



# Memo TO Members

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## **NLIHC in the News**

## Take Action

### United for Homes Advocacy Day, May 17

NLIHC and the United for Homes (UFH) campaign will have a national Advocacy Day – including a twitter storm and call to Congress – advocating for #SmartTaxReform to rebalance federal housing policy on Wednesday, May 17. The National Association for Realtors will be on Capitol Hill that same week, advocating to protect the mortgage interest deduction – a \$70 billion, highly regressive tax write-off that primarily benefits higher income households - during its #NARLegislative event.

NLIHC will send more information next week with sample tweets, social media images, call-in scripts, and other resources that advocates and organizations can use to engage their networks around the UFH Advocacy Day. Meantime, you can access key information and resources on United for Homes at:

<http://www.unitedforhomes.org/>

Organizations interested in helping to amplify this message should contact NLIHC at [outreach@nlihc.org](mailto:outreach@nlihc.org).

### Urge Congress to Protect and Expand the National Housing Trust Fund

NLIHC urges all organizations concerned about homelessness and the lack of affordable homes in the U.S. to sign onto a [letter](#) calling on Congress to protect and expand the national Housing Trust Fund (HTF), a critical new resource for building and preserving homes for the lowest income people in America. The deadline for signing the letter has been extended to May 31.

In 2016, its first year of funding, states made plans to use HTF resources to increase the supply of affordable rental homes for extremely low income veterans, seniors, people with disabilities or special needs, low-wage workers, and people experiencing homelessness. With more resources, the HTF can play a critical role in ensuring the nation's 11.4 million extremely low income households have access to decent, affordable homes.

The first new federal affordable housing resource in a generation, the HTF is exclusively targeted to build and preserve housing affordable to people with the lowest incomes. In 2016, the first \$174 million in HTF dollars were allocated to the states. Because the HTF is administered as a block grant, each state has the flexibility to decide how best to use HTF resources to address its most pressing housing needs. The first year of funding was a strong start to the program, but Congress must significantly expand the HTF to address the critical affordable housing needs of the lowest income renters in every community in the U.S.

The need to protect and preserve the HTF is relevant to Congressional negotiations on the FY18 appropriations. Additionally, Congress is considering reforms to the government sponsored enterprises (GSEs), Fannie Mae and Freddie Mac, in 2017. Because the HTF is funded through a small assessment on Fannie Mae and Freddie Mac's new business each year, reforms to the GSEs would have a direct impact on the HTF. Previous bipartisan legislation reforming the GSEs included a significant increase in resources to the HTF. Congressional leaders considering reforms during this session of Congress must protect and expand the HTF to assist the 7.4 million extremely low income households who lack access to affordable homes. There may also be opportunities to expand the HTF in a comprehensive infrastructure package and in comprehensive tax reform efforts.

Sign the [letter](#) by **May 31** urging Congress to protect and expand the HTF and share it with your networks.

Contact your Congressional delegation directly at: <http://bit.ly/2lBR7eM>

## **In Memoriam**

### **In Memoriam: Michael Stoops**

The movement to end homelessness has lost a giant. Almost two years after suffering a severe stroke, Michael Stoops passed away on May 1. He was 67. Michael was the director of organizing at the National Coalition for the Homeless (NCH), a national advocacy organization that he co-founded in 1982. Michael's legacy is enormous. He played an essential role in the passage of the McKinney-Vento Homeless Assistance Act in 1987, a law that remains the largest federal response to homelessness through the services and programs it established, and in launching a nationwide network of street newspapers. Michael developed the "You Don't Need a Home to Vote Campaign" that won state legislative changes nationwide to ensure that people without a residence could legally vote in elections. And he established NCH's Speakers Bureau, which provides people experiencing homelessness a platform to share their stories and receive speaking fees while raising public awareness about homelessness.

Michael Stoops was an important partner to the National Low Income Housing Coalition. For many years, NCH and NLIHC shared adjacent office space and worked closely together on various projects. Michael believed in the necessity of affordable housing as a solution to homelessness, and he was involved at the very beginnings of the national Housing Trust Fund campaign. He was a trusted and valued partner of NLIHC since he began working with NCH full-time in 1988.

As an organizer, Michael made time for everyone who wanted to be involved in the movement. He mentored numerous campus activists working to end homelessness through direct action and awareness campaigns at colleges and universities throughout the country. He also worked tirelessly to build an advocacy culture wherein people experiencing homelessness were actively involved in campaigns to achieve legislative solutions. Michael was never far removed from the reality of homelessness: many current or formerly homeless individuals were an important part of his social circle. He believed strongly in an inclusive movement, and this belief was reflected in his organizing.

Michael's commitment to ending homelessness was extraordinary. He will be greatly missed.

## **United for Homes**

### **UFH Webinar on Efforts to Reform State-Level Mortgage Interest Deductions, May 10**

United for Homes endorsers are invited to join a webinar, "Take It to the States! MID Reform Is Not Just a Federal Issue," on May 10 at 2 pm ET. Guest presenters include Jerome Brooks, executive director at Oregon Opportunity Network, and Tyrone Buckley, policy director for land use and finance at Housing California. The presenters will share their ongoing legislative efforts to reform their states' mortgage interest deduction (MID). Of the 41 states that impose a tax on all income, 31 allow for income to be reduced for mortgage interest payments. The specifics and parameters of state-level MID benefits vary, but the benefits are similarly regressive to the federal MID, exacerbating economic inequality. Also on the webinar, NLIHC staff will discuss President Donald Trump's recent tax reform proposal and will share the latest updates from Capitol Hill.

United for Homes webinars strive to highlight best practices for advocacy and provide tools that advocates can use around the country. The April webinar, "Just in Time for Tax Day—Deductions, Credits, and Homeownership," reviewed the implications of UFH's campaign proposal to convert the MID to a non-refundable 15% credit with the maximum portion of an eligible mortgage capped at \$500,000. NLIHC VP for Research Andrew Aurand and Eric Toder of the Urban-Brookings Tax Policy Center Institute provided a thorough breakdown of who would benefit from the proposal and where the \$241 billion of new tax revenue would come from. Watch the April webinar [here](#).

Future webinars will feature guest experts, policymakers, advocates, and researchers on topical issues. All UFH webinars are available on the UFH website at: <http://www.unitedforhomes.org/webinars/>

If you have not already registered for the monthly UFH endorser webinars, register for the May 10 event at: <http://bit.ly/2irHS2E>. Once you register, you will not need to register again for the monthly UFH endorser webinars.

If you are not already a UFH endorser, please join the campaign at: <http://www.unitedforhomes.org/join-the-movement/>

If you are not sure if you are a UFH endorser, check the list of current endorsers at: <http://www.unitedforhomes.org/national-supporters/>

## **NLIHC Introduces “United for Homes MIDWeek” E-Newsletter**

The United for Homes (UFH) campaign is committed to keeping its supporters apprised of new tax reform legislation, resources, and tools to build support around the need for smart tax reform. With modest reforms to tax write-offs such as the mortgage interest deduction (MID), Congress can generate billions in savings that can be reinvested in targeted rental housing programs—like the national Housing Trust Fund and rental assistance—that serve people with the greatest needs.

As part of this effort, the UFH campaign will launch a new weekly e-newsletter, “United for Homes MIDWeek,” on Wednesday, May 10. United for Homes MIDWeek will provide brief advocacy and news updates on the need to reform the MID and invest the savings into affordable housing solutions. Tax reform is a hot topic in the Republican-led Congress and Administration, and the need to reform the MID is gaining support on both sides of the aisle. This increased focus on tax and MID reform is increasingly fodder for social media and the news. NLIHC’s new UFH MIDWeek e-newsletter will capture the latest news for the week and dispense it in an easily digestible format for reviewing on your smart device and for sharing on social media.

The MIDWeek e-newsletter will be available to all UFH campaign endorsers and others who sign-up to receive the newsletter. If you have not already, we encourage you to sign-up through the UFH website. Add your email to the “Newsletter Sign-Up” available at the bottom of each page of the website. Archived issues of the newsletter will be available on the UFH website under “News & Information.”

Visit the UFH website at: [www.unitedforhomes.org](http://www.unitedforhomes.org)

## **Administration**

### **OIRA Memo Lists Indicators Agencies Must Include in Performance Plans**

Federal agencies like HUD must include five performance indicators in their Annual Performance Plans according to Memorandum M-17-23 from the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB). The memorandum provides guidance pertaining to Section 4 of Executive Order (EO) 13777, which requires OMB to issue guidance about performance indicators agencies must incorporate in their FY19 Annual Performance Plans (APPs), already required by statute (31 U.S.C. section 1115(b)).

EO 13777 requires agencies to establish a Regulatory Reform Task Force and designate a Regulatory Reform Officer (RRO) to oversee the Task Force. The RRO and Task Force must carry out EO 13771, which requires federal agencies to repeal at least two existing regulations if a new regulation is proposed and to ensure that the total cost of a new regulation combined with the cost savings from repealing two or more regulations is no greater than zero (see *Memo*, [2/6](#) and [2/13](#)).

M-17-23 requires APPs to include:

1. The number of evaluations to identify potential deregulatory actions that included an opportunity for public input and/or peer review;
2. The number of deregulatory actions recommended by the Regulatory Reform Task Force to the agency head;
3. The number of deregulatory actions issued that address recommendations from the Task Force;
4. The number of regulatory actions and deregulatory actions issued; and
5. The total incremental cost of all regulatory actions and deregulatory actions (including costs or cost savings carried over from previous fiscal years).

Agencies should also report on their performance in terminating any programs or activities that derive from or implement EOs, guidance documents, policy memoranda, rule interpretations, and similar documents, or relevant portions thereof, that have been rescinded or that were terminated during the fiscal year.

M-17-23 from April 28 is at: <http://bit.ly/2p2kCsX>

## **Congress**

### **House Republicans Vote to Repeal the Affordable Care Act**

House Republicans voted to pass legislation to repeal the Affordable Care Act (ACA), President Obama's signature health reform law on May 4. The House approved the measure by a vote of 217-213, just one vote more than the 216 needed. No Democrats voted for the bill. The legislation now heads to the Senate for consideration through a procedure known as a budget reconciliation that requires only 51 votes. Despite this lower threshold, it is unclear if the bill has enough support to be enacted in its current form.

Under the American Health Care Act (AHCA), an estimated 24 million people would lose their healthcare coverage. The bill would eliminate the funding available under the ACA and would roll back the ACA expansion of Medicaid that includes funding for supportive housing services that benefit people experiencing homelessness. These changes will be devastating to low income families who depend on Medicaid for access to healthcare and supportive services.

Republicans tried to bring the bill up for a vote in April, but had to pull the legislation at the last minute when they could not drum up enough votes to support it. After some last-minute deal-making, enough moderate Republicans who had initially opposed AHCA changed their position, allowing Republican leadership to bring the bill to the House floor and get it passed.

### **FHFA Director Mel Watt to Testify Before Senate Banking Committee**

The Senate Banking Committee is moving forward with discussions about reforming our nation's housing finance system, which is a top priority for Chairman Mike Crapo (R-ID) and Ranking Member Sherrod Brown (D-OH). NLIHC will work with advocates across the country to ensure that increased funding for the national Housing Trust Fund (HTF) is included in any housing finance reform legislation.

The Banking Committee has scheduled a hearing on Thursday, May 11 on "The Status of the Housing Finance System After Nine Years of Conservatorship" with Federal Housing Finance Agency Director Mel Watt. NLIHC will closely monitor the hearing and provide a review in next week's *Memo to Members*.

This hearing follows a series of staff-level Committee briefings on the topic of housing finance reform, including one on April 13 that featured NLIHC President and CEO Diane Yentel.

NLIHC encourages all advocates to sign a letter urging Congress to protect and expand the national Housing Trust Fund and to share the letter with their networks. The deadline for signing the letter is May 31.

Sign onto the letter supporting the HTF at: <http://bit.ly/2IBR7eM>

## **Budget**

### **Congress Passes Final FY 2017 Spending Bill**

Congress passed its final FY17 spending bill on March 4, ending months of uncertainty. The bill passed with bipartisan support in both chambers by a vote of 309-118 in the House and 79-18 in the Senate and was then signed by President Donald Trump. For details on FY17 funding levels for affordable housing and community development programs, see NLIHC's analysis [here](#).

### **Congressional Progressive Caucus Introduces “The People’s Budget”**

The Congressional Progressive Caucus (CPC), led by co-chairs Representatives Keith Ellison (D-MN) and Raúl Grijalva (D-AZ), released “The People’s Budget: A Roadmap for the Resistance” on May 1. The document sets forth a broad, progressive vision for federal spending and policy priorities and stands in sharp contrast to President Donald Trump’s FY18 budget request, which called for increasing defense spending by \$54 billion and cutting non-defense programs by the same amount. Mr. Trump proposed to cut HUD programs by \$6.2 billion compared to FY16, which would result in more than 200,000 families losing access to rental assistance and being put at immediate risk of eviction and homelessness.

One of the stated goals of The People’s Budget is to increase access to affordable housing and to end homelessness. The proposal includes increased funding for the national Housing Trust Fund, Community Development Block Grants, and the HOME Investment Partnerships Program; rebuilding and rehabilitating public housing; restoring full funding for Section 202 Housing for the Elderly and Section 811 Housing for Persons with Disabilities; and expanding Housing Choice Vouchers. The People’s Budget adopts Representative Maxine Waters’ (D-CA) “Ending Homelessness Act,” which would provide \$12.8 billion to create more than 400,000 affordable homes.

“When we invest in the American people, they have enough for retirement, can pay for their kids to go to college, and can own a home,” Mr. Ellison said. “That means our economy will grow and the next generation will be better off. That’s what The People’s Budget offers, and it’s what our country needs.”

Additionally, the proposal would maintain the Affordable Care Act, invest \$2 trillion in infrastructure, and raise the minimum wage to \$15 an hour.

“The People’s Budget is a commitment to our communities and the progressive values we fight for,” Mr. Grijalva said. “Unlike the Republican alternatives that prioritize corporations and the wealthy, The People’s Budget focuses on working families and lifting them up from socio-economic inequalities.”

View the executive summary and the full budget proposal at: <http://cpcbudget.org/>

## **HUD**

### **Comments on MTW Operations Notice Due June 5**

HUD issued a notice in the *Federal Register* on May 4 establishing a second opportunity to comment on a draft Operations Notice for the expansion of the Moving to Work (MTW) demonstration published on January 23. This notice also revises the parameters of three MTW waiver provisions. Comments are due June 5.



The “Consolidated Appropriations Act of 2016” authorized HUD to expand the MTW demonstration to an additional 100 high performing public housing authorities (PHAs) over a seven-year period (see *Memo*, [12/21/15](#)). PHAs will be added to the MTW demonstration in annual groups (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.

On January 19 HUD published previews of a draft Operations Notice and Notice PIH 2017-1 that invited PHAs to apply to participate in the first cohort. Official publications were scheduled for January 23. Late in the afternoon on January 23, HUD sent an email stating that it was “revisiting the two notices” and “as a result, these notices will not be posted today.” NLIHC described PIH 2017-1 based on the January 19 preview version (see *Memo*, [1/23](#)). The Operations Notice remained in the January 23 *Federal Register* with a comment period open until March 24, while PIH 2017-1 was never officially published. On February 24, HUD sent an email stating that HUD planned to publish a *Federal Register* notice announcing an update to the Operations Notice with additional time for comment. Consequently, many stakeholders did not submit comments.

While the May 4 *Federal Register* notice officially reopened the comment period on the January 23 draft Operations Notice, HUD has held four listening sessions about that notice (see *Memo*, [4/17](#)). HUD will issue a revised Operations Notice based on the input HUD receives from the four listening sessions and written comments submitted by March 24 and June 5.

The January 23 Notice discusses three categories of statutory and regulatory waivers that MTW agencies could pursue:

1. General waivers available to all MTW expansion agencies without review by HUD.
2. Conditional waivers that must be approved by HUD. Conditional waivers are expected to have a greater and more direct impact on households.
3. Cohort-specific waivers available only to MTW agencies implementing a specific cohort policy change.

Two of the May 4 parameter revisions affect work-requirement conditional waivers for public housing and vouchers. Should an MTW PHA choose to seek work-requirement waivers, the parameters would be changed to apply to residents between the ages of 18 and 61, rather than between 18 and 54.

A significant change applies to a general waiver regarding Family Self-Sufficiency (FSS). In the initial version of the Operations Notice, an MTW agency could develop its own FSS recruitment and selection procedures, but it could not require families to participate in an FSS program as a condition of receiving housing assistance. The revision deletes the prohibition on requiring participation; in its place the Notice allows MTW agencies to mandate FSS participation as a condition for housing assistance. If an MTW agency requires FSS participation, it must have a non-compliance policy and a hardship exemption policy.

NLIHC participated at the April 28 listening session in Washington, DC. HUD explained that the parameters to waivers, particularly in the conditional waiver category, were intended to protect residents. Several PHAs complained that the parameters were too prescriptive and created limits that were counter to the flexibilities intended in the MTW demonstration. NLIHC argued that waivers allowing work requirements, time limits, and significant changes to residents’ rent payments should not be in the conditional waiver category at all because these waivers will have the greatest potential harmful consequences for residents and will not be fully subject to the rigorous evaluation anticipated by the MTW expansion statute. Such waivers should only be considered in the cohort-specific waiver category. In addition, NLIHC commented that the parameters that the PHAs considered too prescriptive were in fact far too liberal. For instance, an MTW agency could require public housing and voucher households to pay a minimum rent that could be as high as 50% of their adjusted income, a level considered a severe cost burden.



The May 4 Federal Register notice is at: <http://bit.ly/2qCSwpl>

## **CPD Creates Single Website for Grantee Information**

HUD's Office of Community Planning and Development (CPD) has a new website for accessing jurisdictions' CPD-related grant amounts, plans, and reports. Users can search for information by local jurisdiction or state and, for example, look up how much their city or state received from one or all of the CPD programs. Consolidated Plans, Annual Action Plans, and Consolidated Annual Performance and Evaluation Reports (CAPERs) are now readily accessible. Contact information for local officials responsible for each program is also provided.

For the Community Development Block Grant (CDBG) program, the amount a jurisdiction spent by activity type is presented in Expenditure Reports, and the number of households or individuals purported to have benefitted are available in Accomplishment Reports. National Expenditure and Accomplishment Reports are also available. For the HOME Investment Partnerships Program (HOME), a number of reports are available, such as each Participating Jurisdiction's Open Activities report and the National Production Report.

The new website provides information and reports pertaining to CDBG, HOME, national Housing Trust Fund (HTF), Continuum of Care (CoC), Housing Opportunities for People with AIDS (HOPWA), Neighborhood Stabilization Program (NSP), and Housing Counseling. Environmental Impact Statements and Environmental Review Reports are also available. Separate HTF Annual Allocation Plans are not available, but key HTF Allocation Plan elements must be in state Annual Action Plans.

The new website is at: <http://bit.ly/2p1LAQz>

## **Fair Housing**

### **Supreme Court Decides Cities Have Standing in Fair Housing Cases**

The Supreme Court ruled in a 5-3 decision that cities, not just individuals, may sue for alleged violations of the Fair Housing Act of 1968 (FHA). The Court unanimously ruled, however, that the city must demonstrate a direct relationship between a harm that it claims to have suffered and the alleged fair housing violation.

The City of Miami, FL sued Bank of America and Wells Fargo, alleging that the banks violated the FHA by intentionally using predatory lending practices that targeted African American and Latino neighborhoods and residents. The City claimed that similarly situated nonminority neighborhoods and residents were offered more favorable loan terms. The City argued that the banks' discriminatory practices led to a disproportionate number of foreclosures and vacancies in neighborhoods that were predominantly occupied by minority households, which in turn diminished the City's property tax revenue and increased its expenditures to remedy blight and unsafe conditions.

The Supreme Court held that a city has standing to sue, and that Miami's claimed financial injuries, the lost tax revenue, and extra municipal expenses "fall within the zone of interests that the Fair Housing Act arguably protects. Hence, the City is an 'aggrieved person' able to bring suit under the statute." Justice Stephen Breyer, writing for the majority, noted the Court "has repeatedly written that the FHA's definition of 'aggrieved person' reflects congressional intent to confer standing broadly."

Although the Court concluded that Miami had standing to sue under the FHA, it decided that the City "must do more than show that its injuries foreseeably flowed from the alleged statutory violation." The City did not adequately establish that the banks' discriminatory actions could be foreseen to result in foreclosures, vacancies, and reduced property tax revenues and thus were a "proximate cause" of Miami's financial injuries. The Supreme Court concluded that the use of the "foreseeability theory" alone is not sufficient to establish

proximate cause under the FHA, and therefore sent the issue back to the U.S. Court of Appeals for the Eleventh Circuit to decide what standard of proximate cause applies to Miami's claims of lost property tax revenue and increased municipal expenses.

The Court declared that "proximate cause under the Fair Housing Act requires some direct relation between the injury asserted and the injurious conduct alleged." The Court declined to "draw the precise boundaries of proximate cause under the FHA and determine on which side of the line the City's financial injuries fall." Instead, "The lower courts should define...the contours of proximate cause under the FHA and decide how that standard applies to the City's claims for lost property tax revenue and increased municipal expenses."

The decision in *Bank of America Corp. et al. v. City of Miami, Florida* is at: <http://bit.ly/2pxMDJI>

## **Court of Appeals Rules Westchester "Engaging in Total Obstruction"**

The U.S. Court of Appeals for the Second Circuit rejected on April 28 the consolidated sixth and seventh appeals by Westchester County, NY to a district court's ongoing efforts to ensure that the County complies with its obligations under a 2009 consent decree to affirmatively further fair housing. "All of these appeals have been rejected," the court wrote, "and it is apparent that the County is engaging in total obstructionism."

As previously reported in *Memo* (see *Memo*, [5/1](#)), Westchester County appealed the decisions of U.S. District Court Judge Denise Cote on May 24, 2016 and July 18, 2016 that found Westchester in breach of a consent decree it entered into with the U.S. Department of Justice on August 10, 2009. Prior to the consent decree, Judge Cote wrote on February 24, 2009, "The County utterly failed to comply with the regulatory requirement that the County perform and maintain a record of its analysis of impediments to fair housing choice in terms of race." During oral arguments on April 21, 2017 Judge Guido Calabresi, one of three judges on the Second Circuit panel stated, "I rarely get angry, but it seems to me that what is going on is consistent evasion, consistent trying each time to find something new why you shouldn't live up to something that you agreed to [in the consent decree]."

The decisions of the district court and circuit court pertained to paragraphs 32, 7(i), and 7(j) of the consent decree. Paragraph 32 required Westchester to submit an acceptable Assessment of Fair Housing Choice (AI) to HUD. HUD rejected the County's tenth AI submission on April 10, 2017 (see *Memo*, [5/1](#)). The circuit court had already held in a September 25, 2015 decision that HUD justifiably rejected previous AI submissions because of Westchester's failure to adequately analyze the impediments to fair housing choice that municipal zoning laws presented. In its latest decision, the circuit court stated, "The County is not entitled to relitigate the issue now." The circuit court also rejected Westchester's argument that HUD's refusal to accept its AIs was unreasonable, asserting that the federal attorney "convincingly" demonstrated the flaws in previous AI submissions.

Paragraphs 7(i), and 7(j) require Westchester to:

- "Use all available means appropriate to achieve objectives set forth in this paragraph, including...developing financial or other incentives for other entities to take steps to promote the objectives of this paragraph, and conditioning or withholding the provision of County funds..."
- "Use all available means as appropriate to address such action or inaction, including...pursuing legal action."

On May 24, 2016 the district court found that Westchester breached the consent decree by failing to build 28 units at Chappaqua Station in the Town of New Castle and by failing to address the opposition of New Castle. The County's support for the project had been "inconsistent, slow, and half-hearted," thus breaching paragraph 7(i). In addition, Westchester failed to comply with paragraph 7(j) because New Castle's "actions are precisely

the type of municipal opposition that the consent decree anticipated may occur and that impose upon the County the affirmative obligation to use ‘all available means as appropriate’ to counteract such hostility.” The second circuit also agreed with the district court’s reference to evidence of New Castle’s intent to delay the Chappaqua Station project, citing the town’s building inspector’s statement that he would move the project’s building permit application “all the way to the bottom of the pile.”

“We note that these consolidated appeals are the sixth and seventh appeals by the County from the district court’s ongoing efforts to ensure the County’s compliance with its obligations under the consent decree,” states the second circuit decision. “All of these appeals have been rejected, and it is apparent that the County is engaging in total obstructionism. The County would be well-advised to stop making excuses, and to complete its obligations under the consent decree with diligence and dispatch.”

The Second Circuit Court Summary Order is at: <http://bit.ly/2pQfaNL>

## Research

### Paper Reviews Recidivism Research to Help Housing Providers with Admissions Policies

A paper published in *Housing Policy Debate* by Rebecca J. Walter, Jill Viglione and Marie Skubak Tillyer, *One Strike to Second Chances: Using Criminal Backgrounds in Admission Decisions for Assisted Housing*, reviews existing research on recidivism to provide fact-based information to housing providers on their use of criminal records in assisted housing admission decisions. The paper is timely given HUD’s recent guidance that the use of blanket policies to reject potential tenants based on their criminal history likely violates the Fair Housing Act (See *Memo*, [4/11/16](#)). The authors note that the available research indicates that one’s criminal history does not predict housing retention success.

The authors’ intention is to help housing providers develop effective admission policies related to criminal histories. They note that recidivism rates are often overstated because high-risk offenders who repeatedly return to prison are overrepresented, and low-risk offenders who do not re-offend are underrepresented in many studies because repeat offenders make up a larger share of released prisoners. The authors urge housing providers not to consider an applicant’s criminal history if it is more than seven years old. “Research demonstrates... there is little difference in the risk of offending between those who have never been arrested and those whose last offense was seven years ago,” the authors state. At the same time, a short lookback period of only a year or two might only cover the time while an offender was in jail, which does not give adequate time for the offender to demonstrate appropriate behavior once released. Any lookback period should serve as a maximum timeframe for housing provider consideration, and providers should not automatically deny an applicant based on a conviction within the lookback period without considering other factors.

Housing providers should consider the type of crime committed and other factors. The risk of committing an offense decline with age, although drug and alcohol-related offenses do not decline as sharply with age as other crime types. Applicants with a property crime conviction in their early twenties, for example, are less likely to be repeat offenders than applicants with a drug-related conviction. Therefore, the authors suggest that housing providers consider whether an applicant has completed a treatment program for drug or alcohol abuse. Other individual factors that housing providers should consider during the admissions process are family ties, employment, and references or letters of support that demonstrate an applicant’s character and commitment to reform. Housing providers could also consider how admission may support an applicant’s familial ties and relationships that reduce the risk of recidivism.

The authors recommend housing providers develop evaluation plans to monitor their admission policies regarding an applicant’s criminal history. Providers should monitor complaints, property disturbances, and crime trends after changes to their admissions policies. Crime should be measured at properties over time,

which is different than tracking whether a resident with a criminal record commits a crime. “Not all recidivism impacts the public safety of other residents,” the authors state. Shoplifting, for example, does not directly impact neighbors. If crime does increase at a property, the provider must then determine if the cause could be their admissions policy or other factors.

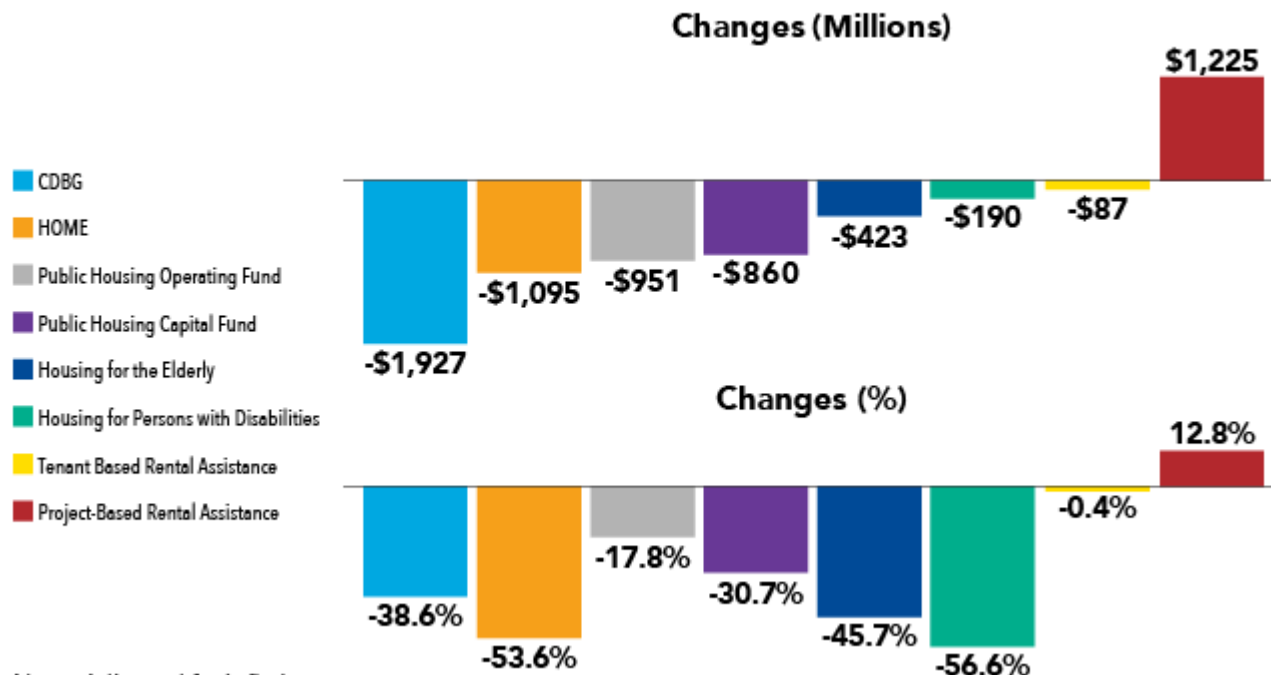
The authors note that private housing providers often are not required to include consideration of an applicant’s criminal history in their admission process. Public housing authorities (PHAs), however, must consider criminal histories in their admissions process because of HUD’s lifetime ban on individuals who have manufactured methamphetamine in federally assisted housing and sex offenders on lifetime sex offender state registries.

*One Strike to Second Chances: Using Criminal Backgrounds in Admission Decisions for Assisted Housing* is available at: <http://bit.ly/2paVgs7>

## Fact of The Week

### Most HUD Programs Experienced Major Funding Reductions from FY10 to FY17

#### Changes in Funding Levels for Key HUD Programs (FY10-FY17)



Note: Adjusted for inflation. Source: NLIHC

## From the Field

### San Francisco Advocates Rally and March to Protest Federal and City Cuts to Affordable Housing

Housing advocates in San Francisco took to the streets on April 27, voicing strong opposition both to President Donald Trump’s proposed \$6 billion cut to HUD programs and to a proposal being considered by the City Planning Commission and Board of Supervisors to reduce the proportion of affordable units required in all new developments in the city. More than 200 people turned out for the rally, representing more than 30 community organizations, churches, labor unions, and resident councils.

The rally featured several speakers who are themselves low income and formerly homeless. Renee Cyprien spoke about her experience as a San Francisco renter who was homeless for an entire year before finding housing with the help of a Housing Choice Voucher. “You want to make America great again, take care of homelessness and housing for our seniors and our veterans,” she said to loud applause.

Other speakers highlighted the likely decrease in the availability of vouchers if Mr. Trump’s proposed cuts are enacted. They noted that an estimated 200,000 vouchers could be lost nationwide if the president’s budget is signed into law. Sarah Sherburn-Zimmer of the Housing Rights Committee of San Francisco addressed the threats to public housing, where residents are fighting to ensure that just basic repairs get completed.



San Francisco advocates demonstrating in front of City Hall

After rallying outside the Federal Building where San Francisco’s HUD office is located, the protesters marched to City Hall, where the Planning Commission was voting on a proposal to reduce the affordable housing requirements in new developments. A previously approved ballot measure, Inclusionary Affordable Housing Fee and Requirements, established that 25% of the units in all new developments in San Francisco be affordable. The proposed amendment would reduce that requirement to 18%. The Planning Commission approved the amendment, and it now goes to the Board of Supervisors.

For more information about the recent protest action in San Francisco contact Leslie Dreyer, anti-eviction organizer at the Housing Rights Committee of San Francisco, at [leslie@hrcsf.org](mailto:leslie@hrcsf.org).

## Events

### NHLP to Hold Webinar on Protecting Residents When Rural Development Loans Mature or Are Prepaid

Thousands of USDA Rural Development (RD) Section 515 rental housing units are being prepaid annually, many illegally. Thousands more have loans that will mature over the next ten years. RD Section 521 Rental Assistance (RA) payments end when a loan matures or is prepaid, leaving residents vulnerable to severe rent increases and displacement. The National Housing Law Project (NHLP) will conduct a webinar on this prepayment and maturing mortgage problem, describing how to protect residents against displacement and offering ways to preserve the properties for current and future low income residents.

The webinar will help advocates find out whether a development in their area is maturing or is being prepaid. The session will review RD regulations, Administrative Notices, and other policies intended to preserve RD developments and protect residents against displacement and will discuss what nonprofit and public entities can do to preserve the housing. The webinar will review ways in which RD prepayment and Housing Choice Voucher regulations do not conform to their authorizing statutes and therefore fail to preserve developments or prevent resident displacement.

NHLP staff attorneys Gideon Anders and Jessica Cassella will be the presenters.

The free webinar will take place on Tuesday, May 30 at 2:00 pm ET. Register at: <http://bit.ly/2pFz1hE>

Information about USDA Rural Rental Housing programs is on page 4-34 of NLIHC’s *2017 Advocates’ Guide* at: <http://bit.ly/2oXGKZf>



## **PAHRC Holds Forum in Boston on Sustainability and Resiliency, June 2**

The Public and Affordable Housing Research Corporation (PAHRC), HAI Group's research center, will be hosting its second annual PAHRC Report Forum, [\*How Sustainable Communities Create Resilient People: Exploring How Affordable Housing Drives Sustainability for People and Places\*](#), at Boston's Seaport Hotel and World Trade Center on Friday, June, 2 from 8:30 am to 12:15 pm.

## **NLIHC in the News**

### **NLIHC in the News for the Week of April 30**

The following are some of the news stories that NLIHC contributed to during the week of April 30:

- "Here's what you need to earn to afford rent in Atlanta," *The Atlanta Journal-Constitution*, May 3 at: <http://on-ajc.com/2qMrb2Y>
- "Report: Sioux Falls has better rent for minimum wage workers," *US News & World Report*, May 1 at: <http://bit.ly/2qJZfgX>
- "The lobbyist hit list," *The Real Deal*, May 1 at: <http://bit.ly/2q8CmXG>
- "Is HUD's fair housing rule here to stay?" *Next City*, May 2 at: <http://bit.ly/2p2ccAZ>
- "Confronting the affordability gap," *Multifamily Executive*, May 1 at: <http://bit.ly/2pPjWed>

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