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Congress

Representative Waters Introduces Bill to Expand Housing Assistance for Foster Youth

House Financial Services Committee Ranking Member Maxine Waters (D-CA) introduced on May 16 the “Expanding Housing Opportunities for Foster Youth Act of 2018.” This bill would permanently reauthorize \$200 million annually for HUD’s Family Unification Program (FUP), which helps provide stable housing for young people transitioning out of foster care.

FUP is severely underfunded, and both the president’s FY19 budget request and the draft House funding bill fail to provide resources for the program in FY19. “Homelessness is one of the biggest barriers to economic mobility, and research shows that more than one out of every four foster youth who age out of foster care will experience homelessness by age 21,” Ms. Waters stated in a [press statement](#). A recent bill ([H.R. 2069](#)) introduced by Representative Michael Turner (R-OH) also aims to help youth aging out of foster care but includes harmful work requirements.

House Financial Services Subcommittee Holds Hearing on Homelessness

The House Financial Services Subcommittee on Housing and Insurance held a hearing on “An Overview of Homelessness in America” on May 17. Witnesses from national and local organizations discussed the state of homelessness across the country and advocated for additional federal funding. Several witnesses also warned against implementing work requirements included in Representative Michael Turner’s (R-OH) “Fostering Stable Housing Opportunities Act” ([H.R. 2069](#)) and the Trump Administration’s proposed “Making Affordable Housing Work Act.”

Ann Bischoff, executive director of Star House in Ohio, expressed concerns about imposing work requirements on youth aging out of foster care as proposed in Mr. Turner’s bill. Her organization works with homeless youth, and she stated that work requirements would only make housing stability more difficult for the population, suggesting trauma-informed workforce development as an alternative. Peter Lynn, executive director of the Los Angeles Homeless Services Authority, also warned against work requirements and the rent increases included in the administration’s proposals. From his experience working with the lowest income families, he said, what may appear to be a small rent increase can be devastating for a household with extremely limited income.

Members of the subcommittee expressed an eagerness to address the issue of homelessness in both urban and rural areas. Several witnesses and members of the subcommittee discussed the connection between the lack of affordable housing and homelessness. Representative Ruben Kihuen (D-NV) cited NLIHC’s report [The Gap: A Shortage of Affordable Homes](#) when discussing the lack of affordable housing in his district and the increasing rates of homelessness. Nan Roman, president of the National Alliance to End Homelessness and NLIHC board member, asserted that homelessness cannot end without addressing the affordable housing crisis in America. She also advocated for an innovation fund that would allow local communities to experiment with different affordable housing solutions. All witnesses stressed the importance of robust federal funding for programs to address homelessness and to increase the supply of affordable homes.

Witnesses also discussed the impacts of criminal records for individuals seeking housing assistance. Mr. Lynch said that inequitable criminal justice enforcement in black communities is one of the reasons African Americans are disproportionately represented among the homeless population. Ms. Bischoff added that many homeless youth are forced to engage in survival crimes, making it more difficult for them to secure housing. Duana Bremer, social service director of the Salvation Army in Wisconsin, noted that criminal records are especially

problematic in rural areas. She also stressed that lack of transportation prevents many rural households from obtaining the help they need and achieving self-sufficiency.

Learn more about the hearing at: <https://bit.ly/2rD3Rqw>

House Financial Services Committee to Vote on Voucher Mobility and Residential Substance-Abuse Treatment Programs

The House Committee on Financial Services will vote on two bills related to affordable housing on May 22. The committee will consider the “Housing Choice Voucher Mobility Demonstration Act of 2018” (HR 5793), introduced by Representatives Sean Duffy (R-WI) and Emmanuel Cleaver (R-MO), and the “Transitional Housing for Recovery in Viable Environments Demonstration Program (THRIVE) Act” (HR 5735), introduced by Representative Andy Barr (R-KY).

NLIHC supports HR 5793, which, if enacted, would further improve voucher mobility to help more households using housing vouchers move to communities of their choice, including those with access to jobs with decent pay, good schools, transportation, and healthcare. Through this three-year demonstration, HUD and public housing agencies (PHAs) would be able to develop new models for improving voucher mobility and provide counseling to help HUD-assisted families move to areas of opportunity. Under the bill, PHAs could use demonstration funds to improve collaboration between agencies and align policies and administrative systems. The proposal also includes an important research component to study what strategies prove most cost-effective at increasing the share of voucher holders with children living in higher-opportunity areas.

The THRIVE Act would dedicate resources for residential substance-use treatment programs that help people recover from opioid addiction or another substance abuse disorder. Despite the bill’s worthy goal, NLIHC has several concerns with the proposal. HUD is not well-positioned to administer and monitor the proposed demonstration. The bill proposes to allocate vouchers to agencies that provide drug treatment and job skills training, rather than to public housing agencies. While the bill would also require additional resources for technical assistance and oversight, allocating vouchers to such agencies would be inefficient and prone to errors and would exacerbate HUD’s current challenges monitoring too many small agencies. Instead of creating a new program, existing efforts to help people with addiction should be expanded.

The committee will debate and vote on these bills at 10:00 am ET in Rayburn House Office Building, room 2128.

For more information about the bills, see: <https://bit.ly/2wRF1b9>

Budget and Appropriations

House Subcommittee Votes on FY19 THUD Funding Bill, Full Committee to Vote on May 23

The House Appropriations Transportation-HUD (THUD) Subcommittee voted to approve its FY19 spending bill on May 16. Members did not submit any amendments during the vote but may do so when the bill goes to the full House Appropriations Committee on May 23 at 10:00 pm ET in room 2118 of the Rayburn House Office Building.

The proposed bill maintains the 10% increase in HUD funding that advocates and Congressional champions [secured](#) in FY18, with modest additional increases for FY19. The bill is a clear rejection of

the [president's call to drastically cut housing investments](#) with more than \$11 billion above the president's FY19 request. It also rejects the harmful [rent increases, rigid work requirements, and de facto time limits](#) proposed by the president in his FY19 budget request and in subsequent legislation. The funding levels reflected in the bill are a result of the bipartisan budget agreement made earlier this year to lift the low spending caps on defense and domestic priorities, including affordable housing and community development, which itself was the work of advocates across the nation and strong Congressional champions, including House Subcommittee Chairman Mario Diaz-Balart (R-FL) and Ranking Member David Price (D-NC).

Representatives Diaz-Balart and Price stressed the importance of housing benefits and highlighted several specific spending provisions, including \$50 million for a mobility-voucher demonstration for families with young children to help them move to areas of opportunity. Despite new resources and overall increased funding available to HUD, the amounts provided in the House bill are likely not enough to renew all existing contracts provided through Housing Choice Vouchers and Project-Based Rental Assistance. Ranking Member Price stated that he and Chair Diaz-Balart may need to revisit those levels once they receive the most updated reports on those programs.

Read the text of the proposed bill at: <https://bit.ly/2IGGVRL>

Watch the archived webcast of the subcommittee vote at: <https://bit.ly/2jOcRpm>

Read the NLIHC's analysis of the bill at: <https://bit.ly/2rNTArA>

Review NLIHC's budget chart at: <https://bit.ly/1SowzjU>

More on the full Committee vote is at: <https://bit.ly/2wQx5rK>

Senate Committee to Vote on THUD Appropriations Bill in Early June

The Senate Committee on Appropriations released its markup schedule for FY19 appropriations bills. The committee is scheduled to hold a vote on the Transportation-HUD spending bill during the week of June 4-8. The full proposed schedule can be found at: <https://bit.ly/2rJ2uXB>

Fair Housing

HUD Indefinitely Suspends AFFH Rule, Withdraws Assessment Tool

A HUD Exchange email arriving at 4:34 pm on Friday, May 18 announced that HUD would be publishing three separate notices in the *Federal Register* indefinitely suspending implementation of the 2015 Affirmatively Furthering Fair Housing (AFFH) rule and removing its Assessment of Fair Housing (AFH) tool for local governments.

The [first, short draft notice](#) stated that HUD would be withdrawing the January 5, 2018 *Federal Register* notice (see *Memo*, [1/8](#)) that extended the deadline to 2024 or 2025 for an estimated 856 local governments to submit an AFH. At first glance, the notice might have been interpreted to mean that HUD was reversing course and would implement the AFFH rule. The other two notices make it clear, however, that HUD is in fact reinforcing its resistance to AFFH by indefinitely suspending implementation of the AFFH rule.

The [second draft notice](#) is much more substantive than the first. As it claimed in the January 5 notice, HUD asserts that there are “significant deficiencies in the [AFH assessment] Tool impeding completion of meaningful assessments by program participants. HUD therefore is withdrawing the Local Government Assessment Tool because it is inadequate to accomplish its purpose of guiding program participants to produce meaningful AFHs.”

In order to comply with the Paperwork Reduction Act (PRA), over the course of several years the assessment tool went through two public review and comment opportunities, each offering 60-day and 30-day public comment opportunities. HUD acknowledges this thorough process but claims the PRA applies only to information-collection approvals – not withdrawals. Hence, HUD is immediately withdrawing the assessment tool and, by extension, implementation of the AFFH rule for all but 32 jurisdictions, without public comment.

As in the January 5 notice, HUD is basing its drastic action on the experience of only the first 49 AFH submissions. Eighteen of the 49 were accepted by HUD on initial submission and, according to HUD, 32 were ultimately approved. As advocates have noted, the AFFH rule anticipated a learning curve and provided for an iterative process by which HUD would identify problems with a draft AFH that a jurisdiction could fix.

The second draft notice states that HUD identified seven categories of problems and elaborates on those problems. For example, HUD points to inadequate community participation, which HUD blames on the wording of the assessment tool: “...the questions in the Local Government Assessment Tool regarding community participation have resulted in confusion. The questions vaguely incorporate by reference the existing community participation requirements in HUD’s Consolidated Plan regulations....”

Advocates note, however, that jurisdictions should be experts at providing meaningful public participation because it has been a requirement since the Community Development Block Grant (CDBG) program was authorized in 1974 and elaborated on in subsequent CDBG and Consolidated Plan regulations. Nevertheless, over the decades advocates have encountered significant disregard for genuine public participation. In such cases it is appropriate for HUD to decline a recalcitrant jurisdiction’s AFH. The notice itself cites a blatant violation of traditional public participation regulations, “For example, the regulation at 24 CFR 91.105(b)(4) requires a period of not less than 30 calendar days for comment by the community; however, one community posted a draft AFH for public comment on a Friday and submitted the final AFH to HUD the following Monday, after providing only three days for public comment.” Such behavior by a jurisdiction is not a reflection of vague AFH questions.

Another problem HUD refers to is “insufficient use of local data and knowledge” as required by the AFFH rule. HUD claims the failure to use local data “resulted in an inability to address issues in a community that have not manifest themselves in the HUD-provided data.” As an example, HUD points to a jurisdiction that did not identify multiple Superfund locations in their jurisdiction when discussing environmental health issues. HUD blames this omission on the fact that the HUD-provided maps did not include Superfund sites. Identifying Superfund sites would seem to be easy for a jurisdiction to do. It would be equally simple for HUD to request and for a jurisdiction to include in an AFH a discussion of the impact of Superfund sites on people living in racial/ethnic areas of concentrated poverty.

A third problem claimed by HUD relates to the identification of “contributing factors” to “fair housing issues.” The example in the draft notice is of a jurisdiction including three pages of detailed analysis of Home Mortgage Disclosure Act (HMDA) information outlining lending discrimination. The jurisdiction did not take the logical next step of identifying lending discrimination as a “contributing factor.” Again, the iterative process provided for in the AFFH rule could have readily corrected this shortcoming.

The [third, four-page draft](#) notice merely reiterates that “HUD has withdrawn the current version of the information collection device used by local government program participants to assess fair housing issues as part of their planning for use of housing and community development block grants.” The AFFH regulation

requires local governments to use the local government assessment tool when conducting and submitting an AFH for HUD approval. Without the assessment tool there can be no AFH, and by extension the AFFH and its other components cannot be implemented. The third draft notice reminds jurisdictions that they must revert to the failed Analysis of Impediments (AI) to fair housing process. On a positive note, HUD indicated that the data HUD has developed and made available to jurisdictions will remain available.

HUD is withdrawing the local government assessment tool with the intent to revise it. HUD again requests public comment regarding revising the assessment tool.

More about the July 2015 AFFH rule is on page 7-5 of NLIHC's *2018 Advocates' Guide* at: <https://bit.ly/2G2zU8q>

More about the Analysis of Impediments is on page 7-17 of NLIHC's *2018 Advocates' Guide* at: <https://bit.ly/2IckAIB>

Access Living Sues Chicago for Failing to Ensure Assisted Housing is Accessible to People with Disabilities

Access Living of Metropolitan Chicago, a Center for Independent Living (CIL) and advocate for people with disabilities, filed suit in the U.S. District Court for the Northern District of Illinois alleging that the City of Chicago has funded and developed tens of thousands of affordable rental homes without ensuring a sufficient number are accessible to people with disabilities as required by federal law.

The lawsuit addresses Chicago's Affordable Rental Housing Program and asserts that since 1988 several city agencies failed to comply with the accessibility requirements of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act (Section 504), and the Fair Housing Act (FHA).

Since 2004, Access Living has received approximately 50,000 inquiries from people searching for accessible, affordable housing. Typical stories include: a woman with a mobility impairment who had to climb 25 stairs because she could not afford to live elsewhere; a man forced to live in a nursing home for decades because he could not find affordable housing with wide enough doors for his wheelchair; a woman who uses a wheelchair forced to call the fire department when she needed to leave her second floor home; and a woman with Lupus who was homeless and finally had to move into an apartment with stairs in order to retain her voucher. Many of Access Living's clients are low income and dependent on rental vouchers.

In 2016, Access Living began an investigation to determine whether Chicago's Affordable Rental Housing Program was complying with the accessibility requirements of the ADA, Section 504, and the FHA. It revealed that many developments were not constructed to allow individuals who use wheelchairs to enter and/or use buildings, rooms, and amenities. Violations include:

- Main entrances inaccessible to an individual in a wheelchair because of steps or other barriers;
- Doors into and in units that are too narrow for wheelchairs;
- Inaccessible bathroom sinks or faucets; and
- Very few units with roll-in showers.

Access Living also asserts that Chicago cannot provide a complete list of affordable homes that receive financial assistance, identify all wheelchair-accessible or sensory-accessible homes in the program, or take steps to ensure that accessible homes that do exist in the program are inhabited by people with disabilities who need those accessibility features.

The suit asks the court to:

- Compel the City to survey each home and common area in the Affordable Rental Housing Program.
- Bring each home and common area into full compliance with the ADA, Fair Housing Act, and Section 504.
- Put in place policies and practices to provide meaningful access to the program for people with disabilities.
- Enforce compliance by building owners and managers.

A ruling could impact more than 50,000 rental homes in more than 650 developments and require Chicago to take steps to ensure that future developments comply with federal accessibility requirements.

Relman Dane & Colfax filed the lawsuit on behalf of Access Living. In 2016 the firm settled a case against the City of Los Angeles on behalf of nonprofit disability and fair housing advocacy groups. Pursuant to that settlement, Los Angeles agreed to bring at least 4,000 affordable apartment units into compliance with the heightened accessibility requirements of the ADA and Section 504, at an estimated cost of more than \$200 million (see *Memo*, [9/6/16](#)).

The legal complaint is available at: <https://bit.ly/2ILXSup>

HUD

Senate to Vote on Brian Montgomery Nomination for HUD Assistant Secretary

After months of delay, the Senate will vote on the nomination of Brian Montgomery for HUD assistant secretary for housing and commissioner of the Federal Housing Administration (FHA). Mr. Montgomery was previously approved by the Senate Banking Committee in January (See *Memo*, [1/22](#)). This would be Mr. Montgomery's second time as the FHA commissioner, having held the position under the Bush administration from 2005 to 2009.

USDA

GAO Warns of Grave Risks to USDA Rural Housing

In a [new report](#) issued on May 17, the Government Accountability Office (GAO) warned that 90% of USDA's rental housing portfolio – more than 407,000 apartments in an estimated 13,000 properties – is at risk of exiting the portfolio by 2050 due to the maturation of USDA-financed mortgages. The report was initiated by the chair and ranking member of the Senate Agriculture Appropriations Subcommittee Jerry Moran (R-KS) and Jeff Merkley (D-OR).

The GAO found that recent efforts by USDA to address the rising number of mortgages reaching maturity and existing the portfolio have not been successful. The agency's planning efforts lacked key steps such as establishing preservation goals, developing metrics for evaluating preservation efforts, and analyzing and responding to risks facing its portfolio, like resource limits and growing capital rehabilitation needs.

The GAO's recommendations include granting USDA the authority to renew annual rental assistance payments to owners wishing to continue receiving them and to provide vouchers to tenants living in rental assistance units

in properties whose owners choose to no longer receive rental assistance. Legislation introduced by Representative Ann McLane Kuster (D-NH) and Senator Jeanne Shaheen (D-NH), and endorsed by NLIHC, would enact this recommendation to “decouple” rental assistance from USDA’s loan programs.

The GAO also recommended: establishing a process to help ensure regular and frequent updates to USDA’s preservation tool and its underlying data; establishing performance goals and measures for its rural rental housing preservation and rehabilitation efforts and reporting out these outcomes; monitoring the results of rural rental housing preservation efforts and assessing the degree to which those efforts yielded intended outcomes; and identifying, analyzing, and responding to risks to achieving its preservation goals, including resource and staffing limitations.

Read the GAO report at: <https://bit.ly/2Iufdo2>

Opportunity Starts at Home

***Opportunity Starts at Home* Launches Podcast on iTunes**

The [*Opportunity Starts at Home*](#) campaign launched on May 14 its own podcast, available now on iTunes. The podcast features in-depth interviews with leading experts about how housing fundamentally shapes outcomes in such areas as healthcare, education, economic mobility, civil rights, and more.

Of all the factors that affect our ability to thrive, both economically and socially, few are more important than our homes. The intersections between housing and other sectors are complicated, fluid, and often overlooked. This podcast offers a unique opportunity to gain knowledge and more deeply engage with key research, concepts, and best practices. The podcast format continues to gain popularity nationwide and will enable the campaign to regularly produce new content, grow its network, raise awareness, and reach a diverse array of new stakeholders.

Currently available episodes:

- Episode 1, “Good Housing is Good Health,” featuring [Dr. Megan Sandel](#) of [Children’s HealthWatch](#). Dr. Sandel explains her career journey as a pediatrician and how she became an affordable housing advocate; the various ways housing is one of the most important social determinants of health; how the housing sector and healthcare sector can do a better job of aligning efforts; why Children's HealthWatch joined the Opportunity Starts at Home campaign; and ideas about innovative policy solutions. Mike Koprowski, national campaign director of Opportunity Starts at Home, serves as the host.
- Episode 2, “Broadening the Affordable Housing Movement.” Senior leaders from the National Education Association, National Alliance to End Homelessness, NAACP, Community Catalyst, and Children's Defense Fund discuss the transformative nature of the campaign and explore the various ways housing influences their own work, from education and civil rights to homelessness, healthcare, and child advocacy. The panel was recorded before a live audience in Washington D.C. on May 10. NLIHC President and CEO Diane Yentel served as moderator.

To subscribe to the podcast on iTunes, [click here](#). If you do not have iTunes and want to listen directly through your browser, [click here](#).

Disaster Housing Recovery

Senator Nelson Files Legislation Requiring FEMA to Activate Disaster Housing Assistance Program

Senator Bill Nelson (D-FL) filed legislation on May 17, the “Disaster Housing Assistance Act,” requiring FEMA to enter into an agreement with HUD to activate the Disaster Housing Assistance Program (DHAP) to continue providing housing assistance to thousands of families still displaced after last year’s hurricanes – including thousands of Puerto Rican families forced to flee the island in the wake of Hurricane Maria.

The move comes just two days after FEMA denied the governor of Puerto Rico’s request to activate the program and just weeks after FEMA announced it would end on June 30 its Transitional Shelter Assistance (TSA) program that provides hotel rooms to hundreds of displaced Puerto Rican families living in Florida, leaving many with no alternative housing.

"This administration has failed the people of Puerto Rico," Mr. Nelson said. "If they’re not going to act, then Congress must. These displaced families are American citizens who desperately need our help. We have a responsibility to help them, just as we would want to be helped if we were in their shoes."

If enacted, Mr. Nelson's legislation would require FEMA to immediately activate DHAP for the survivors of Hurricanes Irma and Maria through February, 2019. DHAP provides monthly rent subsidies and wrap around services to eligible families for up to 18 months after a disaster is declared. The program is initiated through an interagency agreement between FEMA and HUD, where FEMA funds the program and establishes the eligibility criteria for displaced families and HUD uses its existing housing assistance processes to administer the program.

On Tuesday, May 15, FEMA rejected Puerto Rico Governor Ricardo Rosselló’s December request to activate DHAP (see related article in this week’s *Memo to Member and Partners*). The Nelson legislation would require FEMA to act on DHAP, providing assistance to anyone still displaced by last year’s storms, including Puerto Rican families who would be forced out of their hotel rooms on June 30.

The bill is cosponsored by Senators Richard Blumenthal (D-CT), Kirsten Gillibrand (D-NY), Kamala Harris (D-CA), Ed Markey (D-MA) and Elizabeth Warren (D-MA).

A copy of the legislation is available at: <https://bit.ly/2IsU2XB>

FEMA Continues to Refuse to Stand Up Disaster Housing Assistance Program

Since Hurricanes Harvey, Irma, and Maria hit more than eight months ago, FEMA has continually refused to stand up the Disaster Housing Assistance Program (DHAP), a proven and effective strategy for providing stable, longer-term housing assistance and wrap-around case management services for survivors. FEMA sent a [letter](#) on May 15 rejecting the Puerto Rico governor’s December request to activate the program, and the agency has published a [fact sheet](#) claiming DHAP is unnecessary and inefficient, which advocates dispute.

The NLIHC-led Disaster Housing Recovery Coalition of more than 700 organizations has issued a one-page “Setting the Record Straight” [response](#) to FEMA’s claims, arguing that DHAP is the most efficient and proven way to provide low income survivors longer-term housing assistance and the services they need to rebuild their lives. FEMA has instead relied heavily on the Transitional Shelter Assistance (TSA) program, which pays for hotel rooms for survivors. TSA is a short-term sheltering program that fails to help survivors access longer-term housing and services to help them get back on their feet.

FEMA officials have stated that governors of the impacted states/territories need to formally request DHAP before standing up the program. Governor of Puerto Rico Ricardo Rosselló requested DHAP in mid-December, 2017, but FEMA sent a [letter](#) on May 15 rejecting the request. The letter claims that the assistance provided under FEMA’s Individuals and Households Program (IHP) – particularly the Direct Lease program – is a better solution for Puerto Rican survivors. But the letter also admits that only 181 households have been placed in homes through the Direct Lease program, while 2,204 households remain in hotel rooms through the TSA program.

Read NLIHC’s “Setting the Record Straight: FEMA’s Failure to Address Long Term Housing Needs of Survivors” at: <https://bit.ly/2IrEraM>

House Financial Services Subcommittee Holds Hearing on CDBG for Disaster Recovery

The House Committee on Financial Services Subcommittee on Oversight and Investigations held a hearing regarding HUD’s Community Development Block Grant-Disaster Recovery (CDBG-DR) program on May 17. The hearing provided an opportunity for community stakeholders to express their perspectives on Subcommittee Chair Ann Wagner’s (R-MO) bill, the “Reforming Disaster Recovery Act of 2018” ([H.R. 1557](#)). The NLIHC-led Disaster Housing Recovery Coalition (DHRC) previously submitted [recommendations](#) on this bill proposing to authorize CDBG-DR, which is currently administered through notices and guidelines published in the Federal Register.

Witnesses included representatives from the City of Houston, Harris County, and the Texas General Land Office, as well as Carlos Martín from Urban Institute and Marion Mollegen McFadden from Enterprise Community Partners, both members of the DHRC. All witnesses advocated for authorization of the CDBG-DR program, and several had important additional recommendations. Ms. McFadden advocated for a more streamlined application process for disaster survivors to eliminate duplication of benefits and ensure CDBG-DR funds are prioritized for the lowest income households. Rodney Ellis, Harris County commissioner, stressed the importance of the current requirement that 70% of CDBG-DR investments benefit households with low and moderate incomes; he also advocated for allowing the HUD secretary to lower that requirement to 50% if conclusive evidence is presented justifying that.

Representatives Emanuel Cleaver (D-MO) and Joyce Beatty (D-OH) spoke about the impact disasters have on the supply of affordable housing generally. Representative Beatty cited NLIHC’s [The Gap: A Shortage of Affordable Homes report](#) when asking witnesses how to ensure the proposed bill does not exacerbate the affordable housing crisis.

Learn more about the hearing at: <https://bit.ly/2G7U0hR>

Read DHRC’s recommendations for H.R. 1557 at: <https://bit.ly/2GQ9ckO>

Additional Updates on Disaster Housing Recovery – May 21

The following is a review of additional housing recovery developments related to Hurricanes Harvey, Irma, and Maria, and the California wildfires since last week’s *Memo to Members and Partners* (for the article in last week’s *Memo*, see [5/14](#)). NLIHC also posts this information at our [On the Home Front](#) blog.

General Updates

The Federal Housing Administration (FHA) [extended](#) the foreclosure moratorium to borrowers with FHA-insured mortgages affected by Hurricane Maria. Foreclosure actions are suspended until August 16, 2018.

The HUD Office of Inspector General (HUD-OIG) [released a report](#) on the Texas General Land Office's capacity to administer Community Development Block Grant-Disaster Recovery (CDBG-DR) funding. HUD-OIG recommends the agency expand its capacity to ensure it properly spends the more than \$5 billion in disaster recovery funds. The report includes specific recommendations, including increasing staffing and updating procurement and expenditure policies and procedures.

Hurricane Maria

Local Perspectives

A Puerto Rican family that evacuated to Philadelphia after Hurricane Maria [shares](#) the impact having long-term housing has made for them. They were one of seven evacuated families to receive an apartment from the Philadelphia Housing Authority. Other families in New York are struggling to find longer-term housing and stabilize their lives before the Transitional Shelter Assistance (TSA) program expires on June 30. [One family](#) has found work but does not earn enough to move out of the FEMA-funded hotel. [Others](#) have found that their uncertain housing situation and lack of reliable transportation makes securing employment difficult. The largest number of evacuees are in [Florida](#), where the shortage of affordable housing makes leaving hotels difficult. With a new hurricane season approaching and the power still not fully restored in Puerto Rico, many of these families are not planning to return to the island.

Hurricane Irma

Local Perspective

The Florida Department of Economic Opportunity submitted its [finalized State Action Plan](#) to HUD on May 15.

On May 3, Florida Governor Rick Scott granted 1,300 building permits for affordable workforce housing in the Florida Keys. If counties accept the permits, they must ensure that those living in the new homes evacuate within 48 hours of tropical storm winds reaching the Keys' shore. This provision has caused some controversy, with some groups stating it is "[unrealistic and unenforceable](#)." Some county officials point out that the number of permits is not the problem. Key Largo has [450 permits](#) for affordable housing, but developers are not using them.

The [Florida Keys Community Land Trust](#) is a new initiative to help create more affordable homes in the area. Property damaged by the storm is placed in a public trust, which allows any newly constructed homes to remain affordable. Funding for the Trust comes from local groups and donations from seasonal residents.

Hurricane Harvey

Local Perspective

The Texas General Land Office has released for public comment an [amendment](#) to the \$57.8 million State Action Plan. The amendment reallocates \$8 million to the Harris County Residential Buyout Program. HUD has already approved the overall Action Plan, but public comments on the amendment may be submitted by 5:00 pm CT on May 24.

Residents of [Port Arthur, TX](#) are frustrated by the lack of recovery assistance. Some have been waiting since Hurricane Rita for funding to repair their homes. Despite the dire need for such repairs, the local government has decided to forego a home repair effort in favor of a program for first-time homebuyers.

National Housing Trust Fund

HUD's Housing Trust Fund Webpage Adds CPD Field Office Contacts

HUD's Office of Community Planning and Development (CPD) re-designed its national Housing Trust Fund ([HTF](#)) webpage. The only substantive change is the addition of a [list of all CPD Field Office personnel](#) who can be contacted regarding HTF questions.

All previous website categories remain but are reorganized. HTF allocations for 2018 and previous years is the last link on the right hand column.

More information about the HTF is on NLIHC's NHTF webpage at: <http://nlihc.org/issues/nhtf>

Research

Research Finds Resident Satisfaction with LIHTC Housing

A report by Carolina Reid from the Turner Center for Housing Innovation at UC Berkeley, *The Links Between Affordable Housing and Economic Mobility: The Experiences of Residents Living in Low-Income Housing Tax Credit Properties*, sheds new light on the experiences of tenants living in Low Income Housing Tax Credit (LIHTC) housing. The report finds that tenants are generally satisfied with the housing stability, economic mobility, and access to education provided by LIHTC housing.

The Center conducted interviews and surveys of more than 250 tenants across 18 LIHTC properties in California. The sample was limited to properties serving families. One third of the properties were in neighborhoods with poverty rates below 20%, another third were in neighborhoods with poverty rates between 21% and 30%, and the final third were located in neighborhoods with poverty rates exceeding 30%.

Study participants cited affordability as the greatest benefit of LIHTC housing. Over 85% of participants considered their rent "affordable," despite more than 40% of them spending more than 30% of their income for rent. Approximately 35% of participants experienced a rent increase upon moving into a LIHTC rental unit. Satisfaction with their affordability may be due to tenants' experiences prior to moving into LIHTC housing. One in five respondents experienced homelessness prior to moving into their current unit, and a number of households previously lived in precarious situations like couch-surfing or living in poor or overcrowded conditions.

More than half of participants reported worrying about making their rent before moving into their current unit, and nearly 40% reported food insecurity due to the high cost of their previous housing.

The interviews underscored the precarious nature of available employment and its connection to housing instability. Fifty-eight percent of working-age survey respondents were employed. Their jobs tended to be in lower-skill, lower-wage industries like service work, domestic work, manufacturing, education (teacher's aides and pre-school teachers), and construction. Half of working respondents earned less than \$35,000 a year, and 20% earned between \$35,000 and \$50,000. More than half of employed respondents worked in jobs with no

health insurance, more than 40% did not have paid vacations or overtime, and nearly 40% lacked opportunities for advancement. Approximately a quarter of employed respondents reported irregular working hours that led to fluctuations in income. Overall, participants indicated their economic mobility was constrained by the nature of the low-wage labor market. The majority of non-working respondents were stay-at-home parents or in school, or were a senior or person with a disability.

Regarding educational opportunities, 75% of respondents with children reported satisfaction with their children’s schools. Their schools were comparable to other schools in California. Schools attended by the participants’ children performed slightly below average in English proficiency, high school graduation rates, and teacher experience. Almost 60% of college-age children were enrolled in college.

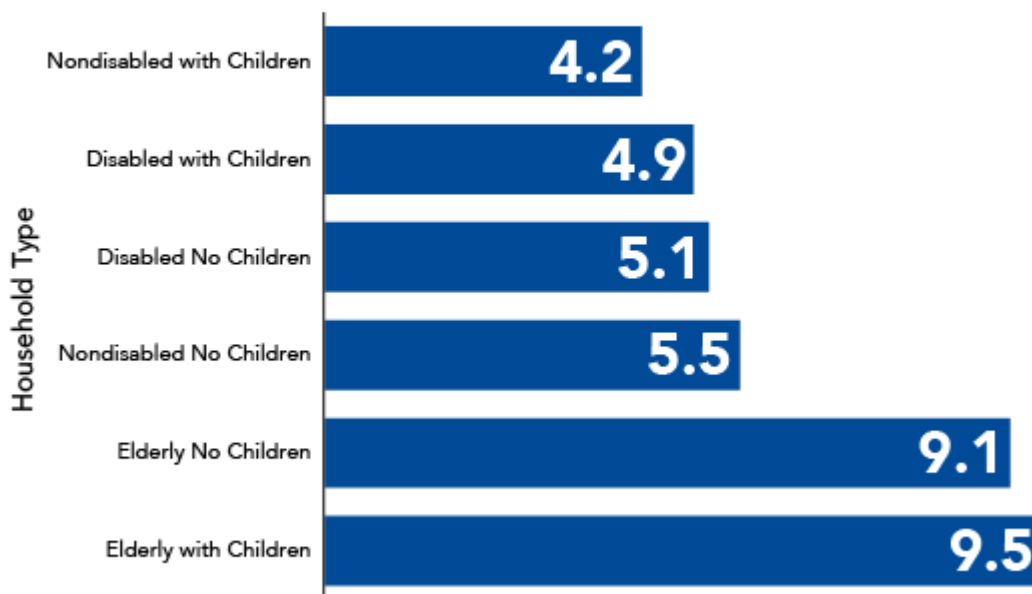
The report concludes that LIHTC appears to play an important role in promoting housing stability and affordability, which provide an important platform for opportunity. Siting LIHTC housing in higher opportunity neighborhoods, however, appears to be insufficient to expand opportunity on its own. Tenants still face barriers to the labor market and face continued cuts to education and the social safety net.

The Experiences of Residents Living in Low-Income Housing Tax Credit Properties is at: <https://bit.ly/2Lbz7pB>

Fact of the Week

Non-Elderly HUD-Assisted Households Get Off Assistance after 4-5 Years on Average

Average Length of Stay in Years before Leaving HUD Assistance in 2015



Source: McClure, K. (2017). Length of stay in assisted housing. Washington, DC: U.S. Department of Housing and Urban Development.
Note: Households not labelled elderly are non-elderly.

Source: McClure, K. (2017) Length of stay in assisted housing. Washington, DC: HUD

From the Field

Advocates Propose Legislation to Make Newark the Second U.S. City with Right to Counsel for Low Income Residents Facing Evictions

Housing advocates in Newark, NJ, are proposing new legislation that would guarantee a free lawyer for every low income resident facing evictions. Nine out of ten tenants facing eviction in Newark do not have an attorney. If the law passes, Newark would become the second city in the nation with the right to an attorney for low income people facing eviction, New York City being the first.

In Newark, 22 evictions were filed for every 100 renter homes in 2016, compared to six evictions filed for every 100 renter homes nationally. Ironbound Community Corporation, Newark Homes for All, Newark Community Development Network, Essex Legal Services, and legal scholar Paula Franzese are working with City administrators on legislation guaranteeing a free lawyer for every low income resident facing eviction to level the playing-field among renters. These advocates are also in the process of forming a formal coalition to educate the community about what right to counsel would look like, why it is needed, and why advocates should lobby their representatives to support the legislation. Many details still need to be worked out, such as how to fund the program and how it would be implemented. New York City's efforts provide valuable lessons on how to create a feasible model.

Right-to-counsel legislation would keep low income tenants in their homes amid ever increasing rental costs. Median rents in Newark have risen 20% since 2000, according to a report by the Rutgers's Center for Law, Inequality and Metropolitan Equity. According to NLIHC's [The Gap: A Shortage of Affordable Homes report](#), 72% of extremely low income households in the Newark-New York-Jersey City metropolitan area spend more than 50% of their incomes on rent, forcing them to make impossible choices between paying the rent and paying for foods, clothing, healthcare, and other basic needs. These households are one financial crisis – a broken down car, a missed day at work, or a medical emergency – away from eviction and possible homelessness.

“One of Newark's challenges remains how to create new wealth and distribute it to those who need it,” said Joseph Della Fave, executive director of the Ironbound Community Corporation. “How do we keep people who are here? Right-to-counsel legislation would go along a way in fixing that problem.”

For more information, contact Maria Lopez-Nunez at mlopeznunez@ironboundcc.org or 201-978-6660.

North Carolina Housing Coalition Maps Housing Insecurity

The North Carolina Housing Coalition, an NLIHC state partner, developed a housing insecurity [mapping tool](#) in conjunction with the [NC State University Geospatial Information Science and Technology Program](#). The tool scores each county in North Carolina by its level of housing insecurity on a scale from moderate to severe.

The mapping tool provides a housing insecurity score for each county determined by:

- How many families struggle to afford their rent?
- How many families face an eviction filing each year?
- How many families struggle to afford their mortgage?
- How many families face a foreclosure each year?

The map shows the epicenter of housing insecurity in North Carolina is in Nash and Edgecombe Counties, driven in large part by their particularly high eviction filings as a percentage of cost-burdened renters. The number of eviction filings in Edgecombe County is 81% of the number of cost-burdened renters, while in Nash County it is 77%. The next highest is Wilson County at 48%.

In addition to overall housing insecurity, the tool provides county-level details like the number cost-burdened renters and the average wages compared to wages needed to afford a modest two-bedroom home.

"Digging into the data has not only helped advocates better articulate the housing need to policy makers, but has also targeted our work at the local level," said Samuel Gunter, the North Carolina Housing Coalition director of policy and advocacy. "The scale of the crisis is overwhelming and compels all of us to act with more urgency to implement robust eviction intervention and diversion programs."

Explore the mapping tool at: <https://bit.ly/2wRvhin>

To find out more about the North Carolina Housing Coalition, contact Samuel Gunter at sgunter@nchousing.org or 919-827-4496.

Resources

Advocates Publish Resident Handbook about RAD Conversions

Resident Handbook: A Guide to NYCHA RAD Conversion was published to help residents of the New York City Housing Authority (NYCHA) understand and influence the Rental Assistance Demonstration (RAD) process. Although written for NYCHA residents, the *Handbook* can also be a useful tool for public housing residents anywhere whose homes will be converted under RAD, are in the process of converting, or already have converted.

The *Handbook* provides a basic explanation of RAD; lists potential benefits, risks and uncertainties; and discusses key resident issues. An appendix lists principles that should be included in RAD agreements pertaining to residents, the RAD developer and property manager, and the public housing agency. The *Handbook* was written by the Community Service Society of New York City, The Legal Aid Society of New York City, and Enterprise Community Partners.

Resident Handbook: A Guide to NYCHA RAD Conversion is available at: <https://bit.ly/2Krd5hs>

More information about RAD is available on the National Housing Law Project's website at: <https://bit.ly/2jZzG9L> and on page 4-15 of NLIHC's *2018 Advocates' Guide* at: <https://bit.ly/2I8vK0m>

NHLP Publishes Guide to Preserving Rural Housing

The National Housing Law Project (NHLP) has published *An Advocate's Guide to Rural Housing Preservation: Prepayments, Mortgage Maturities, and Foreclosures*. The guide focuses on saving USDA Rural Development (RD) rental housing and protecting residents against rent increases and displacement.

The guide is designed to assist legal services attorneys and tenants understand and prevent mortgage prepayments, mortgage maturities, and foreclosures in RD properties. The guide includes information about:

- Key threats challenging the long-term affordability of affordable rural homes;
- How to identify those threats;
- Tenants' rights and protections; and
- Litigation strategies to preserve affordable homes.

The Guide is available at: <https://bit.ly/2wWpuYY>

Basic information about RD housing is available on NHLP's USDA Rural Housing Programs webpage at: <https://bit.ly/2k229LT>

Basic information about RD housing is also available from the Housing Assistance Council at: <https://bit.ly/2rIr1Nb> and on page 4-35 of NLIHC's *2018 Advocates' Guide* at: <https://bit.ly/2Jneea4>

Grounded Solutions Network Releases Inclusionary Housing Database Map

[Grounded Solutions Network](#) released on May 15 its new [Inclusionary Housing Database Map](#). This interactive map identifies over 800 local inclusionary housing programs nationwide and includes data on state-level legislation and judicial decisions that are related to the adoption of local inclusionary housing policies. The tool is intended for both local government staff and local community leaders interested in inclusionary housing programs.

With this map, users can answer questions like:

- What other cities in my state have an inclusionary housing policy in place? How are those policies structured?
- Which inclusionary housing policies in the country have produced the most units? How are those policies structured?
- What does my state's law say about local jurisdictions' ability to adopt inclusionary housing policies?

The map can be found at: <https://bit.ly/2KM4KWO>

Event

HAND Holds Annual Meeting & Housing Expo Focusing on Housing Discrimination and Segregation, June 12

The Housing Association of Nonprofit Developers (HAND) will hold its 27th Annual Meeting & Housing Expo on June 12 at the Omni Shoreham Hotel in Washington DC. This event is the largest convening of real estate and community development professionals in the Washington region, bringing together over 1,400 practitioners each year. The theme of this year's meeting and expo is: "Deconstruct Our Past, Redesign Our Future."

This year's HAND convening will feature an Undesign the Redline interactive exhibit that provides a timeline of discrimination, segregation and housing policy in the U.S., connecting the intentional and systematic racial housing segregation of the 1930s to political and social issues of today through the narratives of the people and communities affected by redlining and its legacy. The conference will explore this history, as well as new and equitable policies and practices moving forward. April De Simone, co-founding partner of Undesign the Redline, is a keynote speaker.

The full agenda and registration details are at: <https://bit.ly/2k6X4lz>

NLIHC in the News

NLIHC in the News for the Week of May 13

The following are some of the news stories that NLIHC contributed to during the week of May 13:

- “Rent Hikes Won’t Make the Poor Better Off,” Letter to the Editor by NLIHC President and CEO Diane Yentel in *The Wall Street Journal*, May 18. See: <https://bit.ly/2IzmeUC>
- “Raising rents doesn’t aid in breaking cycle of poverty,” *San Antonio Express-News*, May 16 at: <https://bit.ly/2ItPImL>
- “The Coloradans Most at Risk of Being Homeless,” *Westword*, May 16 at: <https://bit.ly/2IqIPCP>

NLIHC News

NLIHC Seeks Housing Advocacy Organizer

NLIHC is accepting applications for the position of housing advocacy organizer. As a member of the NLIHC field team, the housing advocacy organizer mobilizes NLIHC members on federal policy advocacy based on NLIHC’s approved policy agenda, assists in the design and implementation of campaign field strategies, and conducts outreach activities in specific states. The organizer will spend significant time developing and retaining NLIHC membership; increasing endorsements for NLIHC campaigns; and mobilizing NLIHC membership, state coalition partners, and other advocates on “calls to action” and other organizing efforts in support of socially just affordable housing policy that ensures the lowest income people in the U.S. have decent, affordable homes.

The position requires strong written and oral communication skills and excellent electronic technology skills, including proficiency in the Microsoft Office suite, database management, and social media use. Some familiarity with customer relationship management systems like Salesforce would be a plus. Priority consideration will be given to candidates with proven organizing experience mobilizing a community or constituent base at a national, state, or local level. Some knowledge of federal housing policy is a plus. A bachelor’s degree is required. The position is based in Washington, DC. Some travel is required.

An equal opportunity, affirmative action employer, NLIHC offers a competitive salary and benefits package.

Interested candidates should submit by email (rwillis@nlihc.org) a cover letter with salary requirements, resume, and two writing samples to Renee Willis, vice president for field and communications, National Low Income Housing Coalition, 1000 Vermont Avenue, NW, Suite 500, Washington, D.C. 20005.

Where to Find Us – May 21

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

- [Conference on Ending Homelessness](#), Yakima, WA, May 22-23
- [2018 Denver Housing Summit](#), Denver, CO on May 24

- [Maryland Association of Housing and Redevelopment Agencies \(MAHRA\) Annual Conference](#), Ocean City, MD on May 24
 - US SIF Forum for Sustainable and Responsible Investment Annual Conference, [Investing for a Sustainable World](#), Washington, DC on June 1
 - [NFHA National Conference](#), Washington, DC on June 12
 - [Virginia Housing Alliance Annual Luncheon](#), Richmond, VA on June 14
 - ACHANGE's convening, Little Rock, AR, June 22-23
 - [Florida Housing Coalition Annual Conference](#), Orlando, FL on August 27
 - [Federal Reserve Bank of Philadelphia: Reinventing Our Communities: Investing in Opportunity](#), Baltimore, MD on October 1
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 Andrew Aurand, Vice President for Research, x245
 Victoria Bourret, Housing Advocacy Organizer, x244
 Josephine Clarke, Executive Assistant, x226
 Dan Emmanuel, Senior Research Analyst, x316
 Ellen Errico, Creative Services Manager, x246
 Ed Gramlich, Senior Advisor, x314
 Paul Kealey, Chief Operating Officer, x232
 Mike Koprowski, Director, Multisector Housing Campaign, x317
 Joseph Lindstrom, Manager, Field Organizing, x222
 Lisa Marlow, Communications Specialist, x239
 Sarah Mickelson, Senior Director of Public Policy, x228
 Isaiah Milbauer, Field Intern, x252
 Khara Norris, Director of Administration, x242
 Christina Sin, Development Manager, x234
 Debra Susie, Disaster Housing Recovery Coordinator, x227
 Elayne Weiss, Senior Policy Analyst, x243
 Chantelle Wilkinson, Housing Campaign Coordinator, x230
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