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## Take Action

### Join August 25 Twitter Storm Urging Congress to Fully Fund Affordable Housing Programs

Please join NLIHC and the Clean Budget Coalition for a Twitter storm **on August 25 from 2-2:30 pm ET** to urge Congress to fully fund affordable housing and community development programs in FY18 and to reject harmful policy riders that undermine federal fair housing laws.

#### Background

When Congress returns to Washington, DC in September, the House will vote on a spending bill that would significantly cut funding for critical affordable housing programs. The bill would eliminate more than 140,000 housing vouchers and reduce flexible resources used by states and localities to build and preserve affordable housing and address community needs. Unless Congress lifts the low spending caps equally for defense and domestic programs, affordable housing and community development investments will remain at risk. For more details, see NLIHC's updated [budget chart](#) and analysis of the [House](#) and [Senate](#) bills.

It is also critical that Congress reject harmful policy riders that could be added to the spending bill that would undermine federal fair housing laws. In the past, the House has adopted amendments to prohibit HUD from enforcing its Affirmatively Furthering Fair Housing (AFFH) rule and making available its AFFH assessment tool. AFFH clarifies existing fair housing obligations and empowers states and local governments to more fairly and effectively invest federal funds in their communities.

By participating in the August 25 Twitter storm, you can urge Congress to lift the low spending caps that threaten critical investments and reject harmful policy riders.

#### Sample Tweets:

Use the hashtags: #cleanbudget and #cutshurt

- Without a #cleanbudget that lifts the spending caps, Congress would put vital investments in #affordablehousing at risk. #CutsHurt
- We have an #affordablehousing crisis. This is not the time to put vital investments at risk. Pass a #cleanbudget. #CutsHurt
- America is stronger when families have #affordablehousing. Tell Congress to pass a #cleanbudget and increase vital investments. #CutsHurt
- #Cutshurt low income seniors, ppl w/ disabilities, kids, and more. We need a #CleanBudget that invests in #affordablehousing.
- America is stronger when we have affordable homes & stable communities. Pass a #CleanBudget that fully funds these investments. #CutsHurt
- Families thrive bc of housing & community development investments at HUD and USDA. Congress must pass a #CleanBudget. #CutsHurt
- With an affordable home, families can climb the economic ladder and kids do better in school. Invest in kids w/ a #CleanBudget. #CutsHurt
- Affordable homes are linked to better health. A #CleanBudget with #affordablehousing investments will make our communities healthier.
- Want better health, education, & econ mobility? Pass a #CleanBudget that fully funds #affordablehousing. #CutsHurt <http://bit.ly/2ljnEed>
- HUD investments led to 500K jobs in 2015, on top of providing homes to 5M families. Pass a #CleanBudget #CutsHurt <http://bit.ly/2ljnEed>

- Thanks to HUD and USDA, millions of families have a place to call home. Pass a #CleanBudget now because #CutsHurt <http://bit.ly/2ljnEed>
- #Affordablehousing boosts the economy in your state. Tell Congress to pass a #CleanBudget w/ full \$\$.

#CutsHurt <http://bit.ly/2ljnEed>

## **Meet with Your Members of Congress In-District during August Recess**

NLIHC urges affordable housing advocates to meet with your members of Congress while they are home in their states and districts for the August recess through Labor Day. This is an ideal time to schedule an in-district meeting or site visit with your federal lawmakers to educate them about the importance of affordable housing and how potential budget cuts will hurt people with low incomes. Urge them to support the highest level of federal funding possible for affordable housing and homelessness programs.

NLIHC has prepared resources that advocates can use, including our Summer/Fall 2017 [Issues Guide](#), outlining the top five affordable housing and related issues before Congress. Other resources are available from the National Housing Week of Action “Our Homes, Our Voices” campaign, including talking points, sample op-eds, tweets, and how-to guides for setting up in-district meetings and site visits. Advocates can check out [www.TownHallProject.com](http://www.TownHallProject.com) to see if and when lawmakers are holding town hall meetings you can attend.

NLIHC’s Issue Guide is available at: <http://bit.ly/2vAbjHe>

Our Homes, Our Voices campaign resources are available at: [www.ourhomes-ourvoices.org](http://www.ourhomes-ourvoices.org)

Sample town hall questions can be found at: <http://bit.ly/2wqxIEk>

## **Tell Your Representative to Cosponsor the “Common Sense Housing Investment Act of 2017”**

Congress continues to work toward tax reform legislation, and the Trump Administration recently has indicated an openness to reforming the mortgage interest deduction (MID). As tax reform discussions move forward, it is essential that advocates work to keep all new revenue from MID reform within housing programs that serve the lowest income people. Tax reform is a unique opportunity for new revenue for affordable housing. Congress can make the tax code fairer for more families, reduce income inequality and racial inequity, and end homelessness and housing poverty once and for all. Tell your U.S. representative to support the “Common Sense Housing Investment Act” (H.R. 948), which provides a common sense solution to homelessness and housing poverty.

The Common Sense Housing Investment Act of 2017, introduced by Representative Keith Ellison (D-MN) on February 7, calls for modest reforms to the MID, a \$70 billion tax expenditure largely benefitting America's highest-income households, that would provide new tax relief to millions of lower income homeowners and would reinvest more than \$241 billion in savings over 10 years into affordable housing for people with the greatest needs.

The bill would boost funding for the national Housing Trust Fund, rental assistance, the Low Income Housing Tax Credit and public housing solutions without adding any costs to the federal government.

The reforms are simple. First, the bill reduces the amount of a mortgage eligible for a tax break from \$1 million to \$500,000. This change would impact fewer than 6% of mortgage holders nationwide, and even those who hold large mortgages would continue to receive tax relief on the first \$500,000 of their mortgage. Second, the bill converts the MID into a tax credit, allowing 25 million more low and moderate income homeowners to receive a much-needed tax break.

The NLIHC-led United for Homes campaign strongly endorses H.R. 948. United for Homes is supported by 2,350 national, state, and local organizations and elected officials including at least one in all 435 congressional districts.

The real estate lobby continues to invest millions of dollars into Capitol Hill efforts to protect the highly regressive and inefficient MID. Despite this pressure, eight representatives have cosponsored H.R. 948: Representatives G.K. Butterfield (D-NC), Barbara Lee (D-CA), Dwight Evans (D-PA), Bobby Scott (D-VA), John Conyers (D-MI), Mark DeSaulnier (D-CA), Yvette Clarke (D-NY), and Darren Soto (D-FL). More cosponsors are needed to show that this proposal is a priority and should be included in all tax reform deliberations.

More information on the “Common Sense Housing Investment Act” is at: <http://bit.ly/2mNMJva>

#### How You Can Take Action

1. Ask your representative to cosponsor H.R. 948 to help end homelessness and housing poverty in comprehensive tax reform.

[Call Congress Today!](#)

2. Endorse the United for Homes campaign that calls for reforms that mirror Mr. Ellison’s bill. A list of UFH endorsers is available at: <http://bit.ly/2mNYmCr>

[Join The Campaign!](#)

Ask your colleagues, friends, and family to call their representatives today!

## United for Homes

### NLIHC Hosts Webinar on Campus Action and the United for Homes Campaign, September 13

United for Homes endorsers are invited to join a webinar, “Back to School: Campus Activism and the United for Homes Campaign,” on September 13 at 2 pm ET. Presenters from NLIHC and a number of United for Homes endorsing organizations will discuss the importance of connecting with young advocates on college campuses. Economic inequality is an ongoing focus of campus activism, and MID reform must be included in discussions about solutions.

The September 13 webinar will feature a discussion about finding, informing, and mobilizing campus organizations. Webinar attendees will learn some of the key benefits of involving campus activism, most notably increasing the energy and urgency around the campaign. Presenters will also discuss how to manage ongoing involvement from young advocates when they frequently cycle through leadership and membership.

United for Homes webinars highlight best practices for advocacy and provide a broader understanding of how mortgage interest deduction reform can be central to social movements focused on more than just housing. The most recent webinar in July, “Direct Action and the United for Homes Campaign: Disruption and Agitation in the Effort for MID Reform,” provided perspectives from endorsers who have led and studied direct action and its impact on affordable housing in America. Watch the July webinar at:

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

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

- If you have not already registered for the monthly UFH endorser webinars, register for the September 13 event at: <http://bit.ly/2irHS2E>. Once you register, you will not need to register again for the monthly UFH endorser webinars.
- If you are not already a UFH endorser, please join the campaign at: <http://www.unitedforhomes.org/join-the-movement/>
- If you are not sure if you are a UFH endorser, check the list of current endorsers at: <http://www.unitedforhomes.org/national-supporters/>

## **Budget and Appropriations**

### **House Plans to Vote on FY18 Housing Appropriations in Early September**

The House plans to vote on the FY18 Transportation-HUD (THUD) spending bill in the first few days of September after members of Congress return from their month-long recess. The current plan is for the THUD bill to be combined with seven other domestic spending bills to form a larger package. Because of tight federal spending limits, the THUD bill would eliminate more than 140,000 housing vouchers and reduce flexible resources used by states and localities to build and preserve affordable homes and address community needs.

House members have until the end of August to submit proposed amendments to the Rules Committee, which will decide what amendments can be offered during debate of the spending package. Representative Paul Gosar (R-AZ) may try to offer an amendment to prohibit HUD from implementing or enforcing its Affirmatively Furthering Fair Housing (AFFH) rule and assessment tool, as he has done in the past. AFFH clarifies existing fair housing obligations and empowers states and local governments to more fairly and effectively invest federal funds in their communities. We will work to defeat this and other harmful amendments to the THUD bill, should they arise.

Even if the House passes the spending package, the Senate is unlikely to consider the bill. Because of the low domestic spending levels and conservative policy riders in the House spending bills, Democrats are expected to oppose them. Without some Democratic support, the Senate does not have the 60 votes it needs to approve the spending bills. The Senate continues to work on its spending bills, which exceed the Budget Control Act caps. This sets the stage for bipartisan negotiations. Congress and the administration will need to reach an agreement on final FY18 spending bills – or enact a short-term Continuing Resolution – before the start of the new fiscal year on October 1 or risk a government shutdown.

Given the limited time remaining before the start of the next fiscal year, Congress will likely need to rely on at least one short term stopgap spending bill to keep the government open when FY18 begins on October 1.

- Read the text of the House THUD bill at: <http://bit.ly/2tfaCO9>
- Read the NLIHC's analysis of the bill at: <http://bit.ly/2sLyR7j>
- Review NLIHC's budget chart at: <http://bit.ly/1SowzjU>

## **HUD**

### **HUD Suspends Mandatory Small Area FMR Implementation**

HUD has suspended the obligation of public housing agencies (PHAs) in 23 metropolitan areas to implement Small Area Fair Market Rents (SAFMRs). The office of Public and Indian Housing (PIH) sent letters to those PHAs on August 11 postponing implementation from October 1, 2017, as required by the final rule issued on

November 16, 2016 (see *Memo*, [11/21/16](#)), to October 1, 2019. The letter justifies the suspension by citing the recent release of interim findings from a seven-PHA SAFMR demonstration, as well as objections raised by PHA industry groups.

In addition to mandating SAFMRs for PHAs in metropolitan areas that meet certain factors, the final SAFMR rule also allows any PHA to voluntarily use SAFMRs. Voluntary use of SAFMRs is not affected by the suspension.

Small Area FMRs reflect rents for U.S. Postal ZIP codes, while traditional fair market rents (FMRs) reflect a single rent standard for an entire metropolitan region. The intent of SAFMRs is to provide voucher payment standards that are better aligned with neighborhood-scale rental markets, resulting in relatively higher subsidies in neighborhoods with higher rents and greater opportunities and lower subsidies in neighborhoods with lower rents and higher concentrations of voucher holders. A goal of SAFMRs is to help households use vouchers in areas of higher opportunity and lower poverty and to reduce voucher concentrations in high poverty areas.

The letter claims that the final SAFMR rule allows HUD to suspend mandatory use of SAFMRs. The rule, at 24 CFR 888.113(c)(4), requires HUD to issue a “notice” that “makes a documented determination that such action is warranted.” Aside from a presidentially declared disaster or a sudden influx of displaced households needing permanent housing, the final rule includes as an action allowing suspension, “Other events as determined by the Secretary.”

The “event” offered as a reason for the postponement is the receipt of interim findings from a seven-PHA demonstration of SAFMR use (see separate report in the Research section of this *Memo*). HUD’s letter states that the interim report suggests further analysis of the benefits and costs of SAFMRs is needed, particularly regarding the impact of cost burdens on households and the availability of units. Final findings are expected in July, 2018. Even though the proposed mandatory use of SAFMRs by PHAs in metropolitan areas meeting specified criteria were subject to extensive review and comment starting in June, 2015, before a final rule was issued on January 17, 2017, HUD has now abruptly halted implementation without public input in order to wait for the July 2018 release of the demonstration’s final analysis. This, despite the study being already underway when the final rule was published. HUD states that another reason for suspending the mandatory SAFMR implementation has to do with concerns raised by “several PHA industry groups” in response to Executive Order 13777, which asked for public input regarding regulations perceived to be outdated, ineffective, or excessively burdensome (see *Memo*, [3/6](#)). HUD’s letter states that “HUD has not yet completed its analysis of [all of] these public comments [regarding regulatory burden] but is aware that several PHA industry groups have concerns.” For example, on May 17, 2017, the National Association of Housing and Redevelopment Officials wrote, “This rule has the potential to impose costs on PHAs that exceed the benefits,” which therefore “argues against mandatory implementation of the Small Area FMRs.” For a discussion of costs to PHAs identified in the interim SAFMR evaluation, see a separate report in the Research section of this *Memo*.

If HUD had completed its review and analysis of EO 13777 letters before suspending mandatory implementation of SAFMRs, HUD might have balanced the PHA industry letters with those of advocates. For instance, the Policy & Race Research Action Council (PRRAC) supported the SAFMR rule as a complement to the Affirmatively Furthering Fair Housing rule because it “replaced an outdated and arbitrary HUD rent-setting rule for Housing Choice Vouchers (HCVs) that had been effectively steering families to segregated areas with a more localized formula that gives HCV families access to a wider range of less segregated, lower poverty neighborhoods.” The Center on Budget and Policy Priorities’ letter urged HUD to promptly issue guidance to help PHAs effectively implement SAFMRs because they “have the potential to substantially improve the efficiency of the voucher program by tying voucher subsidies more closely to rents in particular neighborhoods.” Not anticipating opposition to SAFMRs, NLIHC’s letter responding to EO 13777 did not include SAFMRs among a list of regulations NLIHC proactively supported as essential or important, like the Affirmatively Furthering Fair Housing rule, however NLIHC views it as such.



The 23 metro areas that had been required to implement SAFMRS are: Atlanta-Sandy Springs-Marietta (GA), Bergen-Passaic (NJ), Charlotte-Gastonia-Rock Hill (NC-SC), Chicago-Joliet-Naperville (IL), Colorado Springs (CO), Fort Lauderdale-Pompano Beach-Deerfield Beach (FL), Fort Worth-Arlington (TX), Gary (IN), Hartford-West Hartford-East Hartford (CT), Jackson (MS), Jacksonville (FL), Monmouth-Ocean (NJ), North Port-Bradenton-Sarasota (FL), Palm Bay-Melbourne-Titusville (FL), Philadelphia-Camden-Wilmington (PA-NJ-DE-MD), Pittsburgh (PA), Sacramento--Arden-Arcade—Roseville (CA), San Antonio-New Braunfels (TX), San Diego-Carlsbad-San Marcos (CA), Tampa-St. Petersburg-Clearwater (FL), Urban Honolulu (HI), Washington-Arlington-Alexandria (DC-VA-MD Metro Area), and West Palm Beach-Boca Raton-Delray Beach (FL).

PHAs in a 24<sup>th</sup> metro area must still comply with the mandatory SAFMR rule, the Dallas-Plano-Irving, TX metro area, which has been using SAFMRs since 2011 as a result of a legal settlement.

HUD's letter is at: <http://bit.ly/2fOnObD>

## **HUD Issues Guidance on Implementing Lead-Safety Housing Rule**

HUD's Office of Public and Indian Housing (PIH) issued Notice PIH 2017-13, providing guidance regarding actions that must be taken when a child under the age of six is found to have an elevated blood lead level (EBLL) living in public housing or housing assisted with a Housing Choice Voucher (HCV) or a Project-Based Voucher (PBV). The guidance is for public housing agencies (PHAs) and private owners of properties using HCVs and PBVs. The Notice focuses on the recent changes to HUD's Lead Safe Housing Rule (LSHR), which became effective on February 13, 2017 (see *Memo*, [1/17](#)).

The Notice describes a basic set of responsibilities and the actions a PHA or an owner is responsible for, depending on the form of housing assistance. In general, when there is a confirmed case of EBLL, the HUD Field Office and Headquarters Office of Lead Hazard Control must be notified, as well as the local public health department if the EBLL is identified by a medical healthcare professional not associated with the health department.

The PHA must conduct an "environmental investigation" of the child's unit and common areas serving that unit. An environmental investigation is a "risk assessment" that poses additional questions to the household regarding other potential sources of lead exposure (such as water and daycare setting) and that tests those other potential sources of lead exposure. A risk assessment includes a visual inspection of a unit and limited wipe samplings. If lead-based paint hazards are found in the child's unit (the "index unit"), the PHA must perform risk assessments in other units where a child under the age of six lives or is expected to live, as well as risk assessments of common areas serving those units. Random sampling is allowed for buildings built before 1960 that have more than 20 units and for properties built between 1960 and 1977 with more than 10 units.

Where lead-paint hazards exist, they must be controlled (generally within 30 days) by someone certified to abate or remove lead-paint hazards. PHAs must ensure that public housing units and common areas are maintained as lead-safe and must conduct periodic re-evaluations every two years using a certified risk assessor. If the annual amount of PBV for a unit is more than \$5,000, the owner must conduct the re-evaluation every two years. In the HCV and PBV context, PHAs must also monitor owners' compliance, which may be performed in conjunction with periodic Housing Quality Standards (HQS) inspections; HQS inspections must occur no less frequently than once a year if there was deteriorated paint or other known lead-based paint hazards.

The Notice reminds readers that PBV properties receiving more than \$5,000 per unit annually are required to ensure that a risk assessment is conducted by a certified risk assessor regardless of whether there is a child under the age of six living in a unit. Advocates have challenged the \$5,000 floor as well the policy of limiting risk assessments to units only after a child is discovered to have EBLL (see *Memo*, [8/14](#)).

Notice PIH 2017-13 is at: <http://bit.ly/2vMmRoq>

## **HUD Issues Fact Sheet for Residents about Enhanced Vouchers**

HUD has issued a fact sheet about Enhanced Vouchers (EVs) that public housing agencies will now be required to issue to tenants when owners of private HUD-assisted housing decide no longer to participate in the HUD program. The flier emphasizes tenants' rights to remain at the property with an EV or to agree to move with a regular Housing Choice Voucher. It describes EVs and explains the three housing "conversion acts" that make a tenant eligible to receive an EV.

The flier was sought by the National Alliance of HUD Tenants (NAHT), whose tenant leaders and VISTA members reviewed HUD's initial draft and offered recommendations, most of which were included.

The English version of the flier is at: <http://bit.ly/2vYkeBL>

Other versions of the flier in 13 different languages are at <http://bit.ly/2fyzPIA>, by scrolling far down the list to the third "PHA Fact Sheet."

More information about Enhanced Vouchers is on page 4-50 of NLIHC's *2017 Advocates' Guide* at: <http://bit.ly/2tqh6xu>

## **Research**

### **HUD Releases Interim Report on Small Area FMR Demonstration**

HUD released an interim evaluation of Small Area Fair Market Rents (SAFMRs) implemented by seven PHAs. Five of the PHAs were part of HUD's SAFMR demonstration and the other two were part of a legal settlement. HUD will collect additional data, including interview responses from tenants and landlords regarding their experiences with and reactions to the use of SAFMRs.

The five demonstration PHAs are the Chattanooga Housing Authority (TN), the Housing Authority of Cook County (IL), the Housing Authority of the City of Laredo (TX), the City of Long Beach Housing Authority (CA), and the Town of Mamaroneck Housing Authority (NY). The two PHAs that are part of a legal settlement are the Housing Authority of the City of Dallas and the Housing Authority of Plano (TX), which is part of the Dallas metropolitan area. All twelve of the PHAs in the Dallas metro area have been using SAFMRs since 2011 as a result of the legal settlement, but only the City of Dallas and Plano PHAs were part of the evaluation.

The interim evaluation indicates that, generally, SAFMRs increase the number of rental homes in high-rent ZIP codes that rent below the applicable FMR, making them potentially available to Housing Choice Voucher (HCV) holders, but SAFMRs decrease the number of rental homes in low-rent ZIP codes. The general result across the seven PHAs was a 3.4% net loss of potentially available rental homes to HCV holders. However, the outcomes differed by PHA. For instance, there were increases of potentially available rental homes of 3.2% in Chattanooga and 26% in Plano. Losses ranged from 0.3% in Mamaroneck to 1.7% in Cook County and 13.5% in Long Beach.

When there are fewer rental homes in high-rent ZIP codes than in low-rent ZIP codes, there is a net loss of potentially available rental homes under SAFMRs; however, when there are more rental homes in high-rent ZIP codes, there is a net gain. NLIHC notes that this is a strong argument for modifying local zoning codes to allow for and facilitate the development of multifamily rental housing in high-rent ZIP codes.

Across the seven PHAs, the percentage of HCV holders living in high-rent ZIP codes increased from 17% in 2010 (pre-SAFMRs) to 20% in 2015. Both new and existing voucher holders were more likely to move to high-rent ZIP codes after SAFMR implementation. The percentage of new voucher holders who moved into high-



rent ZIP codes increased from 14% in 2010 to 17% in 2015, and the percentage of existing voucher holders moving to high-rent ZIP codes increased from 18% to 28%.

Housing Assistance Payment (HAP) costs declined by an average of 13% between 2010 and 2015 for the seven PHAs using SAFMRs, compared to a 5% decline for a group of comparative PHAs with traditional metropolitan-wide FMRs.

Average tenant contributions, however, increased by 16% across the seven SAFMR PHAs. Most significantly, average tenant contributions for voucher holders in low-rent and moderate-rent ZIP codes increased by 22% and 18%, suggesting that some voucher holders in low-rent and moderate-rent ZIP codes face higher rent burdens as a result of landlords' unwillingness to lower their rents in response to lower payment standards. NLIHC and other advocates identified this potential problem in their comments regarding the proposed SAFMR rule, urging that the final rule exempt existing voucher holders from any reduction in the payment standard due to the transition to SAFMRs. Increases in tenant contributions for voucher holders in high-rent ZIP codes were similar to those of voucher holders in the comparative group of PHAs with traditional FMRs, indicating that residents in high-rent ZIP codes did not have higher than normal rent increases.

The interim evaluation also provided a preliminary look at the administrative burden on PHAs of SAFMRs. The cost of modifying their automated systems to deal with multiple payment standards ranged from minor to significant. For example, the cost of new software ranged from \$0 to \$35,000, and additional staff time ranged from 40 to 250 hours. The other significant burden entailed analyzing and setting payment standards. The number of SAFMRs to analyze within a PHA's jurisdiction increased significantly. In addition, HUD's policy of delaying application of SAFMRs to existing voucher holders until their second annual certification meant PHAs used SAFMRs and metropolitan-wide FMRs simultaneously, making the transition more complex. Staff time spent on analyzing and setting payment standards ranged from 15 to 120 hours. The report deemed two other potential administrative burdens – staff training and more inspections of geographically diverse rental units – as moderate. The report determined that education and support efforts for landlords and tenants were minor burdens.

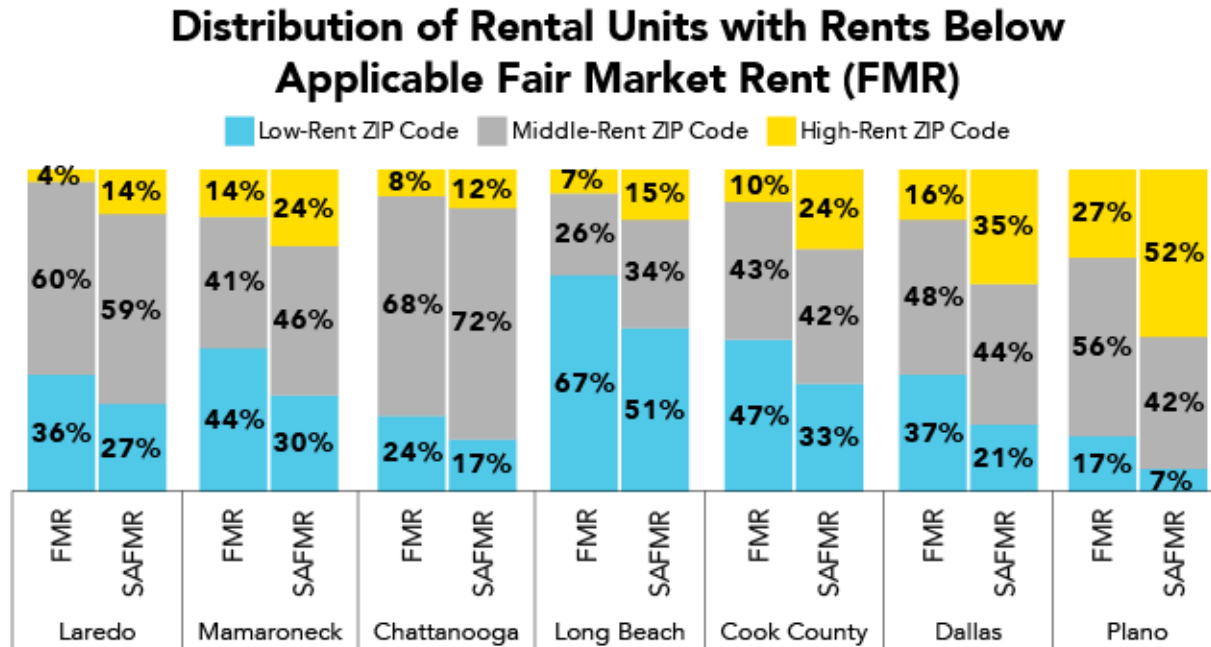
The interim evaluation offered a preliminary assessment of the impact of SAFMRs on landlords, based on secondhand reports from PHAs. PHAs' reported that some landlords in low-rent ZIP codes left the HCV program, while others remained in the HCV program but did not lower the contract rent to the new rent payment standards. Other landlords, however, were willing to accept lower rents, which was more likely where landlord-tenant relationships were good, the landlord wanted to retain tenants or avoid vacancies, or the tenant was elderly or a person with a disability. The report suggests that voucher holders competing with unassisted low-income households in low-rent ZIP codes may be more attractive to landlords. In high-rent ZIP codes, voucher holders competing with higher-income households may be less attractive to landlords.

The final evaluation, anticipated around July, 2018, will include more detailed information on landlord behavior. HUD will collect additional data, including interviews with tenants and landlords about their experiences with and responses to SAFMRs.

*Small Area Fair Market Rent Demonstration Evaluation: Interim Report* is available at: <http://bit.ly/2vJF3Pl>

## Fact of The Week

### Use of Small Area FMRs Increases Number of Rental Homes in Higher Income Areas that Rent Below Fair Market Rents



FMR: Metropolitan Area Fair Market Rent

SAFMR: Small Area Fair Market Rent

Source: U.S. Department of Housing and Urban Development (2017).

Source: U.S. Department of Housing and Urban Development (2017)

## From the Field

### New York City Becomes First Jurisdiction to Guarantee Low Income Renters Right to Counsel in Eviction Court

New York City passed legislation on August 11 guaranteeing low income renters the right to representation during eviction proceedings, the first such law in the U.S. Advocates are celebrating the success of a three-year campaign coordinated by the Right to Council NYC Coalition, which included efforts by the Coalition for the Homeless and Tenants & Neighbors, both NLIHC state partners. The law, which will be phased in over five years, will provide legal services to residents who make less than 200% of the federal poverty line and are facing eviction. The protections are expected to reduce the number of tenants brought to housing court and the number of evictions.

Following the Supreme Court decision in *Gideon v. Wainwright*, all defendants are guaranteed the right to counsel in felony cases, regardless of their ability to pay. The same right does not extend to civil court, where housing and eviction cases are heard. As a result, across the country, while 90% of landlords are represented by attorneys in housing court, 90% of residents have no legal counsel. Without representation, tenants are significantly more likely to face eviction. In a randomized study that the Legal Aid Society prepared in advance of the New York City bill, low income tenants provided with counsel in eviction hearings were 77% less likely to be evicted than those without representation.

The repercussions of a lack of counsel are wide-reaching. Households experiencing eviction are more likely to experience insecurity in their jobs, education, and support structure. With an eviction on its record, a family is less likely to find a new home and more likely to become homeless. Across the city, the eviction of tenants in rent-stabilized apartments can lead to deregulation of those units, reducing New York's stock of affordable homes. Rampant eviction pushes households into shelters, where the average family stay is over a year, costing the city \$45,000. Advocates expect that by providing counsel to tenants, New York City will reverse this trend, promoting household stability and economic growth while reducing the city's shelter expenses.

Members of the Bronx-based tenants' rights group Community Action for Safe Apartments (CASA) began the campaign for housing court reform in 2012. In 2014, City Councilmembers Vanessa Gibson and Mark Levine introduced legislation to fund legal representation for low income tenants in housing court. CASA members rallied around the bill and established the Right to Counsel NYC Coalition to grow grassroots support for the right to legal representation as an issue of justice, equity, and human rights. Coalition members included tenants, advocates, and legal service providers united to seek justice for tenants and a more affordable city. Following three years of advocacy, New York City Mayor Bill de Blasio signed Councilmember Levine's bill, making New York the first jurisdiction in the country to guarantee basic legal protection for low income residents facing eviction.

Advocates and city officials expect that implementing the law, which will be phased in over five years, will cost approximately \$200 million each year when fully implemented, as the city will need to provide counsel for around 120,000 housing cases annually, but by lowering the number of homeless families needing to stay in shelters, the city will save \$300 million each year, according to a study by an independent consulting firm. The New York City program will therefore pay for itself while increasing household and neighborhood stability.

"New York City guaranteeing low-income tenants legal representation is an essential step towards tenants achieving the justice they deserve in New York City," said Katie Goldstein, senior organizer at Tenants & Neighbors. "Housing court has long been a site of immense injustice, and providing tenants with legal support is a key protection that will help to keep thousands of New Yorkers who are at-risk of eviction in their homes."

For more information, contact Katie Goldstein at: [kgoldstein@tandn.org](mailto:kgoldstein@tandn.org)

## **Events**

### **Housing First Partners Conference Issues Calls for Presenters**

The fourth biennial Housing First Partners Conference: Assuring Program Integrity in a Changing Environment, taking place in Denver, CO April 9-12, 2018, has issued a [call for presenters](#). The three-day conference (and pre-conference) will feature workshops, plenaries, and discussions with providers, researchers, policy makers and those with lived experience, all of whom are passionate about ending chronic homelessness. Proposals for presentations are due September 22, and notifications of acceptance will be made on November 30.

Proposals are sought in the following areas addressing the impact on clients' recovery and quality of life, using Housing First as an overall community approach or whole system response, and innovations that improve health, recovery and well-being for people with complex needs experiencing homelessness:

- Putting the Housing into Housing First
- Clinical Aspects of Housing First
- Voices of Housing First
- Testing the Limits of Housing First Philosophy in the Current Environment
- Research Outcomes and Program Dissemination

Proposals must be submitted online. [Click here for a printable guide to online submission](#) and [here to submit your online proposal](#). You may make multiple submissions but must submit one for each submission.

## NLIHC News

### NLIHC Seeks Interns for Fall Semester

NLIHC is accepting applications for internship positions for the fall 2017 semester. Interns are highly valued and fully integrated into our staff work. We seek students passionate about social justice issues with excellent writing and interpersonal skills.

The available positions are:

- **Research Intern.** Assists in ongoing quantitative and qualitative research projects, writes weekly articles on current research for NLIHC's weekly *Memo to Members and Partners* newsletter, attends briefings, and responds to research inquiries. Quantitative skills and experience with SPSS a plus.
- **Policy Intern.** Tracks new legislation, attends and summarizes Congressional hearings for the *Memo to Members and Partners* newsletter, participates in visits to Congressional offices, develops materials for use in lobbying the House and Senate to achieve NLIHC's policy agenda, and updates the NLIHC Congressional database.

Fall interns are expected to work 25 hours a week beginning in August or September and finishing up in December. A modest stipend is provided. A cover letter, resume, and writing sample are required for consideration. In your cover letter, please specify the position(s) for which you applying and that you are interested in the fall 2017 internship.

### Where to Find Us – August 21

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

- The United Native American Housing Association [Summer Meeting](#) in Polson, Montana on August 21
- [Kansas Housing Conference](#) in Wichita, KS on August 23
- The [Hudson Valley Pattern for Progress Event](#) in Newburgh, NY on September 14
- [New York Association on Independent Living statewide conference](#) in Troy, NY, September 18-19
- [Tennessee Housing Development Agency Conference](#) in Nashville, TN, on September 21
- [Connecticut Housing Coalition's Annual Conference](#), Keynote, Cromwell, CT, September 26
- The Housing Washington 2017 ["24th Annual Affordable Housing Conference"](#) in Spokane, WA, October 2-4
- [Empower Missouri](#) annual conference in St. Louis, MO, October 5-6
- [Grounded Solutions Intersections 2017](#) in Oakland, CA, October 9-12
- [NALCAB's 2017 National Conference](#) in Ft. Lauderdale, FL, October 11
- [Ohio Housing Conference](#), Columbus, OH, on November 7
- [ReFrame Association Conference: Home, Health, and Hope](#) in Kingsport, TN on November 9
- [Low Income Housing Coalition of Alabama 2017 Housing Works! Conference](#) in Orange Beach, Alabama, November 15-17
- Yale University event in New Haven, CT on November 28

## Help End Homelessness and Housing Poverty While Shopping on Amazon Smile!

[Amazon Smile](#) is a simple and automatic way for you to support NLIHC and our mission to ensure that the lowest income households in America have access to affordable and decent homes. With every Amazon Smile purchase, Amazon will donate a portion of the purchase price to NLIHC at no additional cost to you!

Click [here](#) to support NLIHC's work while shopping.

Thank you for your support!

## NLIHC in the News

### NLIHC in the News for the Week of August 13

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

- “CityViews: An Urgent Need to Address Our City’s Human Dignity Crisis,” *City Limits*, August 14, at: <http://bit.ly/2w6WPOD>
- “Yes, reform the mortgage deduction, but plow the revenue into low-income housing,” *Washington Examiner*, August 16, at: <http://washex.am/2woi7rc>
- “\$200 from home: Renters in the housing crisis are often stuck between help and affordability,” *The Arizona Republic*, August 17, at: <http://bit.ly/2ibPZ56>

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