A weekly newsletter from the National Low Income Housing Coalition

#### Volume 23, Issue 29 July 30, 2018

# In This Issue:

# **Take Action**

• Contact Your Senators Today about Spending Bill, Fair Housing, and More!

# Congress

House Committee Passes Bills that Would Cut Housing Benefits and Homeless Assistance

# **Our Homes, Our Votes**

• Our Homes, Our Votes Launches New Website, Offers July 31 Webinar

# **Opportunity Starts at Home**

• Register Now for Opportunity Starts at Home Informational Webinar, August 16

# **Disaster Housing Recovery**

- HUD Releases Housing Damage Assessment and Recovery Strategies Report on Puerto Rico
- Additional Disaster Housing Recovery Updates July 30

# Low Income Housing Tax Credit

• Representative Clyburn Introduces Bill to Expand Housing Tax Credit

# HUD

• HUD Notice Sets HOTMA Over-Income Limit

# Research

• Study Finds "Selective Memory Planning" by HUD in the HOPE VI Program

# Fact of the Week

• Modest Two-Bedroom Rental Apartments Out of Reach for Low-Wage Workers throughout the U.S.

# From the Field

• Maryland Rental Housing Works Program Hits Major Milestone

# Event

• Register Today for August 6 Webinar on FY19 Funding Outlook for Affordable Housing Programs

# NLIHC in the News

• NLIHC in the News for the Week of July 22

## **NLIHC News**

• Where to Find Us – July 30

# **Take Action**

## Contact Your Senators Today about Spending Bill, Fair Housing, and More!

The Senate continues to debate an FY19 spending bill and will likely vote on amendments as soon as Tuesday, July 31. Call your senators today, urging them to defeat several harmful amendments that would undermine housing opportunity and to support other amendments that would expand and preserve critical resources.

Please contact your senators and urge them to **OPPOSE** the following amendments:

- Senate Amendment 3520 Introduced by Senator Mike Lee (R-UT), this amendment would bar HUD from implementing or enforcing its Affirmatively Furthering Fair Housing (AFFH) rule. The AFFH rule clarifies existing fair housing obligations and provides states and local governments with the tools they need to more fairly and effectively invest federal funds in their communities. It does not impose any new obligations on states.
- Senate Amendment 3634 Senator Ted Cruz's (R-TX) amendment would allow HUD to divert scarce disaster recovery funds approved by Congress in the wake of Hurricane Harvey, Irma, and Maria away from low income disaster survivors and communities with the greatest needs. The NLIHC-led Disaster Housing Recovery Coalition sent a <u>letter</u> to HUD signed by more than 500 local, state, and national organizations in opposition when he and other members of the Texas delegation proposed these harmful changes last fall.
- Senate Amendment 3431 –Senator Mike Enzi's (R-WY) amendment would direct HUD to develop a plan to eliminate "fragmented, duplicative, or overlapping" housing assistance programs. The amendment could endanger critical resources for affordable housing.
- Senate Amendment 3593 Introduced by Senators Tim Scott (R-SC) and Joe Manchin (D-WV), this amendment would allow housing providers to report on-time *and* late rental payments to credit bureaus. While the amendment is well-intentioned in trying to help people build credit, the amendment could negatively impact credit scores while taking away a critical tool tenants have in extreme circumstances withholding rent to ensure landlords address uninhabitable conditions in their homes.

Please contact your senators and urge them to SUPPORT the following amendments:

- Senate Amendment 3545 –Senator Bill Nelson's (D-FL) amendment would make the Disaster Housing Assistance Program (DHAP) available to survivors of Hurricanes Harvey, Irma, and Maria, providing them with the longer-term housing assistance they need to get back on their feet. FEMA has refused to activate this important program, despite requests by the governor of Puerto Rico, dozens of members of Congress, survivors, and housing and homelessness advocates. As a result, thousands of families have had no choice but to double or triple up with other families, return to uninhabitable homes, sleep in their cars, or pay more than half of their incomes on rent, putting them at increased risk of evictions and, in worst cases, homelessness.
- Senate Amendment 3545 This amendment introduced by Senator Tina Smith (D-MN) would direct the USDA to report to Congress on the agency's strategy and the tools and resources needed to preserve affordable rental homes in rural America.
- Senate Amendment 3549 This amendment introduced by Senator Todd Young (R-IN) would allow HUD to carry out a voucher-mobility demonstration to help families with children move to areas of opportunity.
- Senate Amendment 3550 Also introduced by Senator Young, this amendment would establish a bipartisan task force to evaluate and create recommendations regarding the nation's affordable housing crisis. This amendment is similar to Senator Young's legislation, which NLIHC supports.
- Senate Amendment 3658 Senators Ron Wyden (D-OR), Jeff Merkley (D-OR), and Elizabeth Warren (D-MA) introduced this amendment to require HUD to transfer expiring project-based rental assistance

(PBRA) contracts to new projects. This could help ensure that this critical resource is not lost and remains available for future tenants.

To read the text of these amendments in the Congressional Record, go to: <u>https://bit.ly/2LEHr4f</u>, <u>https://bit.ly/2v9l2lu</u>, and <u>https://bit.ly/2uTqKbM</u>

To contact your senators' offices by phone, call the congressional switchboard at 202-224-3121 or go to: <a href="http://cqrcengage.com/nlihc/lookup">http://cqrcengage.com/nlihc/lookup</a>

# Congress

#### House Committee Passes Bills that Would Cut Housing Benefits and Homeless Assistance

The House Financial Services Committee passed, on a party-line vote, the "Fostering Stable Housing Opportunities Act of 2017" (HR 2069) on July 24. The bill aims to provide housing assistance to youth aging out of the foster system, but it provides no additional resources to do so. Instead, the bill imposes work requirements and other burdens on youth as a condition for receiving housing assistance, the first time ever for individuals who rely on such assistance. The committee also approved the "Homeless Children and Youth Act of 2017" (HR 1511) by a vote of 39-18. HR 1511 would expand the definition of homelessness without providing the necessary resources for the increased number of people who would qualify for homelessness assistance. NLIHC opposes both bills.

When debating HR 2069, lawmakers focused on the bill's work and other requirements and on prioritizing federal resources. Representative Andy Barr (R-KY) said that non-elderly, non-disabled individuals should have to work to receive Housing Choice Vouchers to free up resources for foster youth and other vulnerable populations. In response, Representatives Ed Perlmutter (D-CO) and Al Green (D-TX) reiterated that both sides of the aisle believe in the value of work but said it was hypocritical of Republicans to call for cutting housing benefits under the guise of fiscal discipline after they gave massive tax breaks to corporations and wealthy people. Representative Maxine Waters (D-CA) offered a bill, the "Expanding Housing Opportunities for Foster Youth Act of 2018," as a <u>substitute amendment</u> that 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. The amendment was rejected by a vote of 23-34.

When debating HR 1511, Representative Waters said that expanding the definition of homelessness without increasing additional funding would simply increase the strain on a system that is already overburdened. She also expressed concerns that HR 1511 prohibits HUD from setting priorities. This would take away a powerful tool for coordinating with other agencies, implementing effective practices, moving forward on a plan to end homelessness, and making the most of the available funding. Representative David Scott (D-GA) expressed frustration over the insufficient funding, saying that "passion without money and resources to make that passion real is just smoke and mirrors." Representative Waters offered an <u>amendment</u> to the bill that would delay implementation of HR 1511 until HUD makes a determination that Congress has appropriated sufficient funding to "provide a decent, safe, and sanitary dwelling for every individual and family in the United States who is homeless." The amendment was rejected by a vote of 23-34.

Read a letter opposing HR 2069 from NLIHC and 26 partner organizations at: https://bit.ly/2LtCjAY

Watch the debate on HR 2069 and HR 1511 at: https://bit.ly/2uQryy3

#### **Our Homes, Our Votes**

#### Our Homes, Our Votes Launches New Website, Offers July 31 Webinar

As part of the 2018 *Our Homes, Our Votes* project, NLIHC has launched a <u>new website</u> that contains the information and resources organizations need to plan and execute successful nonpartisan voter-engagement and mobilization campaigns. The website is a one-stop-shop for information and resources on expanding registration and turnout of low income renters and affordable housing allies in the electoral process. The website features infographics, logos, an interactive form for planning a campaign, and video recordings of recent *Our Homes, Our Votes* webinar broadcasts.

Visit the new Our Homes, Our Votes website at: http://www.ourhomes-ourvotes.org/

Additional content will be added to the website throughout the coming months leading to Election Day. Please reach out with questions about how to best use these new resources and any suggestions on materials or updates to showcase on the website. Contact NLIHC's field team at: <u>outreach@nlihc.org</u>

#### Upcoming Webinar: The Importance of Voter Lists! A Key Tool for Successful Mobilization

The third *Our Homes, Our Votes* webinar will take place on July 31 at 3:00 p.m. ET and will focus on how organizations can use voter lists for mobilizing registered voters to get to the polls. Voter lists are a powerful tool that can be used for many purposes, including knowing where to find subsidized renters, having the necessary information to contact them, identifying the polling locations of registered voters, and developing strategies to remind voters to cast their ballots on Election Day. Attendees will hear from advocates who have been using voter lists to mobilize low income renters in support of ballot initiatives in California. Co-presenters will include Sharon Cornu, a strategic communications and leadership development consultant, and Jasmin Posas, a project assistant at Housing California.

Register for the webinar series at: https://bit.ly/2Op9mnc

Let's show elected officials and candidates that housing affordability and ending homelessness are important election issues! We look forward to hearing more about your voter engagement efforts in the coming months.

## **Opportunity Starts at Home**

#### Register Now for Opportunity Starts at Home Informational Webinar, August 16

The <u>Opportunity Starts at Home</u> campaign will host its first <u>informational webinar</u> on August 16, 3:00-4:00 p.m. ET. The free webinar, "Broadening the Housing Movement," is open to all individuals and organizations interested in learning more about this exciting multi-sector housing campaign. Attendees will learn about the campaign's progress, short- and long-term plans, policy advocacy goals, and ways to get involved.

All individuals and organizations – in both the housing sector and beyond – have a role to play in this campaign. The research continues to show that housing is inextricably linked to nearly every measure of having a quality life – education, health care, civil rights, economic mobility, poverty reduction, economic productivity and growth, social unity, homeless prevention, veterans care, and more, and powerful new constituencies are coming together to expand the movement for affordable homes.



Opportunity Starts at Home Steering Committee members

The *Opportunity Starts at Home* Steering Committee consists of the Center on Budget and Policy Priorities, Children's HealthWatch, Make Room, National Alliance to End Homelessness, Catholic Charities USA, Children's Defense Fund, Community Catalyst, Food Research and Action Center, NAACP, National Alliance on Mental Illness, National Association of Community Health Centers, National Education Association, UnidosUS, and NLIHC.

To register for the free webinar, visit: <u>https://bit.ly/2JWeADM</u>

For more about the work of the various *Opportunity Starts at Home* state campaigns, please check out the campaign <u>website</u>. And follow the campaign on all social media platforms: <u>Twitter</u>, <u>Instagram</u>, <u>Facebook</u>, and <u>LinkedIn</u>.

# **Disaster Housing Recovery**

## HUD Releases Housing Damage Assessment and Recovery Strategies Report on Puerto Rico

HUD and other federal agencies, including FEMA, issued a *Housing Damage and Recovery Strategies Report* on June 29 summarizing the pre-disaster housing market conditions in Puerto Rico, recovery issues and challenges after Hurricane Maria, unmet needs, and a proposed housing-recovery agenda for the island. The report was drafted by federal agencies tasked with overseeing the Housing Recovery Support Function under the *National Disaster Recovery Framework*, a guide designed to facilitate problem-solving, improve access to resources, and foster coordination between federal and state governments after disasters.

The report specifies three goals for long-term housing recovery. The first is to stabilize the homeowner and rental housing market by reducing delinquency and foreclosures, decreasing the number of vacant or blighted properties, and increasing the supply of affordable, resilient, accessible, and energy-efficient housing. The second goal is to restore housing infrastructure by reducing the number of substandard or informal homes, decreasing the number of homes located in flood zones, and updating the island's address system, among others. The third goal involves building local capacity to support housing recovery by developing and implementing outreach, education, communication, and training plans.

Read the Housing Damage and Recovery Strategies Report at: <u>https://bit.ly/2mRYUrX</u>

## Additional Disaster Housing Recovery Updates – July 30

The following is a review of 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 7/23). NLIHC also posts this information at our <u>On the Home Front</u> blog.

#### **Federal Response**

#### Congress

Representative Nydia Velazquez (D-NY) and Senators Elizabeth Warren (D-MA), Bernie Sanders (I-VT), Kirsten Gillibrand (D-NY), Ed Markey (D-MA), and Kamala Harris (D-CA) introduced the "<u>U.S. Territorial</u> <u>Relief Act of 2018</u>" to terminate certain debt obligations for survivors of Hurricanes Irma and Maria. The <u>bill</u> provides territorial relief for debt, creates a Puerto Rico debt restructuring compensation fund, and creates an audit commission in Puerto Rico.

#### HUD

HUD's Office of Inspector General (OIG) released its final <u>review</u> of whether the Office of Block Grant Assistance (OBGA) should codify the Community Development Block Grant-Disaster Recovery (CDBG-DR) program. Although OBGA had managed billions of dollars in CDBG-DR funds since 2002, it had not codified the program because it believed it did not have the authority to do so. The OIG <u>recommends</u> that the OBGA acting director work with its Office of General Counsel to codify the CDBG-DR program.

Current and displaced tenants of Arbor Court Apartments in Houston, TX, have <u>filed a suit</u> against HUD and the apartment owner over years of flooded apartments and dangerous and unsanitary conditions. The tenants are represented by Lone Star Legal Aid and Daniel and Beshara. The <u>lawsuit</u> seeks to end Arbor Court's partnership with HUD and to provide tenants with Housing Choice Vouchers and other assistance to obtain affordable, safe, and decent housing.

#### Local Perspectives

An article in the <u>Orlando Sentinel</u> argues that victims of Hurricane Maria should receive the same assistance provided to survivors of Hurricanes Katrina and Sandy. This includes standing up the Disaster Housing Assistance Program (DHAP) which provides longer-term housing assistance to disaster survivors but which FEMA has refused to implement.

#### Resources

The Association of Pro Bono Counsel has partnered with the legal education company TalksOnLaw, the NY State Chief Judge's Task Force on Hurricane Relief, New York Legal Assistance Group, and celebrity spokesperson Adrienne Houghton to create a <u>YouTube video</u>, "5 Common FEMA Mistakes to Avoid".

## Low Income Housing Tax Credit

# Representative Clyburn Introduces Bill to Expand Housing Tax Credit

Representative James Clyburn (D-SC) introduced the "Restoring Tax Credits for Affordable Housing Act" (HR 6542) on July 26. The bill would increase the Low Income Housing Tax Credit (LIHTC) annual allocation as

well as the credit percentage formula, helping to restore funding lost due to tax reform. The "Tax Cuts and Jobs Act" passed in December, 2017, lowered the corporate tax rate from 35% to 21%, reducing the value of LIHTC to corporate investors. Representative Clyburn's bill aims to provide additional funding to offset the impact of this reduction. Read more about the bill at: <u>https://bit.ly/2AdAQcu</u>

# HUD

### HUD Notice Sets HOTMA Over-Income Limit

HUD published a Federal Register notice on July 26 announcing the method it will use to determine the overincome limit of 120% of the area median income (AMI) as required by the "Housing Opportunity Through Modernization Act of 2016" (HOTMA). The methodology is unchanged from that proposed in a November 29, 2016 notice (see *Memo*, <u>12/5/16</u>).

HOTMA became law on July 29, 2016 (see *Memo*, <u>7/18/16</u>). One of the law's many provisions established a 120%-of-AMI household income limit for public housing residents. After a household's income exceeds 120% of AMI for two consecutive years, a public housing agency (PHA) must either terminate the household's tenancy within six months of the household's second income determination or charge the household rent equal to the greater of the Fair Market Rent (FMR) or the amount of their unit's operating and capital subsidy. HOTMA allows HUD to adjust the over-income limit due to local construction costs, unusually high or low household incomes, vacancy rates, or rental costs.

The November 2016 notice proposed establishing the over-income limit based on an area's very low income (VLI) level, which is 50% of AMI for most areas. Multiplying the VLI level by 2.4 matches 120% of AMI in most cases. This formula is now implemented through the July 26, 2018 notice. HUD will publish over-income limits by household size for each locality every year.

When a PHA determines that a household's income exceeds the over-income limit during an annual or interim income reexamination, the PHA must document the household's income in order to compare it with the household's income the following year. If the household's income exceeds the over-income limit one year later, the PHA must notify the household in writing that, if their income still exceeds the over-income limit 12 months later, the household will be subject to the PHA's over-income policy. The slate is cleared if an over-income household's income falls below the over-income limit before the two-year mark.

A PHA's over-income policy must be included in its Admission and Continued Occupancy Policy (ACOP) and must state whether over-income households will be terminated or whether they will be required to pay as rent the greater of the FMR or unit subsidy. The notice indicates that HUD will issue a proposed rule providing guidelines for setting over-income policies and for determining an over-income household's rent if it is to be based on the unit operating and capital subsidy.

HOTMA also requires PHAs to submit an annual report indicating how many households are over-income and how many are on the public housing waiting list. HUD will issue a notice regarding this reporting requirement.

NLIHC signed on to a comment letter submitted by the Housing Justice Network (HJN) in response to the November 2016 proposed methodology. The July 2018 notice includes HUD's responses to comments. HUD did not accept any of HJN's recommendations, such as:

- Increase the income limit based on an area's vacancy rate.
- Increase the income limit for larger households.
- Increase the income limit for a household with a young adult family member beginning to work.

- Eliminate the 5% cap on changes to the over-income limit in expensive rental markets.
- Provide an explicit exemption to over-income limits for households participating in self-sufficiency programs.

The July 26, 2018, Federal Register notice is at: https://bit.ly/2LKVtSd

# Research

## Study Finds "Selective Memory Planning" by HUD in the HOPE VI Program

A study published in *Housing Policy Debate*, "<u>Broken Promises or Selective Memory Planning? A National</u> <u>Picture of HOPE VI Plans and Realities</u>" by Lawrence Vale, Shomon Shamsuddin, and Nicholas Kelly finds that significantly fewer housing units, particularly market-rate rental and homeownership units, were developed in HOPE VI projects than were initially announced in HOPE VI award announcements. The study contends that HUD's monitoring of HOPE VI represented "selective memory planning," in which policy-makers ignore or erase the memory of initial plans and goals in favor of new plans and goals that are more likely to be achieved.

"Housing Opportunities for People Everywhere" (HOPE VI) was a HUD program to redevelop distressed public housing into mixed income communities with a combination of public, affordable, and market-rate housing for both renters and owners. The study's authors compared the number of units, unit-type mix, and tenure initially announced in HOPE VI award announcements with estimates later entered into HUD's administrative system for tracking projects' progress based on revised plans. They also compared the award announcements with actual housing units completed. The authors conducted interviews with HUD staff to gain insight into their decisions.

The projected number of units in HUD award announcements was 11,600 higher than the revised counts eventually entered into HUD's administrative system for program tracking. The revised estimates were 10% lower than the proposed units initially announced. The revised estimates of expected market-rate units were 29% lower and the revised estimates of expected homeownership units were 40% lower than the initial award announcements. This finding suggests that public housing agencies (PHAs) found market-rate housing and homeownership more difficult to achieve in HOPE VI projects than initially expected.

If a developer had to lower the expected number of housing units or change the unit-type and tenure mix after an award announcement, the new numbers were recorded in HUD's administrative system. The system did not record the numbers initially proposed in the award announcement. The result is that it may appear a HOPE VI project produced the proposed number of units, unit-type mix, and tenure when the final outcome was less than what was promised in the initial award announcement.

The authors note that, on the other hand, it is reasonable that expected outcomes expressed in award announcements would change as the PHAs would often put projects out to bid to developers and complete financing after the award was announced. Most housing professionals understand that initial project proposals often change before construction begins because of development complexities. Expectations change as knowledge or circumstances change. On the other hand, residents may not understand this and see award announcements as promises to them and their communities.

HUD essentially "forgot" its initial award announcements, the authors contend. The report suggests that by engaging in selective memory planning, HUD prioritized its accountability to Congress and developers over its accountability to communities by comparing outcomes to revised expectations rather than comparing outcomes to the promises made to the community in the initial announcements.

"Broken Promises or Selective Memory Planning? A National Picture of HOPE VI Plans and Realities" is available at: <u>https://bit.ly/2JXWe5p</u>

## Fact of the Week

# Modest Two-Bedroom Rental Apartments Out of Reach for Low-Wage Workers throughout the Country

**OUT**of REACH

# 2018 TWO-BEDROOM RENTAL HOME HOUSING WAGE

Represents the hourly wage that a household must earn (working 40 hours a week, 52 weeks a year) in order to afford the Fair Market Rent for a **TWO-BEDROOM RENTAL HOME**, without paying more than 30% of their income.



Source: NLIHC's Out of Reach: The High Cost of Housing, 2018

## From the Field

## Maryland Rental Housing Works Program Hits Major Milestone

The Maryland Rental Housing Works (RHW), a program of the Maryland Department of Housing and Community Development (DHCD) created six years ago to stimulate investment in quality, affordable rental housing and to create jobs, recently surpassed the \$1 billion investment milestone. Since 2011, RHW has used \$107 million in state RHW loan funds to leverage more than \$1.1 billion in private investment – preserving 6,370 affordable homes in 56 properties across the state while creating over 9,700 jobs, according to the DHCD.

The Maryland Affordable Housing Coalition (MAHC), an NLIHC state partner, worked with DHCD to create the RHW Program to allow developers to make maximum use of federal bonding authority for affordable rental housing. RHW funds are deployed as low-interest loans to Maryland businesses that pair them with bond funds to finance the preservation and modernization of affordable rental housing.

"We could not be more excited about reaching the \$1 billion mark," said former MAHC President Ivy Dench-Carter. "MAHC members work hard every year to secure additional funding for this hugely successful program, and the numbers speak for themselves – Rental Housing Works really works. We thank the governor and the legislature for their support."

The program has strong bipartisan support. Governor Larry Hogan, recognizing the benefits of public-private partnerships, allocated \$20 million in next year's budget for RHW, and the General Assembly added another \$5 million. That appropriation will bring total state investments to \$138.7 million.

"MAHC is really pleased that this program has become so successful in such a short amount of time. DHCD staff really hit the ground running and our members were able to start using RHW funds quickly," said MAHC President Mike Pitchford. "This is a great example of how the state government and the public sector were able to think creatively and work together to develop a successful public-private partnership."

To learn more about the RHW program, contact Miranda Darden, executive director of MAHC at: mdarden@mdahc.org or 443-758-6270.

#### Event

# Register Today for August 6 Webinar on FY19 Funding Outlook for Affordable Housing Programs

NLIHC and other leaders of the Campaign for Housing and Community Development Funding (CHCDF) will discuss the current status and outlook for the FY19 funding process and how advocates can effectively communicate with policymakers and the public about the need for increased federal investments in proven affordable housing and community development programs. The <u>webinar</u> will be held on August 6 at 2:00 pm ET.

Speakers include:

- Douglas Rice, Center on Budget and Policy Priorities
- Ellen Lurie Hoffman, National Housing Trust
- Tess Hembre, National Association of Housing and Redevelopment Officials

- Steve Berg, National Alliance to End Homelessness
- Joey Lindstrom, National Low Income Housing Coalition
- Elayne Weiss, National Low Income Housing Coalition (moderator)

Register for the webinar at: <u>https://bit.ly/2uRXxy6</u>

#### NLIHC in the News

#### NLIHC in the News for the Week of July 22

The following are some of the news stories that NLIHC contributed to during the week of July 22.

- "President Trump's Proposal to Cut Housing Benefits Hurts America's Elders," *American Society on Aging*, July 24 at: <u>https://bit.ly/2An79pM</u>
- "Can a federal tax credit help rent-burdened Americans?," *Curbed*, July 20 at: <u>https://bit.ly/2uTeXdw</u>
- "As rents soar, Democrats push new policies on affordable housing," *OregonLive.com* | *The Oregonian*, July 20 at: <u>https://bit.ly/2uWg8Jb</u>
- "Elizabeth Warren, Ed Markey seek debt relief for Puerto Rico amid hurricane recovery," *MassLive.com*, July 25 at: <u>https://bit.ly/2Ag4ga9</u>

#### NLIHC News

#### Where to Find Us – July 30

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

- <u>Netroots Nation Annual Conference</u>, New Orleans, LA, on August 3
- <u>POAH Quarterly Board Gathering</u>, Boston, MA, on August 7
- <u>Oklahoma Coalition for Affordable Housing's 2018 Affordable Housing Conference</u>, Oklahoma City, OK, August 21-22
- Florida Housing Coalition Annual Conference, Orlando, FL, August 27-28
- NACCED Annual Conference, Minneapolis, MN, on September 24
- Foundation for a Healthy St. Petersburg Housing Meeting, St. Petersburg, FL, on September 27
- <u>Federal Reserve Bank of Philadelphia: Reinventing Our Communities: Investing in Opportunity</u>, Baltimore, MD, on October 1
- Utah's 14th Annual Homelessness Summit, Salt Lake City, UT, on October 25
- Maine Affordable Housing Coalition Conference, Portland, ME, on November 14

#### **NLIHC Staff**

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