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Budget and Appropriations

Senate Passes FY19 THUD Appropriations Bill

The Senate voted 92-6 on August 1 to approve its FY19 Transportation-HUD (THUD) spending bill, which provides robust funding for affordable housing and community development programs. Overall, the bill provides HUD programs with more than \$12 billion above the president's FY19 request and more than \$1 billion above the [House bill](#).

For more information on the Senate bill and the FY19 funding process, see NLIHC's [analysis of the bill](#) and [join a webinar](#) hosted by NLIHC and the Campaign for Housing and Community Development Funding (CHCDF) today, August 6, at 2:00 pm ET.

Several amendments impacting federal affordable housing programs were added to the Senate spending bill, including:

- An amendment introduced by Senator Tina Smith (D-MN) that would direct the U.S. Department of Agriculture to report to Congress on the agency's strategy – and the tools and resources needed – to preserve affordable rental homes in rural America.
- An amendment introduced by Senator Jeanne Shaheen (D-NH) that would direct HUD to ensure landlords cannot unlawfully evict or deny housing to people based on their status as survivors of domestic violence and sexual assault.
- An amendment introduced by Senator Gary Peters (D-MI) that requires HUD and the Environmental Protection Agency to report on efforts related to the removal of lead-based paint and other hazardous materials.
- An amendment introduced by Senator Dean Heller (R-NV) that would prohibit people charged with certain crimes from receiving housing assistance. NLIHC has concerns about how this provision would be implemented.

Most of the amendments NLIHC opposed – including one from Senator Mike Lee (R-UT) to prohibit HUD from implementing its Affirmatively Furthering Fair Housing Rule – were not adopted.

Read NLIHC's full analysis of the Senate FY19 appropriation bill at: <https://bit.ly/2O24P9u>

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

Congressional Progressive Caucus Publishes *The People's Budget*

The Congressional Progressive Caucus (CPC) has released [*The People's Budget: A Progressive Path Forward*](#) for FY19. The proposed budget would fully fund programs to make housing affordable and accessible for all Americans and would invest \$12.8 billion to end family homelessness. The CPC budget aims to eliminate the shortage of affordable homes, which NLIHC's [The Gap: A Shortage of Affordable Homes 2018](#) report estimates to be at 7.4 million rental units for extremely low income renter households. To do this, the budget proposes to restore and increase housing vouchers, expand investments in the national Housing Trust Fund and other HUD programs, and sustain and rebuild public housing. The budget also rejects the Trump's administration's proposal to cut housing benefits through rent increases and work requirements and would provide more funding to ensure effective fair housing enforcement.

In response to the 2017 disaster season, the proposed budget provides \$80 billion for disaster aid relief and climate-change mitigation efforts. Long-term housing assistance has yet to be provided to families impacted by recent hurricanes in Texas, Louisiana, Puerto Rico, Florida and the U.S. territories.

Read *The People's Budget: A Progressive Path Forward* at: <https://bit.ly/2n4aVdZ>

Congress

Senator Booker Introduces Housing, Opportunity, Mobility, and Equity (HOME) Act

Senator Cory Booker (D-NJ) introduced the “Housing, Opportunity, Mobility, and Equity (HOME) Act” ([S.3342](#)) on August 1. This bold new bill provides a refundable tax credit to individuals who spend more than 30% of their income on rent. The proposal also encourages inclusionary zoning as a means to increase the supply of affordable housing and to reduce housing discrimination based on race and income. NLIHC supports Senator Booker’s legislation, which would make it possible for millions of people to have access to affordable homes.

“Three out of every four eligible families in need of housing assistance are turned away due to chronic underfunding,” said NLIHC President and CEO Diane Yentel in a press release about the bill. “Senator Booker’s ambitious bill would significantly expand housing resources and help end housing poverty and homelessness, offering more families the opportunities that start with living in an affordable home.”

Read NLIHC’s press release at: <https://bit.ly/2KmEP6r>

Our Homes, Our Votes

Register for August 7 *Our Homes, Our Votes* Webinar on Engaging Candidates for Public Office

Register now for the fourth [Our Homes, Our Votes](#) webinar in the six-part series on nonpartisan voter engagement. This webinar, taking place on August 7 at 3:00 pm ET, is titled “[An Informed Debate - Effectively Engaging Candidates while Remaining Non-Partisan](#).” The session will provide guidance on how organizations can develop nonpartisan candidate forums, town hall meetings, candidate surveys, and candidate factsheets. Register for the webinar series today at: <https://bit.ly/2KooyTi>

Affordable homes are often ignored in the public debate, and elections are a great opportunity to get decision-makers addressing housing issues. Attendees will hear about the best opportunities to invite candidates to interact with residents or community members through meetings and site visits. Michigan Coalition Against Homelessness (MCAH) Executive Director Eric Hufnagel will discuss how the MCAH has been asking candidates for the state legislature to take a stand on various housing and human service issues. Minnesota Coalition for the Homeless Executive Director Senta Leff will share best practices and perspectives on planning and conducting a candidate forum.

The next webinar after the August 7 session will focus on how organizations can educate low income renters and allies on the voting process. This fifth webinar, taking place on Tuesday, August 14, will discuss how to provide voters information about their respective polling locations, times, and identification requirements. The session will also cover the best ways to provide information about candidates in a non-partisan manner.

More information on upcoming webinars as well as recordings from past broadcasts can be found on the new [Our Homes, Our Votes website](http://www.ourhomes-ourvotes.org). The website is a one-stop-shop for information and resources on expanding registration and turnout of low income renters and allies in the electoral process. Visit the new website at: www.ourhomes-ourvotes.org

Opportunity Starts at Home

New Study Shows Negative Health Effects of Homelessness for Infants and their Families

A new [study](#) led by researchers from [Children’s HealthWatch](#), a research and policy network and founding steering committee member of the [Opportunity Starts at Home](#) campaign, demonstrates the deeply negative impacts of homelessness on infants.

While there is a substantial body of research showing that experiencing homelessness during youth is associated with developmental delays and poor health outcomes, little has been known about the effects of experiencing homelessness during the first 12 months of life. The Children’s HealthWatch study found that infants who experienced homelessness were more likely to have developmental risks and have fair or poor health than infants who were stably housed. In addition, their mothers were more likely to have poor health and depressive symptoms. Families with infants who experienced homelessness also reported lacking sufficient food and forgoing needed healthcare for all members of the family.

The researchers called for further investigation into the long-term effects of infant homelessness and suggested policy interventions aimed at reducing homelessness and housing instability for families with children. The authors noted that new strategies for partnerships across systems including healthcare, housing, education, and social services have been successful at addressing families’ needs holistically and that sufficient federal funding is needed to take these programs to scale.

Children’s HealthWatch is a nonpartisan network of pediatricians, public health researchers, and children’s health and policy experts headquartered at the Boston Medical Center.

Read the full report at: <https://bit.ly/2LEhG59>

Register for the August 16, 3:00 pm ET *Opportunity Starts at Home* [webinar](#) on “Broadening the Housing Movement” to learn more about this new study from Children’s HealthWatch, the progress of the campaign, and how to get involved. To register for this free webinar, visit: <https://bit.ly/2JWeADM>

Please follow the *Opportunity Starts at Home* campaign on all social media platforms: [Twitter](#), [Instagram](#), [Facebook](#), and [LinkedIn](#).

Note: NLIHC’s July 23 *Memo to Members and Partners* profiled the work of *Opportunity Starts at Home* state partner Housing California. In discussing the Residents United Network (RUN), the memo failed to mention that RUN is a collaboration between Housing California and the Center for Community Change’s Housing Trust Fund Project.

Disaster Housing Recovery

DHRC Partners Win Approval from FEMA on New Documentation of Homeownership for Puerto Rico Disaster Survivors; Senators Call on FEMA to Increase Awareness

NLIHC-led Disaster Housing Recovery Coalition (DHRC) partners in Puerto Rico won approval from FEMA for alternative [documentation](#) to show proof of homeownership for disaster assistance in Puerto Rico for those without legal titles to their homes, a common occurrence on the island. Senators Robert Menendez (D-NJ),

Elizabeth Warren (D-MA), Edward Markey (D-MA), Bernie Sanders (I-VT), Robert Casey (D-PA), Richard Blumenthal (D-CT), Sherrod Brown (D-OH), and Kamala Harris (D-CA) sent a [letter](#) to FEMA Administrator Brock Long urging him to broadly publicize the newly approved documentation.

Ayuda Legal Huracán María and other legal aid service providers in Puerto Rico drafted the form and then worked with FEMA’s Office of Chief Counsel to finalize it and get it approved. The document, which more accurately reflects probate estate laws on the island where ownership is often not attached to formal titles, does not require notarization. A press [release](#) issued by Ayuda Legal Huracán María provides more details about the new documentation.

A majority of applications for assistance from FEMA’s Individuals and Households Program (IHP) have been denied on the island, leaving hundreds of thousands of Puerto Ricans without relief. The senators’ letter asks Administrator Long to clarify if applicants who had previously been denied aid will now be able to reapply for assistance. FEMA has agreed to reassess denials of appeals—but leaves it up to the network of legal service attorneys to contact prospective applicants.

“Currently, FEMA has deemed 333,118 IHP applications ineligible,” the letter states. “As a result, more than 10 months after Hurricane Maria, hundreds of thousands of American citizens in Puerto Rico are still waiting for relief.”

“On behalf of the Disaster Housing Recovery Coalition, I applaud Senators Menendez, Blumenthal, Warren, Markey, Casey, Sanders, Brown, and Harris for their efforts to hold FEMA accountable for its alarming practice of denying basic financial and housing assistance to survivors of Hurricane Maria, despite the clear need,” stated NLIHC President and CEO Diane Yentel in a press statement from Senator Menendez.

Read the press statement from Senator Menendez at: <https://bit.ly/2Of03s6>

Read the Ayuda Legal Huracán María press statement at: <https://bit.ly/2OBs3nU>

Judge Extends Temporary Shelter Assistance Program through August 31

FEMA’s Temporary Shelter Assistance (TSA) hotel-stay program has again been extended through August 31 for survivors of Hurricane Maria, in response to a lawsuit brought forward by Disaster Housing Recovery Coalition (DHRC) member LatinoJustice PRLDEF. U.S. District Judge Timothy Hillman ruled to extend a Temporary Restraining Order to suspend the termination of the program until a formal ruling can be made in response to oral arguments offered on August 1. This is the fourth extension of TSA for Hurricane Maria survivors. NLIHC and the DHRC urge Congress to pass legislation to provide longer-term housing assistance for survivors of Hurricane Maria, such as the Disaster Housing Assistance Program. Learn more about the lawsuit at: <https://bit.ly/2LPF9At>

HUD Approves Puerto Rico’s Disaster Recovery Block Grant Action Plan

HUD has [approved](#) Puerto Rico’s \$1.5 billion Community Development Block Grant–Disaster Recovery Action Plan to assist in the island’s long-term recovery from Hurricanes Irma and Maria. The grant includes \$1 billion for housing, with \$10 million earmarked for rental assistance for the elderly and other vulnerable households. The plan also includes \$145 million for economic revitalization and \$100 million for infrastructure. Read the full Action Plan at: <https://bit.ly/2uWL7VB>

Additional Disaster Housing Recovery Updates – August 6

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 [7/30](#)). NLIHC also posts this information at our [On the Home Front](#) blog.

Federal Response

FEMA

FEMA has released a fact sheet, "[Tips that Might Change a FEMA Eligibility Determination](#)," describing how survivors can best appeal their FEMA-assistance ineligibility status.

State Response

The Texas General Land Office (GLO) received a "no findings" [rating](#) in a recent audit of its Hurricane Harvey direct housing response. The housing response, which was executed through a partnership between the Texas GLO and FEMA, was found to be in compliance with federal financial guidelines.

Local Perspectives

The Center for Investigative Journalism in Puerto Rico and LatinoJustice are plaintiffs in a [lawsuit](#) filed against FEMA for failing to release records with information about its response to Hurricane Maria in Puerto Rico. This case hinges on Freedom of Information Act (FOIA) requests submitted over six months ago to which FEMA has failed to respond.

Fair Housing

HUD Sends AFFH Streamlining Pre-Rule to OMB

HUD sent on August 2 a pre-rule, "Affirmatively Furthering Fair Housing [AFFH]: Streamlining and Enhancement," for review by the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget. There is no further information about what this pre-rule entails.

The [OIRA Frequently Asked Questions webpage](#) explains that a pre-rule is also known as an Advance Notice of Proposed Rulemaking: "Pre-rule (or advance notice of proposed rulemaking) - Agencies undertake this type of action to solicit public comment on whether or not, or how best, to initiate a rulemaking. Such actions occur prior to the proposed rule stage."

The pre-rule posting is at: <https://bit.ly/2OF4ryM>

Sample Comment Letter and Sign-On Letter to Protect Disparate Impact Rule

The National Fair Housing Alliance (NFHA) has prepared a [sample comment letter](#) and a more detailed [sign-on letter](#) in response to HUD's Advanced Notice of Proposed Rulemaking seeking comments regarding possible amendments to the Fair Housing Act disparate impact standard (see *Memo*, [5/14](#)). Comments are due August 20.

NLIHC and other fair housing advocates urge all advocates to submit a comment letter, no matter how brief, in support of the existing Disparate Impact rule without amendments. As a preview, comment letters should echo a paragraph in NFHA's sample letter:

“In its current form, the Disparate Impact Rule is not only strong and effective, but it is also consistent with the standard set out in the 2015 Supreme Court decision in the *Inclusive Communities* case. It does not need to be revised. Instead, HUD must focus on vigorous enforcement of the Rule to remove unnecessary barriers to housing choice throughout our housing markets.”

Read NFHA's sign-on letter [here](#).

Sign on to NHFA's letter [here](#).

Read NHFA's sample comment letter [here](#).

HUD's June 20, Advanced Notice of Proposed Rulemaking is at: <https://bit.ly/2Mhek45>

HUD

PHAs Were Required to Have Smoke-Free Policies in Place by July 31

Public housing agencies (PHAs) were required to implement smoke-free policies by July 31. A final rule published on December 5, 2016, required PHAs to design and implement policies prohibiting the use of specific tobacco products (see *Memo*, [12/5/16](#)).

The no-smoking policy applies to all public housing units, interior areas (including but not limited to hallways, rental and administrative offices, community centers, day care centers, laundry centers, and similar locations), and outdoor areas within 25 feet of public housing and administrative office buildings (collectively, referred to as “restricted areas”).

Owners of private, HUD-assisted multifamily properties are not required to have smoke-free policies, but HUD published [Notice 2010-21](#) in 2010 encouraging such property owners to voluntarily implement smoke-free policies.

HUD's Office of Public and Indian Housing has a webpage with resources regarding smoke-free public housing at: <https://bit.ly/2LMYQg9>

The National Housing Law Project has a one-page summary of the smoke-free rule at: <https://bit.ly/2n5jtBz>

Research

Work Requirements with Supportive Services May Increase Tenants' Incomes But Decrease Other Components of Well-Being

A study published in *Cityscape*, “Work Requirements and Well-Being in Public Housing” by Kirstin Frescoln, Mai Thi Nguyen, William Rohe, and Michael Webb, examines how work requirements imposed by the Charlotte Housing Authority (CHA) impacted the well-being of work-able public housing residents. The study suggests that work requirements combined with supportive services increased household incomes, but at the expense of food security and other components of well-being.

Thirty-nine housing authorities have the flexibility to experiment with new policies under HUD's Moving to Work (MTW) demonstration. CHA is one of eight MTW sites experimenting with work requirements. CHA's work policy requires households with at least one nondisabled adult between the ages of 18 and 61 at five of its 15 nonelderly public housing sites to maintain a minimum of 15 hours of employment per week. "Work-able" households are permitted to complete pre-approved work-related activities, such as job searches, training, and some educational activities, in lieu of employment for up to 12 months. Households are offered voluntary supportive services to help them comply with the policy. Non-compliant households face a series of escalating sanctions ending with eviction.

To study the impact of work requirements, the researchers compared residents in the five CHA public housing sites subject to work requirements (treatment group) to the residents living the ten CHA public housing sites without work requirements (comparison group). Data were collected from survey responses, CHA administrative data, and longitudinal interviews to assess different dimensions of residents' well-being with a focus on changes in income and self-rated health, as well as qualitative experiences with the work requirement.

The median household income increased between 2011 and 2014 for both the treatment and comparison groups, with a \$3,286 increase for the treatment group and a \$1,392 increase for the comparison group. The prevalence of food insecurity, however, increased among work-requirement households from 60% to 76%. Food insecurity declined slightly for the comparison group. Interviews with residents subjected to the work requirement revealed that their higher incomes were not sufficient to make up for the resulting reduction in food stamps.

Residents interviewed indicated that their jobs did not pay sufficient wages to live independently without public assistance, though many also reported feeling less financial pressure for their families. Some residents viewed work-requirements and case management as helpful in pursuing self-sufficiency, while others felt pushed into low-wage work at the expense of longer-term educational opportunities.

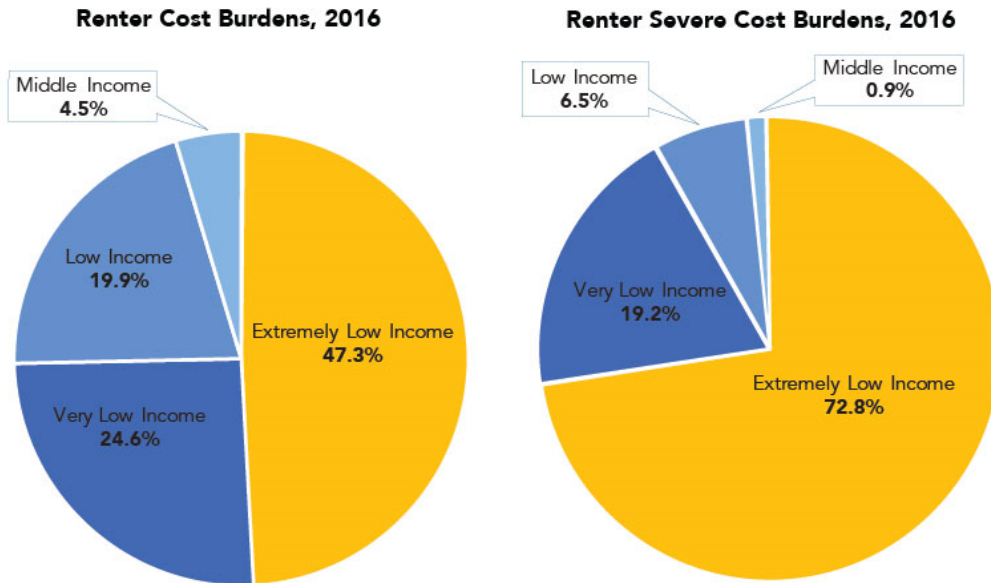
Anxiety increased among households in the treatment group between 2010 and 2014, while it slightly decreased for the comparison group. Physical and emotional health also appeared to decline for residents in the treatment group. The sample size, however, was too small to establish causality. The authors observed that the income gains realized by households were likely not sufficient to yield the health and mental health benefits associated with wage employment in other research. The authors pointed out that a single parent with one child who is subject to the 15-hour work requirement would earn only one dollar too much to qualify for full Medicaid insurance.

Given the limitations of the study and the lack of other research, the researchers caution against expanding work requirements without further study. The researchers recommend that HUD require any housing authorities participating in MTW to collect additional data on health and well-being as part of any experimentation with work requirements. Significant attention must be paid to how work requirements interact with other forms of assistance like food stamps and Medicaid due to the significant health challenges experienced by public housing residents. The researchers also suggest that other MTW agencies imposing work requirements start with a low threshold for work hours, provide voluntary case management, and permit work-related activities, including the completion of education and job training, in lieu of wage employment.

Fact of the Week

Lowest Income Households Constitute the Greatest Share of Housing Cost-Burdened Renters

Renter Housing Cost Burdens



Note: Extremely low income = household income less than poverty guideline or 30% of area median income (AMI) whichever is higher; very low income = ELI to 50% of AMI; low income = 51% to 80% of AMI; middle income = 81% to 100% of AMI. Above median income households excluded.
Source: NLIHC tabulation of 2016 ACS PUMS.

Source: NLIHC tabulation of 2016 ACS PUMS.

From the Field

Lawsuit Aims to Eliminate the Los Angeles City Council’s “Pocket Veto” Blocking Affordable and Supportive Housing

The City of Los Angeles may soon find itself in court to defend a long-standing policy that allows individual city council members to quietly block affordable and supportive housing developments without having to provide a reason. Public Counsel, Rosen Bien Galvan and Grunfeld LLP, and the Public Interest Law Project [filed a lawsuit](#) on behalf of Alliance of Californians for Community Empowerment on July 26. The lawsuit asserts that the requirement that the council member for the district where the affordable housing is proposed issue a “Letter of Acknowledgement” (LOA) is an illegal and unnecessary barrier to affordable housing development that disproportionately harms low income people of color and people with disabilities. The LOA is only required for supportive and affordable housing that receives public funding, and not for market rate developments.

More than almost any other city in the nation, Los Angeles suffers from a lack of affordable and accessible homes connected to services that can address the growing homelessness crisis. According to the most recent count released by the city, more than 31,000 people in Los Angeles are homeless on any given night. Los Angeles voters recognize the urgency of finding solutions, demonstrated by their overwhelming vote to pass Proposition HHH in November, 2016, to provide \$1.2 billion for 10,000 new supportive housing units. Developers applying to use these and other funds to produce new affordable housing are often finding their project proposals stopped, stalled, or altered when the city councilmember refuses to issue the LOA. Projects that do not get a signed LOA are not eligible for funding.

Among the issues highlighted in the lawsuit is that there are scarce public records of how and when proposals are deemed insufficient, because the LOA process occurs outside of the public eye. The *Los Angeles Times* has conducted [significant reporting](#) on the LOA process and found a wide range of reasons city council members would block proposals, but the *Times* reporters needed to open records requests to uncover these examples. City council members have blocked proposals based on design elements, bedroom sizes, or lack of certain amenities. Council members have also used the LOA to leverage changes to proposed developments and to exert influence over the agencies advancing the proposals.

For their part, council members assert that the LOA is a critical part of the oversight process. Numerous members have stated publicly that the LOA provides elected leaders with an opportunity to weigh in at the beginning of the process and to seek expanded input from neighborhood stakeholders. Advocates contend that council members can be notified early on without also having the power of a pocket-veto to block proposed developments.

The lawsuit is not the only challenge to the LOA process—state legislators are taking action as well. Assemblymember David Chiu (D-San Francisco) has introduced [Assembly Bill 829](#) to ban any local process that requires an LOA or similar approval letter from a political office when a project would receive state funds. AB829 would only apply to state-funded projects, however, and it is likely that projects seeking only Proposition HHH or other local funds would still be subject to the LOA process.

Read the legal complaint at: <https://bit.ly/2KqOHMm>

Resource

NHLP Updates Compendium of State and Local Laws Protecting Domestic Violence Survivors

The National Housing Law Project (NHLP) updated its [annual compilation](#) of state and local laws related to the housing rights of domestic violence survivors. The latest edition covers state and local laws enacted as of December 2017. These laws often provide critical housing protections.

Among the NHLP report's many findings:

- 24 states and localities have eviction-defense laws for survivors.
- 27 states have early lease-termination laws for survivors.
- 40 states permit courts to exclude an abuser from housing and grant possession of the property to the survivor.
- 18 states can require abusers to pay for or provide housing for survivors.

Housing Rights of Domestic Violence Survivors: A State and Local Law Compendium is available at: <https://bit.ly/2n00C11>

Event

Webinar Today on FY19 Funding Outlook for Affordable Housing Programs

NLIHC and other leaders of the Campaign for Housing and Community Development Funding (CHCDF) will hold a [webinar](#) to 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 webinar will be held today, 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: <https://bit.ly/2uRXxy6>

NLIHC in the News

NLIHC in the News for the Week of July 29

The following are some of the news stories that NLIHC contributed to during the week of July 29.

- “More Americans are living in their vehicles,” *Money - MSN.com*, July 31 at: <https://bit.ly/2LOF27W>
 - “Democracy and the Challenge of Affordability: An Evolving and Expanding Definition of ‘Public’ Housing,” *Medium*, July 31 at: <https://bit.ly/2ALppcC>
 - “Most Americans can’t afford rent, study finds,” *Fox News*, July 31 at: <https://fxn.ws/2Ocl0Bh>
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NLIHC News

Where to Find Us – August 6

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

- [POAH Quarterly Board Gathering](#), Boston, MA, on August 7
 - [Oklahoma Coalition for Affordable Housing’s 2018 Affordable Housing Conference](#), 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 \(FHSP\) Housing Meeting](#), St. Petersburg, FL, on September 27
 - [Federal Reserve Bank of Philadelphia: Reinventing Our Communities: Investing in Opportunity](#), 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
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