NLIHC has proposed permitting LIHTC units in a property to serve households with an average income of 60%, allowing some units to serve households with incomes up to 80% of area median if at least 30% of the project's units serve households with incomes at or below 30% of area median. Such developments would also receive a 50% basis boost.

Ms. Been also questioned the belief that development of housing that is unaffordable to poor families will trickle down and become affordable to them in the near future. In New York City, she said, "We see the trickle up. Homes are built for workforce, middle income folks, and then because the demand for housing, especially in urban areas, is so great, we see that housing actually being rented by wealthier renters rather than the renters it was intended for. So, the trickledown theory, at least in New York City, really hasn't panned out because the homes that are built on the luxury market have all kinds of restrictions in terms of how much income you have to have in order to even rent that apartment that it becomes very difficult for it to sift down in any way except over decades."

Mechele Dickerson of the University of Texas at Austin School of Law pointed to the unfairness of the mortgage interest deduction (MID) and its impact on overall U.S. housing policy. She stated, "Data show that higher-income taxpayers disproportionately benefit from the MID because most middle-income taxpayers do not itemize deductions. Despite the popularity of this housing subsidy, it is simply unrealistic to think that the federal government will ever be able to provide substantial tax subsidies to help make housing, especially rental housing, more affordable for middle-income households and also continue to provide this enormously expensive tax benefit." NLIHC has proposed MID reforms that would generate $213 billion over ten years to be used for the National Housing Trust Fund.

Ms. Dickerson also spoke of the need for cities and states to enact inclusionary zoning policies to allow developers to build more affordable housing and show that they are committed to addressing the housing needs of their low income residents.

Read the witnesses' testimony and watch the archived webcast at: http://1.usa.gov/1UA4gnz

Bill Introduced to Reform Small PHAs

On March 21, Representative Steven Palazzo (R-MS) introduced the "Small Public Housing Agency Opportunity Act of 2016" (H.R. 4816). The bill allows for greater flexibility and some changes in oversight requirements for small public housing agencies (PHAs), defined as those that administer 550 or fewer public housing units and Housing Choice Vouchers combined.

Among other things, the bill would:

- Limit HUD inspections of housing and voucher units to once every three years, unless the PHA has been classified as "troubled;"
- Allow up to 50% of the PHA's voucher allocation to be project-based, up from 20%;
- Allow for public housing operating funds, public housing capital funds, and voucher funds to be combined and used for any activity eligible under the public housing or voucher programs as long as the PHA assists the same number of households as in the previous year and maintains a comparable mix of families by family size; and
- Allow the minimum rent, now $50, to increase annually for PHA residents based on the percentage increase in the Consumer Price Index for all urban consumers for the year.

The bill also includes a rent reform demonstration in which up to 20% of small PHAs may be selected by HUD to choose one of the following methods for establishing a household's rent contribution for a public housing unit:

- Tiered rent system, in which an initial rent is set and adjusted annually based on changes in area median incomes (AMI). There would be four initial rent tiers:
    - For extremely low income households, a fixed amount equal to 30% of 10% of AMI.
    - For very low income households, an amount equal to 30% of 30% of AMI.
    - For low income households, an amount equal to 30% of 50% of AMI.
    - Households whose income exceeds 80% of AMI must pay rent equal to the higher of 30% of 80% of AMI or the market rent.
- Gross income-based rents, in which an initial rent is set at an amount between 26% and 28% of a household's income, adjusted annually based on factors selected by the PHA. PHAs are allowed to set a minimum rent.
- Existing rent mechanisms, in which a PHA may use any of the above mechanisms in conjunction with the mechanism currently in the law.

NLIHC is concerned about some provisions in the bill that would weaken key regulations protecting the rights and security of tenants. Problematic provisions include the rent reform demonstration that does not include sufficient protections for tenants or evaluation components, weakening Section 3 requirements, weakening performance measures for both public housing and voucher program administration, authorizing the comingling of all public housing and voucher funding, and decreasing reporting requirements.

H.R. 4816 has been referred to the House Committee on Financial Services. The bill, which has garnered bipartisan support, currently has ten cosponsors. A similar bill (S. 2292) was introduced by Senator Jon Tester (D-MT) last November.

Learn more about the bill at: https://www.congress.gov/bill/114th-congress/house-bill/4816

HUD

New AFFH Information for PHAs and Local Governments Published in *Federal Register*

Two notices concerning the new Affirmatively Furthering Fair Housing (AFFH) rule were published in the *Federal Register* on March 23.

One notice announced the availability of an assessment tool that public housing agencies (PHAs) must use when preparing their Assessment of Fair Housing (AFH). Comments are due May 23.

According to the new AFFH rule (see *Memo*, 6/13/15), PHAs have the option of submitting an AFH on their own, collaborating with neighboring PHAs, or submitting a joint AFH with local or state governments. HUD has urged "qualified" PHAs (those with fewer than 550 public housing units and vouchers, combined) to participate with their states in preparing an AFH. To accommodate such collaboration, the assessment tool proposed for states (see *Memo*, 3/14) has a section specifically for qualified PHAs. The assessment tool announced on March 23 is for PHAs not submitting a joint AFH with a local or state government.

The proposed PHA assessment tool is a modification of the local government assessment tool (see *Memo*, 8/17/15 and 1/11). In the publicly supported housing section of the PHA assessment tool, HUD proposes adding two subsections. One asks specific questions about the demographics, location, and occupancy of the PHA's public housing, vouchers, and any other programs. Another asks PHAs to assess affordable rental housing in the PHA's service area and region. PHAs are also asked to analyze whether voucher-assisted households, by protected class, are able to access affordable rental housing in areas that would promote integration and provide access to opportunity. The protected classes listed in the Fair Housing Act are race, color, religion, sex, familial status, national origin, and disability.

The proposed PHA assessment tool has new "contributing factors," which are defined as something that creates, contributes to, perpetuates, or increases the severity of one or more "fair housing issues." The new contributing factors are restrictions on landlords accepting vouchers, impediments to moving with a voucher from one PHA service area to another PHA service area (portability), and policies related to voucher payment standards, the Fair Market Rent (FMR), or rent subsidies. HUD asks whether additional contributing factors should be included. A "fair housing issue" is a condition that restricts fair housing choice or access to opportunity, including conditions such as local or regional segregation or lack of integration, racially or ethnically concentrated areas of poverty, significant disparities in access to opportunity, or disproportionate housing needs.

PHAs are required to submit AFHs according to the following schedule:

- PHAs with more than 550 public housing units and vouchers, combined, ("non-qualified PHAs") must submit an AFH 270 calendar days before a new 5-Year PHA Plan is due on or after January 1, 2018.
- PHAs with fewer than 550 public housing units and vouchers, combined, ("qualified PHAs") must submit an AFH 270 calendar days before a new 5-Year PHA Plan is due on or after January 1, 2019.

Until required to comply with the new AFFH rule, PHAs must still comply with the existing rule regarding the Analysis of Impediments to fair housing choice.

The second notice says HUD is seeking comments about the existing Local Government assessment tool, which was finalized on December 31, 2015. That assessment tool had Office of Management and Budget (OMB) approval for only one year. Therefore, the Local Government assessment tool is open for comment again. Comments are due May 23.

HUD poses questions about the Local Government assessment tool, such as:

- Should racial or ethnic areas of concentrated poverty (R/ECAPs) be amended to exclude college students from the calculation of poverty rate?
- Should HUD provide additional data on homeownership and rental housing, such as percent of renter-occupied housing, including by protected class group?
- Should HUD add Home Mortgage Disclosure Act (HMDA) data?
- Should HUD distinguish between 9% and 4% Low Income Housing Tax Credit (LIHTC) properties?

The *Federal Register* notice about the PHA assessment tool is at http://1.usa.gov/1T9oiEu. The PHA assessment tool is at https://www.hudexchange.info/programs/affh/proposed-tools

A version of the PHA assessment tool showing how it differs from the Local Government assessment tool is on the HUD User website at https://www.huduser.gov/portal/affht_pt.html#public-comment-pra

The *Federal Register* notice about the existing Local Government assessment tool is at: http://1.usa.gov/1RribJl.

NLIHC's AFFH webpage is at http://nlihc.org/issues/affh

HUD Revises Section 8(bb) FAQs

On March 14, HUD's Office of Multifamily Housing revised the Frequently Asked Questions (FAQs) regarding the transfer of all or a portion of any remaining budget authority of a project-based Section 8 Housing Assistance Payment (HAP) contract from one property to one or more other properties using Section 8(bb) of the Housing Act of 1937. Section 8(bb) is a tool for preserving Section 8 budget authority. The revision supersedes the FAQs published on February 18, 2016 (see *Memo*, 2/29).

On October 9, 2014, HUD issued Notice H-2014-14 setting out policies and procedures for making such transfers (see *Memo*, 10/20/14 and 4/13/15). The Notice applies to situations in which the owner and contract administrator (generally HUD) mutually agree to terminate a HAP contract at Project A so that remaining budget authority can be transferred to another multifamily housing project, Project B. A contract at Project A can be subdivided so that one or more of the resulting subcontracts (Contracts A1, A2, etc.) can be terminated and their remaining budget authority transferred to a Section 8 HAP contract on one or more other multifamily housing projects, Projects B, C, D, etc.

The first FAQ from February 18 explained that 8(bb) transfers must be budget neutral, meaning that the annual gross rent potential (GRP) for Property B may not exceed the annual GRP for units terminating at Property A. The March 14 revision states that, in this context, GRP does not include utility allowances.

The February FAQ also stated that any decrease in units of more than 5% must be supported with additional documentation indicating a material improvement in location or a market-driven need to reconfigure unit types. The March revision deletes this 5% reference. A new FAQ quotes Notice H-2014-14, "the number of units supported by the budget authority of Project B should be substantially the same…as the number of units supported by the budget authority at Property A," with a threshold of "within lesser of 5% or five units." The March FAQ clarifies that means that no reduction can exceed five units.

New FAQ 10 states that the number and type of contract units at Property B must accommodate all Property A tenants who wish to relocate to Property B. Tenants can be "over-housed" at Property B to accommodate all tenants who decide to move until an appropriate unit type becomes available.

New FAQ 13 states that when an owner is considering opting out of their Section 8 HAP contract at the end of the year, the owner may be offered the opportunity to terminate the contract early in exchange for their participation in the 8(bb) transfer of subsidy process.

Former FAQ 15, revised as FAQ 17, concerns the need to demonstrate demand for additional affordable housing. The revision is more specific than the original FAQ, listing three factors that HUD Field Economists will review to determine demand: a market analysis showing that there are eligible households in the area, the number of current tenants and/or prospective eligible tenants on the waiting list at Property A who intend to move to Property B, and the number of prospective eligible tenants on the waiting list at Property B.

The revised FAQ adds eight technical answers regarding Real Estate Assessment Center (REAC) inspections.

The March 14, 2016 revised FAQ is at: http://nlihc.org/article/hud-issues-section-8bb-faqs

HUD Proposes Updating Lead-Based Paint Hazard Rule

On March 8, HUD sent a proposed rule to the Office of Management and Budget (OMB) that would amend HUD's Lead-Based Paint Poisoning Prevention regulations. The title of the proposed rule is "Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Response to Elevated Blood Lead Level." While at OMB, the text of the proposed rule is not open for public review.

However, in a March 10 letter to advocates, HUD states that the proposed rule would achieve two objectives designed to provide greater protection for children under the age of six who reside in HUD-assisted units and other federally assisted or owned housing. First, the rule would formally adopt the Center for Disease Control's 2012 definition of an elevated blood level of five micrograms per deciliter in children under the age of six as a trigger for environmental investigation. HUD notes that its notices of funding availability (NOFAs) since 2013 have used this definition. Second, the rule would establish more comprehensive testing and evaluation procedures for HUD and other federally assisted or owned housing in which children with elevated blood lead levels reside.

HUD officials hope that the rule will clear OMB by early June.

The March 10 letter is in response to a February 11 petition for rulemaking seeking to update HUD's lead-based paint regulations. The petition for rulemaking was drafted by staff at the Beazley Institute for Health Law and Policy at Loyola University Chicago School of Law and the Sargent Shriver National Center on Poverty Law. NLIHC and 27 other organizations signed on to the petition for rulemaking.

The March 10 HUD letter is at: http://nlihc.org/sites/default/files/Response_Benfer-Walz_LSHR-petition_031016.pdf

The February 11 petition for rulemaking is at: http://nlihc.org/sites/default/files/Petition_Rulemaking-24-CFR-35_021116.pdf

Research

Transportation Costs Make Section 8 Properties Unaffordable in Many Areas

An article published by *Housing Policy Debate* titled "How Affordable is HUD Affordable Housing?" examines transportation costs for residents living in Section 8 multifamily properties. The study's authors, Shima Hamidi, Reid Ewing, and John Renne, estimate that households in the typical Section 8 property spend slightly less than the recommended maximum 15% of their income on transportation. But in many areas transportation costs greatly exceed 15%, making the cost of living in such properties unaffordable.

The authors argue transportation should be a factor in determining the overall affordability of housing. They expand the definition of housing affordability from spending no more than 30% of household income on housing, to spending no more than 45% on housing and transportation combined. Affordable transportation is defined as spending no more than 15% of household income towards transportation.

The study analyzed a sample of 8,857 properties from HUD's Section 8 Multifamily Housing program. Section 8 housing is affordable by conventional standards with tenants paying no more than 30% of their income towards housing costs. When the authors estimated transportation costs, 44% of the Section 8 properties became unaffordable.

Transportation costs vary significantly across the nation, with notable differences between sprawling, auto-oriented metropolitan areas and more compact, higher-density metropolitan areas. Costs ranged from $1,988 per year in a property in downtown Los Angeles, CA to $10,349 per year in a property in a distant location within the Wheeling, WV metro area. In 70 out of 322 metropolitan areas, all Section 8 properties sampled were deemed unaffordable when transportation costs were included. Even properties located the downtown areas of these metropolitan areas had high transportation costs. These areas included Jackson, MS, Las Vegas, NV, Memphis, TN, and Orlando, FL.

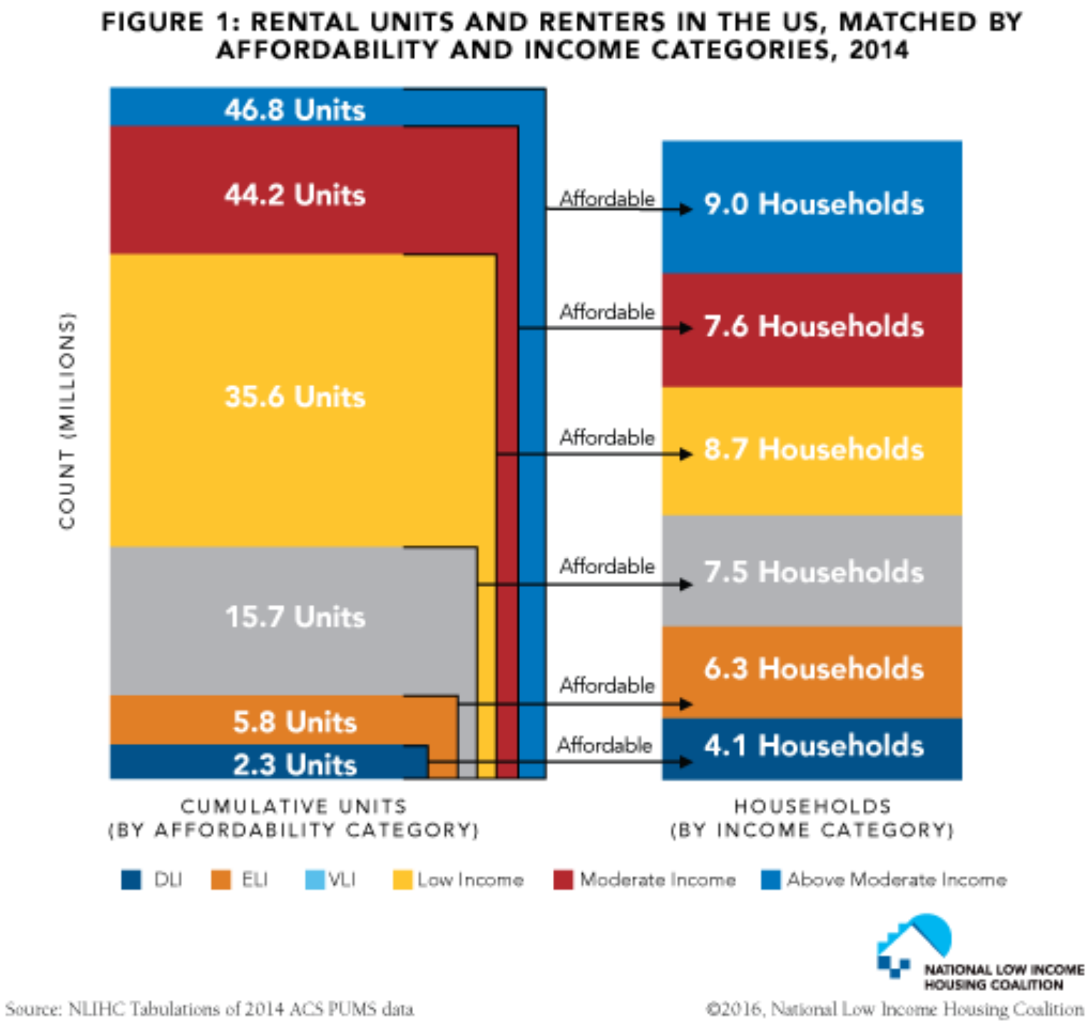
More compact cities were more affordable. Almost all sampled properties in Los Angeles (96.47%), 99.17% in Denver, and 100% in San Francisco were affordable. This does not negate the affordable housing shortage in these areas, but rather demonstrates the transportation affordability of the units already in existence.

This study does not suggest that rental assistance should be limited to denser metropolitan areas but underscores the potential for targeting housing subsidies to locations with better transportation options in sprawling metropolitan areas. The authors also suggest a transportation allowance similar to the current utility allowance be provided to low income households. They also recommend that transportation costs be used as a factor for determining Section 8 contract renewals. The authors do not address other issues beyond transportation costs with regard to the location of housing, such as quality of schools and other opportunities in the immediate vicinity, or the pressing need to stem the permanent loss of subsidized affordable housing.

How Affordable Is HUD Affordable Housing? is available at http://bit.ly/1SjUra8

Fact of the Week

Fact of the Week: Rental Units and Renters in the US, Matched by Affordability and Income Categories, 2014



From the Field

New Hampshire Wins Protections for Accessory Dwelling Units

Affordable housing advocates in New Hampshire celebrated a significant victory this month when Governor Maggie Hassan (D) signed Senate Bill 146, legislation that allows single-family homeowners to add an accessory dwelling unit as a matter of right through a conditional use permit or by special exception as determined by their municipalities. The bill removes a significant regulatory barrier to increasing rental homes at no cost to taxpayers.

Prior to S.B. 146, municipalities had complete authority over accessory dwelling units and the ability to ban them altogether. The new law takes effect June 1, 2017, giving municipalities time to amend or adopt local zoning ordinances to comply.

In a state with 32 units of affordable and available rental housing per 100 extremely low income renter households (see NLIHC's *GAP* report at http://nlihc.org/research/gap-report), S.B. 146 removes a regulatory barrier to the creation of more affordable and appropriate places to call home for New Hampshire's seniors, persons with disabilities, caregivers, other low wage workers, and young people.

"By passing this law, the Granite State has become one of a handful in the nation that requires local governments to allow accessory dwellings," said Ben Frost, Director of Legal and Public Affairs at New Hampshire Housing. "Our Legislature has done it in a way that maintains as much local control as possible, while also clearly telling municipalities that they can't just say no to ADUs."

Sponsored by State Senator David Boutin (R) and co-sponsored by Democrats and Republicans in both the House and Senate, S.B. 146 cleared the NH legislature on strong bipartisan votes. Governor Hassan signed the bill March 16, saying, "We must always be working to increase safe, affordable housing options so that all people can live independently and engage in their communities, empowering them to contribute to our economic and civic life."

The legislative success was not easily won. The bill was introduced in January 2015 at the urging of the New Hampshire Home Builders Association and supported by the New Hampshire Realtors Association and the state's Business and Industry Association, who saw it as a way to add more affordable and workforce housing units without increasing state taxes. Such support helped get the bill through the Senate, where it was amended and passed on a voice vote.

When the bill reached the House, however, it faced opposition from some Representatives about its technical details and issues of local versus state control. With strong support for the bill from housing and developer advocates, the House Municipal & County Government Committee chair strove for compromises in conference committee.

Housing Action NH, an NLIHC state partner, become heavily involved when it learned that the compromise bill that came out of committee could face stiff opposition on the House floor. Housing Action NH engaged its members and other partners to reach out to legislators in the run-up to the vote. Advocates humanized the issue for legislators, sharing messages and messengers that highlighted who the bill would help, particularly seniors and families with disabled members and their caregivers. Bringing in the New Hampshire chapter of AARP and well respected disability advocates into the ad hoc coalition of developers, realtors and other business voices helped legislators understand the real people who would be impacted. The House passed the bill by a 2-1 margin, including majorities of both parties.

"The passage of S.B. 146 is an important policy victory for affordable housing," said Elissa Margolin, Director of Housing Action NH. "It removes local zoning barriers to this very real solution that, for many, meet specific needs, while still balancing municipal oversight and respecting local control."

For more information contact Elissa Margolin at elissa@housingactionnh.org.

Housing and the Elections

Webinar on Educating Voters and Candidates on Housing Issues, April 18

The second webinar in NLIHC's 2016 Voterization series, "Educating Voters and Candidates on Housing Issues," will be held on Monday, April 18 at 2:00pm ET. The webinar will provide detailed information on creating voter guides, participating in candidate forums, and getting candidates to take positions on issues through candidate questionnaires. If you missed the first webinar in our series covering voter registration and voter suppression, you can find a recording of the presentation and a copy of the slides at http://nlihc.org/library/voterization.

Throughout 2016 election season, NLIHC will offer webinars and resources to train advocates and service providers on how to carry out non-partisan voter engagement efforts with low income residents and their allies.

Strong low-income resident participation in the 2016 elections is essential to get candidates to address the issue of affordable rental housing in their campaigns. Learn how to make that happen. RSVP at: https://attendee.gotowebinar.com/register/1720412813737134082

For questions, contact the field team at outreach@nlihc.org.

More NLIHC News

NLIHC Still Accepting Applications for Summer Internships

NLIHC is accepting resumes for summer 2016 internship positions. NLIHC interns are highly valued and fully integrated into our staff work. We seek students passionate about social justice issues, with excellent writing and interpersonal skills.

The available positions are:

Policy Intern. Tracks new legislation, attends and summarizes Congressional hearings for the *Memo to Members* newsletter, participates in visits to Congressional offices, develops materials for use in lobbying the House and Senate to achieve NLIHC's policy agenda, and updates the NLIHC Congressional database.

Research Intern. Assists in ongoing quantitative and qualitative research projects, writes weekly articles on current research for *Memo to Members*, attends briefings, and responds to research inquiries.

The positions begin in June and run until August and are at least 20-30 hours a week. Two semester placements are possible. NLIHC provides modest stipends.

A cover letter, resume, and writing sample are required for consideration. In your cover letter, please specify that you are interested in the research summer 2016 internship position.

Interested students should send their materials to: Paul Kealey, Chief Operating Officer, National Low Income Housing Coalition, 1000 Vermont Avenue, NW, Washington, DC 20005 via email to pkealey@nlihc.org.

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Kate Rodrigues, Research Intern x229
James Saucedo, Housing Advocacy Organizer, 233
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