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NLIHC News

Diane Yentel Joins NLIHC as Incoming President and CEO

Diane Yentel began her second stint at NLIHC on March 28, this time as incoming President and CEO. She will succeed Sheila Crowley on April 6. After 17 years and much success as President and CEO of NLIHC, Sheila will retire later this month.

From 2005 to 2008, Diane was a Policy Analyst at NLIHC. Among her duties was leading NLIHC's response to the low income housing crisis created by Hurricane Katrina.

Diane returns to NLIHC after several years as vice president for public policy and government affairs at Enterprise Community Partners, where she led its federal, state and local policy, research and advocacy programs. Previously, Diane directed HUD's Office of Public Housing Management and Occupancy, and worked as a policy analyst at Oxfam America and the Massachusetts Coalition for the Homeless. She was a volunteer with the United States Peace Corps, working as a community development specialist in Zambia from 1995-1998. Learn more about Diane at: <http://nlihc.org/article/diane-yentel-named-new-nlihc-president-and-ceo>

NLIHC Releases 2016 Advocates' Guide

NLIHC is pleased to announce the release of the *2016 Advocates' Guide: An Educational Primer on Federal Programs and Resources Related to Affordable Housing and Community Development*. The *Advocates' Guide* has long been the authoritative reference for advocates and affordable housing providers seeking a quick and convenient way to understand affordable housing programs, policies, and regulations. The *Advocates' Guide* is made possible thanks to the generous support of PNC Bank.

The *2016 Advocates' Guide* contains eleven chapters that cover such topics as an introduction to affordable housing, advocacy resources, rental housing programs for the lowest income households, community development resources, and programs and laws affecting low-income households. The *Advocates' Guide* is a go-to resource for affordable housing and community development practitioners, advocates, and policymakers for detailed descriptions of every federal housing and community development program, as well as current challenges, opportunities, and practical strategies for addressing the shortfall in housing that is affordable and available to low income people and communities.

The *2016 Advocates' Guide* authors are NLIHC staff members and experts from many of NLIHC's partner organizations.

The *2016 Advocates' Guide* can be found at: <http://nlihc.org/library/guides>.

Print versions of the *2016 Advocates' Guide* can be purchased at: <http://nlihc.org/library/publications-order>.

NLIHC Leadership Reception

Last Call for April 5 Leadership Reception Honoring Barbara Lee and Nancy Bernstine

Register 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>.

Congress

Senator Cantwell Announces Proposal to Expand and Reform LIHTC

On March 24, Senator Maria Cantwell (D-WA) announced her plan to introduce legislation to expand and reform the Low Income Housing Tax Credit (LIHTC) program to better address the nation's affordable housing and homelessness crisis. In conjunction with her announcement, Senator Cantwell released a report titled "Addressing the Challenges of Affordable Housing & Homelessness: The Housing Tax Credit" that discusses the current affordable housing crisis facing families in the U.S. and Washington state and describes her proposal in more detail.

Senator Cantwell's proposal calls for a 50% increase in the number of tax credits allocated each year, which would finance the creation or preservation of an additional 400,000 units of affordable housing over the next decade. Her proposal would also reform the program to better serve the lowest income people in America. The proposal would allow state housing finance agencies to provide up to a 50% basis boost for projects targeting extremely low income or homeless families so that those projects are more financially feasible and have less need for debt financing. Senator Cantwell also proposes changes to the program's income limitation formulas to promote greater income mixing to achieve deeper income targeting.

NLIHC has proposed a 50% basis boost for the LIHTC as a way to reach extremely low income people, as well as an income averaging reform.

Senator Cantwell made the announcement in Seattle and was joined by members of the ACTION Campaign, coordinated by Enterprise Community Partners, the National Council of State Housing Agencies and others to promote and improve the LIHTC. She is expected to introduce her bill next week.

Read Senator Cantwell's press release at: <http://1.usa.gov/1RRIJDU>

Read Senator Cantwell's LIHTC report at: <http://1.usa.gov/1VYRVJr>

HUD

HUD Posts Webcasts on AFFH Assessment of Fair Housing

HUD has posted a six-part webcast explaining the required content of the new Assessment of Fair Housing (AFH) established in the Affirmatively Furthering Fair Housing (AFFH) rule. The webcast defines fair housing "issues," discusses their analysis, and explains the process of identifying and prioritizing fair housing "contributing factors." The webcast also describes establishing fair housing priorities and goals based on the

analysis of fair housing issues and the priority contributing factors. A case study is utilized to demonstrate the process of drafting an AFH.

- Part 1 introduces key terms and discusses the required content of the AFH (31 minutes).
- Part 2 discusses how to conduct a demographic summary and how to undertake an analysis of segregation (23 minutes).
- Part 3 covers the analysis of racially and ethnically concentrated areas of poverty (R/ECAPs) and disparities in access to opportunity (24 minutes).
- Part 4 discusses the analysis of disproportionate housing needs and explores AFFH considerations associated with publicly supported housing (28 minutes).
- Part 5 explores the analysis of fair housing issues impacting people with disabilities and describes the required discussion of a program participant's fair housing enforcement capacity (20 minutes).
- Part 6 is a presentation about establishing fair housing priorities and goals (16 minutes).

The webcasts are at <http://bit.ly/1SGq8uv>.

HUD's AFFH website is at <https://www.hudexchange.info/programs/affh>.

NLIHC has AFFH information at <http://nlihc.org/issues/affh>.

HUD Revises Multifamily Notice about Tenant Participation Requirements

HUD's Office of Multifamily Housing Programs issued Notice H 2016-05 on March 31, revising Notice H 2014-12 (see *Memo 9/15/14*) pertaining to owner compliance with tenant participation requirements at HUD-assisted private multifamily properties. These Notices state that a tenant or tenant organization may file a written complaint with the local HUD office and describe the penalties that may be levied if owners or managers violate tenant participation requirements as found at Part 245 of the regulations.

The new Notice restates the requirements in Notice H 2014-12, but with three changes. First, the Notice adds to the list of property types that may be assessed civil monetary penalties non-insured projects that have a project-based Section 8 contract renewed under the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRAA). This is an improvement sought for several years by the National Alliance of HUD Tenants (NAHT), whose advocacy resulted in the original tenant participation Notice H 2011-29 (see *Memo, 10/14/11*).

Second, under Section C, "Rights of Tenants and Tenant Organizations," the language regarding meeting space is substantially amended to address accessibility requirements. Owners are required to give priority to meeting spaces that provide physical access for individuals with disabilities in accordance with regulations in Section 504 of the Rehabilitation Act of 1973 and Titles II and III of the Americans with Disabilities Act of 1990. All programs or activities must be held in accessible locations unless the owner can demonstrate that doing so would result in a fundamental alteration of the program or an undue financial and administrative burden. Individuals with disabilities must receive services in the most integrated setting appropriate to their needs.

The third change, in Section F, clarifies the role of HUD-initiated conciliation in resolving tenant complaints.

Notice H 2016-05 is at: <http://portal.hud.gov/hudportal/documents/huddoc?id=16-05hsgn.pdf>.

HUD Releases FY16 Median Family Income Estimates and Limits

HUD released the FY16 median family income (MFI) estimates and income limits on March 28. The estimated FY16 MFI for the U.S. is \$65,700, which represents a decrease of less than 1% from the estimated FY15 MFI of \$65,800.

HUD uses MFIs to determine income eligibility for households applying for Public Housing, Section 8 Housing Choice Voucher, Section 202 Housing for the Elderly, and Section 811 Housing for Persons with Disabilities programs. The MFIs are also used to determine income eligibility for programs run by the Department of the Treasury, the Department of Agriculture, and the Federal Housing Finance Agency.

HUD calculates the FY16 MFIs using 2009-2013 five-year American Community Survey (ACS) and Puerto Rico Community Survey (PRCS) data. HUD uses the 2013 one-year ACS survey where it is valid.

Income limits are based on MFIs adjusted for family size. Very low income (VLI) limits for four-person families are calculated as 50% of the area median family income, with adjustments for high and low cost areas. Extremely low income (ELI) families are defined as those whose incomes do not exceed the greater of either 30% of the MFI (or 60% of VLI income limit) or the federal poverty guideline published by the Department of Health and Human Services. If the federal poverty guideline is above the VLI limit for a given family size, the ELI limit is set at the VLI limit.

The FY16 Income Limits documentation and more information is available at: <http://bit.ly/1URDreM>.

HUD Seeks Recommendations about Policies and Methods to Evaluate MTW Expansion

An April 4 *Federal Register* notice announced that HUD's Office of Public and Indian Housing (PIH) is seeking recommendations for specific policy proposals to be implemented as part of the expansion of the Moving to Work (MTW) demonstration. HUD is also seeking methods to evaluate those policies. Advocates have 30 days to respond.

The "2016 Consolidated Appropriations Act" authorized HUD to expand the MTW demonstration program by an additional 100 high performing public housing agencies (PHAs) over a period of seven years (see *Memo*, [12/21/15](#)). PHAs will be added to the MTW demonstration in annual cohorts, each of which will be overseen by a research advisory committee to ensure the demonstrations are evaluated with rigorous research protocols, quantitative analysis, and comparisons to control groups. Each year's cohort of MTW sites will be directed by HUD to test one specific policy change.

The notice reiterates the statutory purpose of the MTW demonstration, which is to give PHAs and HUD the flexibility to design and test various approaches for providing and administering housing assistance that:

- (1) reduce costs and achieve greater cost effectiveness in federal expenditures;
- (2) give incentives to families with children where the head of household is working, seeking work, or preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and
- (3) increase housing choices for eligible low income families.

HUD is soliciting specific policy proposal recommendations related to cost effectiveness, resident self-sufficiency, and housing choice. The notice lists nine policy area examples, including some about which NLIHC has serious concerns such as alternative rent-setting methods and alternative occupancy policies that could involve time limits and work requirements. Other policy area examples include increasing moves to high-opportunity neighborhoods, ending homelessness, and improving educational outcomes. Because the statute

requires rigorous research methods to be used to test the policy proposals, HUD is also requesting input on evaluation and research methodologies.

The statute restricts MTW agencies' ability to limit voucher holder portability rights to those with waivers, but such waivers must have exceptions for requests from voucher holders to move for reasons related to employment, education, health, and safety (see *Memo*, [12/21/15](#)). The evaluation and portability changes are significant improvements to MTW, but the statute does not include other important reforms such as retaining extremely low income targeting standards and protecting voucher funds from being stockpiled or redirected by MTW agencies.

Of the 100 new PHA MTW sites, no fewer than 50 PHAs must administer up to 1,000 combined public housing and voucher units, no fewer than 47 must administer between 1,001 and 6,000 combined units, and no more than three can administer between 6,001 and 27,000 combined units.

For the existing 39 MTW agencies, the statute requires HUD to extend their MTW agreements under current terms until the end of their 2028 fiscal year, "except for any changes to such terms and conditions otherwise mutually agreed upon by the Secretary and any such agency." This language gives current MTW agencies a very strong position in their ongoing negotiations with HUD over the extension of current agreements, which expire in 2018.

The April 1, Public Inspection version of the *Federal Register* notice is at: <http://bit.ly/1qmShNX>.

HUD Releases FAQ on Using Arrest Records to Disqualify People from Receiving Housing Assistance

On March 31, HUD issued new guidance in the form of frequently asked questions (FAQs) as a follow-up to an earlier HUD notice on the use of arrest records in screening applicants for federally-assisted housing (see *Memo* [11/9/15](#)). That notice (PIH 2015-19) clarifies that an individual's arrest record alone cannot be used as evidence that he or she has committed a crime.

The FAQ guidance reiterates HUD's earlier position on use of arrest records, but notes that an arrest record might properly trigger an inquiry by a public housing agency (PHA) or property owner into whether a person participated in criminal activity that would disqualify him or her from receiving housing assistance. During that inquiry, PHAs and property owners can consider other evidence beyond the arrest, including police reports, witness statements, and filed charges. However, HUD regulations specifically provide that a PHA or property owner must show a "preponderance of the evidence" that the person engaged in disqualifying criminal activity.

The FAQ guidance also states, "Before a PHA denies admission to the public housing or Section 8 program on the basis of a criminal record, the PHA must notify the applicant of the proposed decision and provide the applicant and the subject of the record with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of the record." Property owners must also provide applicants with a written rejection notice that states the reason for rejection and advise the applicant of their subsequent rights.

The guidance also reminds PHAs and owners of HUD-assisted housing that HUD does not require the adoption of "one-strike" policies and that they have an obligation to protect the due process and civil rights of tenants and applicants applying for housing assistance.

HUD encourages all PHAs to review and update their Admissions and Continued Occupancy Policies (ACOP) or Section 8 Administrative Plans to ensure they comply with PIH 2015-19.

Read the FAQ guidance at: <http://1.usa.gov/1ZRBdf1>

Research

Affordable Rental Housing Lacking in 11 Largest Metropolitan Areas

A report by New York University's Furman Center and Capital One titled *Renting In America's Largest Metropolitan Areas* shows that growth in the rental housing stock in the 11 largest metropolitan areas in the U.S. has not kept pace with the growth of the renter population. Rental markets have tightened, leading to overcrowded units and higher rent burdens, especially for the lowest income renters.

The rental housing stock increased in all 11 metropolitan areas between 2006 and 2014. Atlanta (26% growth), Dallas (25%), Houston (28%), Miami (27%) and Washington, DC (24%) had greater growth in their rental housing stock than the national growth rate of 18%. Six of the eleven metropolitan areas saw the addition of more single-family rental units than multifamily rental units. Across all metropolitan areas single-family units accounted for nearly 60% of the increase in rental units.

The growth in the renter population outpaced the growth in the rental housing stock, resulting in a decrease in vacancy rates in all of the metro areas except Miami. The mismatch between supply and demand led to rising median gross rents in both the suburbs and the central cities of all the metropolitan areas from 2006 to 2014, with the only decrease occurring in the Miami suburbs. Rents increased faster in the central cities than in the suburbs in all 11 metro areas except for Dallas and Houston. The most significant increase in rents occurred between 2013 and 2014. All of the study's metropolitan areas except Los Angeles, New York and Washington, DC experienced annualized rent increases of less than 1% between 2006 and 2013.

In 2014, the majority of renters in eight of the 11 metropolitan areas were cost-burdened, spending at least 30% of their income on housing. At least one-quarter of renters in seven of the metropolitan areas were severely cost burdened, spending at least half of their income on housing. In all 11 metropolitan areas, more than half of the lowest income renters (25th percentile of income) were severely cost-burdened. The size of the average renter household also increased, with more people doubling and tripling up due to higher rents and a lack of affordable and available units.

Rent affordability was particularly challenging for recent movers. The median income renter could afford only 35% of the rental units that became available 2014, down from 38% in 2006. Only four metropolitan areas saw an increase in the share of recently available units affordable to median income renters between 2006 and 2014. The situation was worse for the lowest income renters. In 2014, these renters in all 11 metro areas could afford only 10% of the recently available units.

The report uses data from the American Community Survey from 2006 to 2014.

Renting In America's Largest Metropolitan Areas is available at <http://bit.ly/1M54Lhv>.

Formerly Homeless Parents Struggle to Access Preschool

A report published by The Cloudburst Group and sponsored by HUD's Office of Policy Development and Research titled *A Qualitative Assessment of Parental Preschool Choices and Challenges among Families Experiencing Homelessness* reveals that housing instability, weak social support networks, and lack of transportation are significant challenges formerly homeless parents face in enrolling their children in preschool.

The study involved focus groups and surveys of formerly homeless families residing in Atlanta and Connecticut who were part of HUD's larger Family Options Study. Only families with children under six years of age were asked to participate. The researchers conducted focus groups with 28 parents and then conducted follow-up interviews with the same individuals. More than half (61%) of the participants reported enrolling their children in a formal preschool program, including Head Start.

For most parents, finding a stable home took precedence over whether a preschool program was nearby, and frequent moves limited their ability to keep their children in one preschool program. Weak social support networks presented additional challenges, especially for those who were single parents and did not have help taking his or her child to and from preschool.

The lack of reliable transportation and proximity to schools were significant barriers to preschool enrollment, particularly for parents in the Atlanta metropolitan area where public transportation is limited. One participant reported a transit journey of two to three hours involving a bus and two trains each day to send her youngest daughter to preschool. Another participant noted the financial challenge of the \$8 round trip to and from preschool. Some study participants were unable to make use of open preschool slots because of the distance between their home and the school and the lack of transportation.

Long waiting lists for preschool and limited knowledge about preschool options were challenges for formerly homeless parents. Some participants said they did not understand that preschool applications had to be submitted during specific times of the year, such as spring enrollment for a fall session. Housing instability also made it challenging for some parents to apply at the appropriate times.

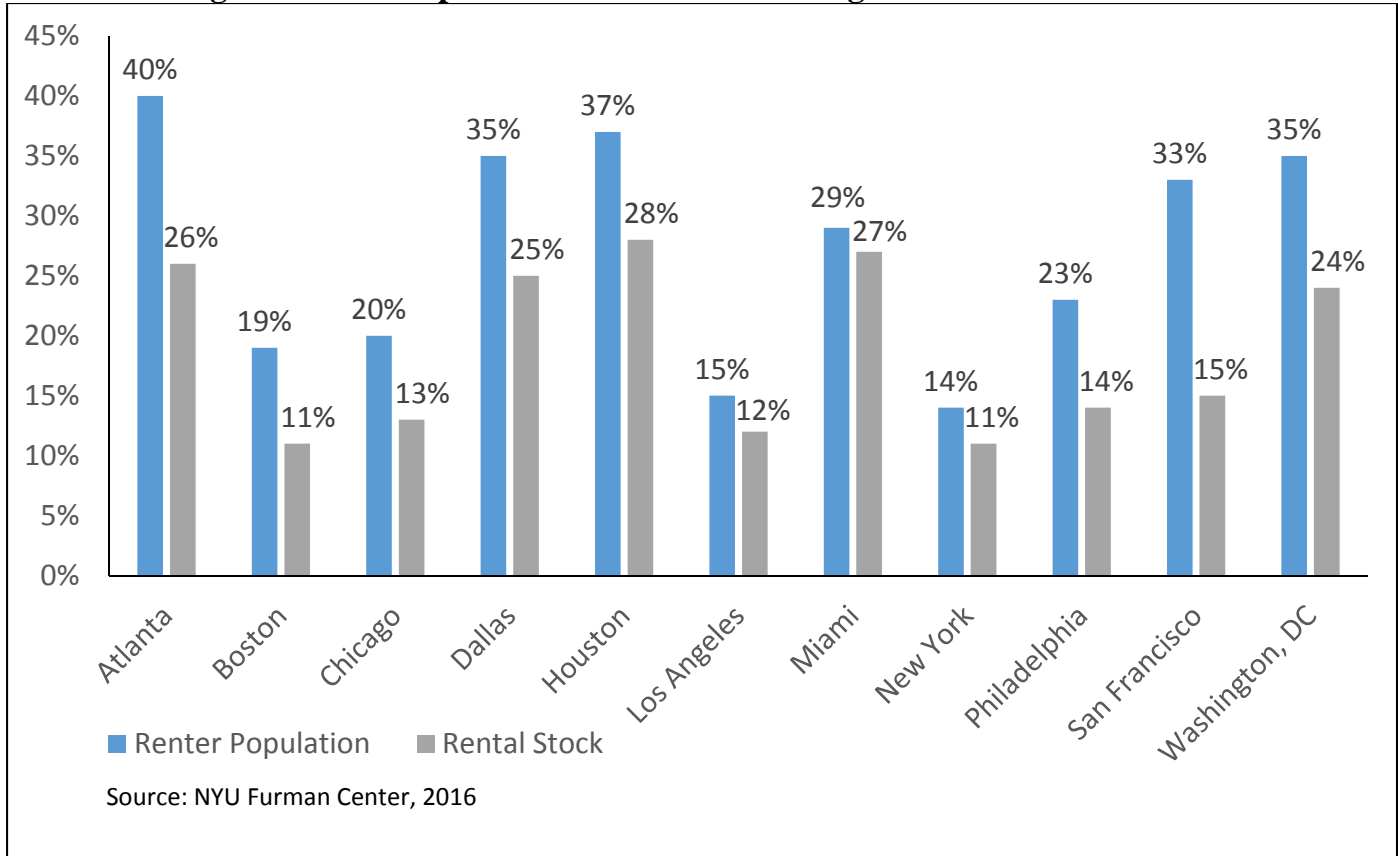
Some parents expressed frustration with poor communication from preschools and social service providers about open slots. They said that homeless service providers provided inadequate information about preschool options and enrollment processes. Few parents knew about Head Start, the federal program for children that gives priority to homeless families. Parents said they received little information about the program from social service providers or Head Start outreach staff.

The authors conclude that homeless service providers and early childhood educators must do a better job of providing information to families about preschool options, particularly Head Start. The authors recommend homeless service providers discuss preschool as part of case management and help families locate preschool options where families are likely to locate after leaving a shelter rather than within the shelter's vicinity. They also recommend that preschool programs improve the quality of information they provide to parents, including contact information and enrollment processes. Preschools in the same community could use a common application to make applying to multiple schools easier for parents. Finally, they recommend greater collaboration between homeless service providers and early childhood providers.

A Qualitative Assessment of Parental Preschool Choices and Challenges Among Families Experiencing Homelessness is available at <http://bit.ly/22ytKqC>.

Fact of the Week

Percent Change in Renter Population and Rental Housing Stock: 2006-2014



Source: Ellen, I. G. Karfunkel, B. (2016). *Renting in America's Largest Metropolitan Areas*. New York City: NYU Furman Center and Capital One. Retrieved from <http://bit.ly/1UxBuEz>

From the Field

Minnesota Homeless Advocates Lobby for Voting Rights for Ex-Offenders, Cash Assistance and Affordable Housing for Low Income Families

On Tuesday, March 15, more than 600 advocates convened at the Minnesota State Capitol for “Homeless Day on the Hill” coordinated by the Minnesota Coalition for the Homeless (MCH), an NLIHC state partner. Advocates from nearly 90% of Minnesota’s 67 Senate districts lobbied for new affordable housing bonds, the expansion of cash assistance for low income families, and the restoration of voting rights for ex-offenders. Homeless Day on the Hill this year coincided with lobbying efforts by the Minnesota Second Chance Coalition, which seeks to restore voting rights to Minnesotans previously convicted of felonies who remain on probation or parole.

According to Restore the Vote-Minnesota, approximately 47,000 citizens are currently denied the right to vote due to their ongoing sentence of parole or probation. About 25% of disenfranchised Minnesotans are people of color, compared to 5% of the general population. Criminal backgrounds too often block adults experiencing homelessness from housing, employment, and civic participation. In 2012, 47 percent of homeless adults in Minnesota had a criminal history, and 36 percent of homeless Minnesotans cited a criminal background as a top barrier to housing and employment. Individuals experiencing homelessness who are serving sentences of probation or parole are currently prohibited from voting in Minnesota. The denial of voting rights for previously

convicted individuals diminishes the political voice of homeless persons to help make homelessness a priority issue among legislators.

MCH's active participation in the Restore the Vote campaign demonstrates its strong belief that collaborations across issue areas are critically important to advance housing stability and economic opportunity. MCH believes that systemic and multi-issue change is essential to addressing the underlying causes of racial inequities and homelessness. Many MCH members participated in both the Homeless Day on the Hill and the Second Chance Coalition Day on the Hill.

Advocates are urging the passage of two bills that restore voting rights for ex-offenders: HF342, introduced by Representative Tony Cornish (R), and SF355, introduced by Senator Bobby Joe Champion (DFL). Both bills are gaining the support of direct service providers, faith communities, legal advocates, public safety entities, local governments, and civic groups.

Homeless Day on the Hill also advocated for expanding cash assistance for households enrolled in the Minnesota Family Investment Program (MFIP), a workforce development program that provides employment support and basic cash assistance to low income families. MCH recently established the Prosperity for All Coalition, a campaign of more than 70 organizations throughout Minnesota dedicated to increasing MFIP cash assistance payments by \$100 per month. MFIP cash assistance has not been increased in 30 years. MCH reports that the average monthly cash assistance payment is currently \$348 per family, with fewer than half of all enrolled families qualifying for a \$110 monthly housing allowance. Prosperity for All's policy proposal was included in Governor Mark Dayton's budget and follows recommendations made by the Minnesota TANF Expenditure Task Force. For more information about Prosperity for All, see *Memo*, [3/16/2015](#).

MCH is also playing a leadership role in the Homes for All Campaign that is advocating to secure \$130 million in new affordable housing infrastructure bonds. NLIHC's other state partner in Minnesota, the Minnesota Housing Partnership, is also leading the Homes for All Campaign. The campaign estimates that this level of bond funding would develop or preserve approximately 4,100 homes for Minnesotans. In addition to seeking expanded revenue, the Homes for All proposes adding senior-only housing as an eligible use of housing infrastructure bonds. According to Homes for All, 149,000 senior households in Minnesota qualify for affordable housing programs but only 23,400 senior-only affordable homes are available. These efforts to secure housing bond revenue follow on recent significant victories by the Homes for All Campaign in the 2014 and 2015 legislative sessions (see *Memo*, [5/30/2014](#) and [7/13/2015](#)).

"Minnesotans want to see action taken to end homelessness," said Senta Leff, Executive Director for MCH. "Homeless Day on the Hill provides important momentum as we continue our legislative efforts to expand investments in affordable housing, increase economic stability, and restore voting rights."

For more information about Homeless Day on the Hill or the legislative priorities of MCH, contact Kenza Hadj-Moussa at kenza@mnhomelesscoalition.org.

Learn more about Homes for All at: www.homesforallmn.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: <http://bit.ly/1PL6R6F>

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

More NLIHC News

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/1VNDQOR>

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