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## Coronavirus, Disasters, Housing, and Homelessness - Highlights

### President Biden Extends Federal Eviction Moratorium

On his first day in office, President Joe Biden instructed the Centers for Disease Control and Prevention (CDC) to extend the federal eviction moratorium through at least March 2021. CDC Director Rochelle Walensky [announced](#) that extension until at least March 31 on January 20, stating that because “COVID-19 continues to spread in America at a concerning pace...we must take action to get cases down and keep people in their homes and out of congregate settings – like shelters – where COVID-19 can take an even stronger foothold.”

The [federal eviction moratorium](#), which was slated to expire on January 31, has kept millions of people stably housed during the pandemic. Without President Biden’s action to extend the federal eviction moratorium, tens of millions of renters would have been at risk of losing their homes this winter, with profound negative consequences for individuals, families, communities, and the nation’s public health and economy.

While extending the moratorium is critical, it is not sufficient to protect renters during the pandemic. As outlined in a letter sent to the president by [NLIHC and 2,000 national, state, and local organizations and elected officials](#), the moratorium has significant shortcomings that undermine its public health impact. Protections under the moratorium are not automatic, and some landlords have exploited loopholes to evict renters by finding reasons for eviction other than nonpayment of rent and often before they know about the protections. Further, no federal agency has enforced the moratorium’s penalties for unlawful evictions, allowing landlords to violate the order without consequence.

To protect America’s lowest-income and most marginalized renters and to prevent the spread of COVID-19, President Biden and CDC Director Walensky must act quickly to strengthen and enforce the moratorium. At the same time, President Biden and incoming Treasury Secretary Janet Yellen must ensure that emergency rental assistance quickly reaches renters most at risk of eviction, and the entire Biden administration must work with Congress to enact a comprehensive COVID-19 relief package that includes [NLIHC’s top priorities](#) to address the urgent health and housing needs of low-income renters and people experiencing homelessness.

See the CDC announcement at: <https://bit.ly/3o5p8Vh>

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### New Executive Order Addresses Urgent Health and Housing Needs of People Experiencing Homelessness

President Biden signed an [executive order](#) on January 21 that enables states and communities to address the urgent health and housing needs of people experiencing homelessness during the COVID-19 pandemic. Since the beginning of the pandemic, NLIHC and our national, state and local partners in the NLIHC-led Disaster Housing Recovery Coalition (DHRC) have [urged](#) the Federal Emergency Management Agency (FEMA) to cover the full costs of moving individuals experiencing homelessness and living in congregate settings or encampments to safer living spaces in hotels and motels. In a major win for homeless individuals, advocates, and state and local officials, President Biden has now directed FEMA to cover 100% of approved costs. This change will assist many jurisdictions currently struggling with non-congregate sheltering costs and actively save lives during the ongoing pandemic.

As a result of the national emergency declaration for COVID-19, FEMA activated its Public Assistance (PA) grant program to provide assistance to state, territorial, tribal, and local government entities and certain private non-profit organizations as they work quickly to respond to and recover from the pandemic. Over the past year, state and local governments have used PA funds, along with other federal and state funding streams, to move

people experiencing homelessness – either in shelters or encampments – and others living in congregate settings into hotel rooms and other non-congregate shelters to safely isolate and quarantine. President Biden’s executive order directs FEMA to provide 100% reimbursement for the cost of approved non-congregate sheltering in hotel and motels across the country through September 2021, including for people experiencing homelessness and residents of congregate living facilities. The order specifically states that the provision of personal protective equipment and disinfecting supplies and services are included.

In addition to the increase in reimbursement, the order directs FEMA to expedite reimbursement of all eligible emergency work projects and provide an advance of the federal share on a percentage of the expected reimbursement from FEMA-approved projects. Finally, the order also requests that all National Guard forces be activated to fulfill COVID-19-related emergency assistance missions. The cost of activation will also be fully reimbursed by FEMA through the Public Assistance program until September 30, 2021.

Read the executive order at: <https://bit.ly/3c4oi8U>

Learn more about FEMA’s Public Assistance program and non-congregate shelter best practices at: <https://bit.ly/396yqvS>

Read the DRHC’s transition memo to the Biden administration at: <https://bit.ly/2NpEzuB>

Sign up for our national and working group DHRC weekly calls at: <https://bit.ly/2Mkldqs>

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## **NLIHC Sends Letter Urging Biden Administration to Rescind Emergency Rental Assistance FAQ and Reissue Guidance**

NLIHC President and CEO Diane Yentel sent a [letter](#) on January 21 to President Joe Biden, Treasury Secretary-designate Janet Yellen, and HUD Secretary-designate Marcia Fudge outlining significant concerns with a [Frequently Asked Questions](#) (FAQ) document released by the U.S. Department of the Treasury on January 19 regarding the emergency rental assistance (ERA) program. Many provisions in the FAQ document would make it more difficult for the lowest-income and most marginalized households to remain stably housed during the pandemic.

Congress enacted emergency COVID-19 relief legislation in December that established a \$25 billion [emergency rental assistance \(ERA\) program](#) to be administered by the Treasury Department. The program was created by Congress to distribute critically needed rental assistance to millions of households at risk of losing their homes. Many of the provisions in Treasury’s FAQ document, however, directly undermine our nation’s ability to keep renters stably housed and to prevent the spread of COVID-19 by requiring unnecessary and burdensome application processes and documentation requirements. The FAQ creates new barriers that will increase application times, discourage eligible households from seeking assistance, and prevent states and localities from spending resources in a timely manner.

The letter, sent on behalf of NLIHC and its Disaster Housing Recovery Coalition (more than 850 local, state, and national organizations focused on ensuring the lowest-income and most marginalized survivors have stable, affordable housing while they work to recover after a disaster), urges the Biden administration to rescind the FAQ and replace it with improved guidance that includes NLIHC’s [recommendations](#), which were written with significant stakeholder input and supporting research.

Read the full text of the letter at <https://bit.ly/3qEvsoe>

## Coronavirus, Disasters, Housing, and Homelessness – Other

### Rep. Maxine Waters and Sen. Mark Warner to Join NLIHC’s National Call on Coronavirus, Disasters, Housing, and Homelessness Today at 2:30 pm ET

[Join](#) today’s (January 25) national call on coronavirus, disasters, housing, and homelessness at 2:30-4 pm ET. We will be joined by House Financial Services Committee Chair Maxine Waters (D-CA) and Senator Mark Warner (D-VA) to discuss the recent pandemic relief package and what more needs to be done to achieve housing justice. NLIHC President and CEO Diane Yentel will provide an update on President Biden’s extension of the CDC eviction moratorium as well as other important executive orders and administration actions. We will also discuss the need for Treasury to revise its FAQs on Emergency Rental Assistance, and we will receive field updates from Colorado, Idaho, and Chicago.

Register for the national call at: <https://tinyurl.com/ru73qan>

See the full agenda [here](#).

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### Recording Available of NLIHC’s January 19 National Call on “Coronavirus, Disasters, Housing, and Homelessness”

During the most recent national call on [coronavirus, disasters, housing, and homelessness](#), we discussed the latest actions and updates on the emergency rental assistance (ERA) program, heard about the Biden administration’s COVID-19 relief proposal, received an update on trends in eviction filings, and heard a field update from Arizona.

NLIHC’s Diane Yentel provided an overview of the Treasury Department’s recent [guidance](#) for the \$25 billion in ERA enacted in the latest coronavirus relief package (see *Memo*, [12/22/20](#)). Contrary to NLIHC’s [recommendations](#), the guidance creates unnecessarily burdensome documentation requirements that would make it more difficult for renters to access funds and increase the administrative burden for ERA program administrators. NLIHC recommends Treasury rescind this guidance and issue new guidance that, among other needed improvements, allows the use of tenant self-declarations or self-attestations to ensure funds reach households most in-need of assistance as quickly as possible.

Peter Hepburn of [Eviction Lab](#) discussed eviction filing trends over the course of 2020. Eviction Lab’s findings indicate both total eviction filings and the pace of filings were lower than average in 2020 but have [continued to increase](#) despite the eviction moratorium issued by the Centers for Disease Control and Prevention (CDC). Data also shows that Black renters and women are [over-represented](#) among those facing eviction. We received a field update from Joanna Carr of the [Arizona Housing Coalition](#), and a Capitol Hill update from NLIHC’s Kim Johnson.

NLIHC hosts national calls on coronavirus, disasters, housing, and homelessness every week. On today’s call, we will be joined by Representative Maxine Waters (D-CA) and Senator Mark Warner (D-VA). Register for today’s call (Monday, January 25 at 2:30 pm ET) at: <https://tinyurl.com/ru73qan>

Watch a recording of the January 19 call at: [tinyurl.com/y4mrayaq](https://tinyurl.com/y4mrayaq)

Access presentation slides at: [tinyurl.com/y38syj9w](https://tinyurl.com/y38syj9w)

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## Webinar on “Emergency Rental Assistance: Looking Back and Moving Forward” on January 28 at 2 pm ET

Join NLIHC, the University of Pennsylvania’s Housing Initiative at Penn, and the Furman Center for Real Estate and Urban Policy at New York University for a [webinar](#) on Thursday, January 28 at 2 pm ET on the lessons learned and best practices in designing and implementing emergency rental assistance programs. In the past year, numerous state and local governments created or expanded emergency rental assistance (ERA) programs in response to the COVID-19 pandemic and economic crisis. The University of Pennsylvania’s Housing Initiative at Penn, the Furman Center for Real Estate and Urban Policy at New York University, and NLIHC will release a new report next week based on a survey of over 200 ERA program administrators. The new report will offer preliminary findings on how choices in program design and implementation have impacted important outcomes.

The webinar will review early findings and lessons learned from the new report and provide concrete recommendations on how programs can move forward to use efficiently and effectively the \$25 billion in emergency rental assistance from the recent COVID-19 relief package.

Panelists include:

- Claudia Aiken, director, Housing Initiative at Penn
- Vincent Reina, assistant professor, University of Pennsylvania
- Rebecca Yae, senior research analyst, National Low Income Housing Coalition
- Moderator: Andrew Aurand, vice president of research, National Low Income Housing Coalition

Register at: <https://bit.ly/38LGAcQ>

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## Additional Coronavirus Updates - January 25, 2021

### National Updates

#### *Centers for Disease Control and Prevention*

CDC Director Rochelle Walensky [announced](#) on January 20 that the agency will extend its federal eviction moratorium until at least March 31, 2021.

#### *Department of Agriculture*

In one of his first acts in office, President Joe Biden requested federal agencies to extend eviction and foreclosure moratoriums. In response, the USDA [announced](#) an extension of eviction and foreclosure moratoriums on USDA Single Family Housing Direct and Guaranteed loans through March 31, 2021.

#### *Department of Housing and Urban Development*

In response to President Joe Biden’s request that HUD and other federal agencies extend protections for renters and homeowners, HUD [extended](#) its [foreclosure and eviction moratorium](#) for single-family mortgages insured by the Federal Housing Administration (FHA) through March 31, 2021.

#### *Department of the Treasury*

Treasury re-published in [final form in the Federal Register](#) on January 15 the guidance it previously posted on its website regarding the Coronavirus Relief Fund.

## *Federal Housing Finance Administration*

The Federal Housing Finance Agency (FHFA) on January 19 [announced](#) that Fannie Mae and Freddie Mac will extend moratoriums on single-family foreclosures and real estate owned (REO) evictions until February 28, 2021.

### *Reporting*

President Joe Biden on January 20 signed an executive order instructing federal agencies to extend eviction and foreclosure moratoriums through March 31. “President Biden and the CDC Director must not only extend, but also strengthen and enforce the moratorium, and they must do so with all due haste,” NLIHC President and CEO Diane Yentel told [HuffPost](#).

[NPR](#) reported on President Biden’s plans to extend the federal eviction moratorium through the end of March. “Without this action by President Joe Biden, millions of renters could have lost their homes during this surge in COVID-19,” said NLIHC’s Diane Yentel. However, she adds, the moratorium along is insufficient and needs to be strengthened and enforced.

The [Washington Post](#) reported that President Biden planned to sign an executive order extending the federal eviction moratorium. “Extending it is good and important, but on its own insufficient,” said NLIHC’s Diane Yentel. “The existing moratorium is flawed, and many tenants are being evicted in spite of the protections. It needs to be not only extended but strengthened and enforced.”

“The existing moratorium is flawed, and some landlords exploit loopholes to evict tenants despite the protections,” NLIHC’s Diane Yentel told [CNBC](#). “No federal agency is enforcing the order’s penalties for unlawful evictions.” In addition to extending the moratorium, housing advocates are calling on the Biden administration to strengthen and enforce the moratorium. Advocates are also urging Congress to provide additional funding for emergency rental assistance.

[CNN](#) reports that President Biden called on several federal departments and agencies to extend their eviction and foreclosure moratoriums until at least the end of March. President Biden’s COVID-19 relief proposal would provide \$35 billion in rent, utilities, and homelessness resources. The article cites NLIHC’s [research note](#) on the need for emergency rental assistance.

[Bloomberg](#) reported on President Biden’s plans to extend the federal eviction moratorium and ask the departments of Veterans Affairs, Agriculture, and Housing and Urban Development to consider extending foreclosure restrictions and forbearance relief.

NLIHC President and CEO Diane Yentel spoke to [NBC News](#) about why simply extending the CDC eviction moratorium is insufficient.

[Next City](#) discusses housing advocates’ expectations from the Biden administration. NLIHC Vice President of Public Policy Sarah Saadian says President-elect Biden’s “day one” priority should be extending the federal eviction moratorium through the duration of the pandemic and expanding it to automatically protect all renters.

[CNet](#) reports on the housing provisions and protections included in President-elect Biden’s \$1.9 trillion COVID-19 relief proposal, linking to a [Twitter thread](#) on the proposal from NLIHC’s Diane Yentel. “All of these resources and protections are badly and urgently needed. *And*, we’ll still need *more* to ensure housing stability for low-income renters and to keep people experiencing homelessness,” tweeted Diane Yentel.

[Vox](#) reports on the homelessness crisis in the United States, noting that homelessness and the affordable housing crisis are policy choices. Rates of eviction and homelessness are expected to increase due to the pandemic, with 30 million renters at risk of eviction.

## State and Local News

A list of state and local emergency rental assistance programs is available [here](#) from NLIHC.

### *Arizona*

NLIHC's Diane Yentel spoke to [ABC15](#) about the shortcomings of the CDC eviction moratorium, noting that loopholes in the order and a lack of enforcement have allowed some evictions to proceed despite the ban. According to the Maricopa County Justice Court, 3,174 eviction actions were filed in November.

### *California*

The [Los Angeles Times](#) reports that California courts are bracing for eviction cases to double over the next year due to pandemic-related financial struggles. According to [estimates](#) from state court officials, landlords are expected to file 240,000 new eviction cases – twice the number of eviction cases filed in a typical year.

Negotiations surrounding extending [California's statewide eviction moratorium](#) continue as the moratorium's deadline draws nearer. Governor Gavin Newsom and state lawmakers must reach an agreement by January 31 to prevent the beginning of a statewide eviction tsunami. Between 240,000 and 700,000 California households are at risk of eviction for nonpayment of rent.

### *Connecticut*

[Connecticut housing advocates](#), anticipating a tsunami of evictions, are urging state officials to pass right to counsel legislation guaranteeing the right to free legal representation to all tenants facing eviction.

### *Florida*

The [Miami Herald](#) reports that the Miami-Dade Board of County Commissioners voted unanimously to extend the window of notification for evictions of month-to-month tenants to 30 days. While the CDC eviction moratorium prevents evictions from being carried out, judges have issued more than 2,000 Writs of Possession in Miami-Dade Court – the final document that will allow for eviction to occur as soon as the moratorium expires.

[Spectrum News](#) reports on Orange County's COVID-19 eviction crisis, highlighting that many landlords and property managers have refused to participate in the county's eviction diversion program. The article links to NLIHC's national [sign on letter](#) urging the Biden administration to extend, strengthen, and enforce the moratorium.

### *Hawaii*

Facing a looming eviction crisis, [housing advocates in Hawaii](#) are urging state officials not to cut funding for critical homelessness services.

### *Maryland*

The [Washington Post](#) editorial board highlights Maryland's tilted court system that heavily favors landlords. A tsunami of new eviction filings is likely when COVID-19 eviction protections are lifted, and officials have scrambled to find stopgap funding for Maryland's Legal Services Corporation that provides legal aid to low-income residents.

### *Massachusetts*



According to the [Patriot Ledger](#), local nonprofits in Quincy and the surrounding area report that the pandemic has flooded them with requests for assistance from people experiencing job loss, food insecurity, and housing instability.

### *Michigan*

Community enCompass, a [Muskegon social and community services organization](#), is preparing to broaden its eviction diversion and homelessness prevention efforts. The Michigan State Housing Development Authority told the organization to start “ramping up” for an estimated \$11 million in housing assistance funds from the \$25 billion emergency rental assistance (ERA) program Congress established in December.

The [Kalamazoo Coalition for the Homeless](#) is providing meals, propane tanks, heaters, tents, sleeping bags, and portable shelters to individuals experiencing homelessness in the area. The volunteer effort is focused on providing heat, shelter, and meals during January, February, and March.

### *Nebraska*

[Legal Aid of Nebraska](#) has handled more than 800 eviction cases since March, with more than a third of those occurring in Lancaster County, and just over half in Douglas County. Many renters are unaware that they must take action to be protected by the federal eviction moratorium.

### *New Hampshire*

A new educational series to inform [New Hampshire tenants](#) about eviction law and tenants’ rights launched on January 20. The Eviction Clinic, organized by the New Hampshire Legal Assistance and the Legal Advice and Referral Center, will provide free online sessions each week.

[New Hampshire housing advocates](#) are applauding President-elect Joe Biden’s plan to extend the federal eviction moratorium on his first day in office. At the state level, advocates are hoping to put more resources into the affordable housing trust fund and the homeless shelter system.

### *New Jersey*

[New Jersey officials and shelter providers](#) are grappling with difficult questions concerning COVID-19 vaccinations and individuals experiencing homelessness. The New Jersey Department of Health has not directly answered questions about what vaccine priority groups individuals experiencing homelessness fall into. While congregate settings fall into the first phase of the vaccine rollout, homeless shelters are not included on the [state’s public list](#). According to a spokesperson, the state is still working to determine who will fall into the next phases.

### *New York*

Thirty-one [New York senators](#) asked the state Office of Court Administration to issue additional guidance on the eviction moratorium for local courts to ensure that the moratorium and its protections are applied uniformly across the state. Lawmakers have received multiple reports of judges disregarding the law and regulations.

### *North Carolina*

[WCNC](#) outlines the steps North Carolina tenants must take to be protected under the federal eviction moratorium. Check out this [podcast](#) from the North Carolina Housing Coalition to learn more about the moratorium and available resources for North Carolina tenants.

An estimated 485,000 adult renters in [North Carolina](#) report they are not caught up on rent, and nearly three million adults reported difficulty in paying for usual household expenses. Legal Aid of NC can help residents navigate the process of receiving protections under the state and federal eviction moratoriums.

## *Ohio*

While the pandemic has not altered the underlying causes of housing security in [Wayne County](#) – low wages and a lack of affordable homes – it has exacerbated them. Community Legal Aid Services has been inundated with requests for eviction assistance in the past few months and has seen evidence that illegal evictions are on the rise.

## *Oregon*

The Oregon Legislature in December [extended the state's eviction moratorium](#) through June 30, but the eviction protections are [no longer automatic](#) for tenants. Renters must complete and submit a sworn declaration of financial hardship to their landlords to be protected from eviction. The [Oregon Law Center](#) posted a guide to the new moratorium rules.

## *Pennsylvania*

According to the [Berks Coalition to End Homelessness](#), which received about \$750,000 in federal money for homelessness prevention and rapid rehousing, estimates the need for aid in 2020 was five times greater than in 2019.

## *South Carolina*

Housing advocates are bracing for a wave of evictions in [Horry County](#), which has the highest unsheltered homeless population in the state. An estimated 35% to 52% of families across South Carolina will be at risk of losing their homes when the federal eviction moratorium is lifted at the end of January, with communities of color disproportionately harmed by the eviction crisis.

## *Texas*

NLIHC President and CEO Diane Yentel spoke to [FOX26 Houston](#) about the shortcomings of the federal eviction moratorium. Diane also discussed the \$25 billion emergency rental assistance program passed by Congress in December and President Biden's COVID relief proposal that includes additional emergency rental assistance funds.

## *Washington*

A low-income housing provider in North Idaho has agreed to pay \$50,000 after evidence revealed that the company [illegally threatened Spokane County tenants](#) with eviction in April 2020, violating Governor Jay Inslee's eviction ban.

## *Wisconsin*

[Wisconsin housing advocates](#) are hopeful about President Biden's plan to extend the federal eviction moratorium and \$1.9 trillion COVID relief proposal that would include additional housing and homelessness resources. Evictions in Milwaukee County, however, are moving forward, with 130 eviction filings for the week of January 4 through January 8.

A [coalition of Wisconsin advocates](#) – the Rural and Urban Communities United in Solidarity Coalition, North Side Rising, Our Wisconsin Revolution, and Rise Wisconsin – started a [petition](#) urging state leaders to enact a statewide eviction moratorium and provide critical housing resources. Between 35,000 and 75,000 Wisconsin households are at risk of eviction when the CDC moratorium is lifted.

## **Guidance**

### *Department of Agriculture*

[Actions Taken by USDA Rural Development to Help Rural Residents, Businesses, and Communities Impacted by the COVID-19 Pandemic](#) – Updated January 21, 2021

*Department of Housing and Urban Development*

[New COVID-19 Resources for DCTA Recipients and Smaller Distressed Communities](#)  
[COVID-19 Grants Management Support: Adjusting ESG Written Standards for ESG-CV](#)

[COVID-19 Homeless System Response: Eligibility During Eviction Moratoria](#)

[Vaccine Planning and Distribution: Roles and Responsibilities for Homeless Service Providers](#) – Updated January 16, 2021

[COVID-19 Vaccination Conversation Tips for Homeless Service Providers](#)

*Department of the Treasury*

[Emergency Rental Assistance: Frequently Asked Questions](#) – January 19, 2021

[Emergency Rental Assistance: Data and Methodology for Allocations to Indian Tribes and Tribally Designated Housing Entities](#) – January 19, 2021

[Emergency Rental Assistance: Payments to Tribal Communities](#) – January 19, 2021

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## Administration and Congress

### Democrats Take Control of White House, Senate and House

Joe Biden and Kamala Harris were inaugurated as president and vice president of the United States on January 20, marking the beginning of the Biden-Harris administration. Vice President Harris made history as the first woman, first Black American, and first Asian American to serve as vice president.

Senators Raphael Warnock (D-GA), Jon Ossoff (D-GA), and Alex Padilla (D-CA) were also sworn into office on January 20, shifting control of the Senate to Democrats for the first time since 2014 and elevating Senator Chuck Schumer (D-NY) to the role of Senate Majority Leader. Majority Leader Schumer and Minority Leader Mitch McConnell (R-KY) are still negotiating an agreement to determine how to share power and manage the 50-50 split between parties among committees in the chamber.

The narrow majority in the Senate gives Democrats control of the House, Senate, and White House during the 117<sup>th</sup> Congress. Party leaders are already discussing legislative proposals to provide additional pandemic relief and address the nation’s crumbling infrastructure. While Democrats hold out hope to reach a bipartisan agreement on the next relief package, they may invoke “[reconciliation](#),” a legislative tool allowing legislation to pass the Senate with a simple majority, rather than the 60 votes typically required. Lawmakers are aiming to pass a new round of pandemic relief by mid-March, when the unemployment benefits extended in the most recent relief package are slated to expire.

Once the next coronavirus relief package is finalized, Congress is expected to shift attention to drafting a budget resolution for fiscal year (FY) 2022 with reconciliation instructions for President Biden’s [infrastructure proposal](#). FY22 will be the first time in a decade appropriators will not be limited by the mandatory budget caps on non-defense discretionary spending imposed by the Budget Control Act of 2011. These budget caps have prevented Congress from investing in HUD programs at the scale necessary to help individuals and communities thrive.

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## President Biden Issues Regulatory Actions

President Biden issued three presidential actions on January 20 to address regulatory issues. One memorandum called for a freeze and review of regulatory actions, while another called for modernizing regulatory reviews. Additionally, President Biden signed an executive order (EO) revoking six Trump Administration EOs.

President Biden directed his chief of staff, Ronald Klain, to issue a memorandum entitled “[Regulatory Freeze Pending Review](#)” to the heads of all federal executive departments and agencies, calling on them to freeze regulatory actions and review them before taking action. The memorandum explains that the purpose of the freeze is to ensure that the president’s appointees or designees have the opportunity to review any new or pending rules. Mr. Klain asks department heads to take several immediate steps.

The memorandum asks departments not to propose or issue a rule in any manner, including by sending a rule to the Office of the *Federal Register* (OFR), until a department or agency head appointed or designated by the president after noon on January 20, 2021 reviews and approves a rule. The department or agency head may delegate this power of review and approval to any other person appointed or designated by the president.

Regarding rules that have been sent to the OFR but not published in the *Federal Register*, departments are asked to withdraw them immediately from the OFR for review and approval.

Regarding rules that have been published in the *Federal Register* or rules that have been issued but have not taken effect, departments are asked to consider postponing a rule’s effective date for 60 days from January 20. During the 60-day period, department heads are asked to consider opening a 30-day comment period to allow interested parties the opportunity to provide comments about issues of fact, law, and policy raised by a rule, and to consider pending petitions for reconsideration involving a rule. If more time is needed to review a rule, department heads are asked to consider further delaying or publishing for notice and comment proposed rules beyond the 60-day period.

Following a 60-day delay in effective date, department heads are asked to allow a rule to proceed if there are no substantial questions of fact, law, or policy. However, for rules that do raise substantial questions, agencies should notify the Office of Management and Budget (OMB) Director and take further appropriate action in consultation with the OMB Director.

The memorandum exempts from regulatory review, emergency situations or other urgent circumstances relating to health, safety, environmental, financial, or national security matters.

President Biden’s “[Modernizing Regulatory Review](#)” memorandum directs the director of OMB, in consultation with representatives of executive departments and agencies, to begin develop a set of recommendations for improving and modernizing regulatory review. These recommendations should be informed by public engagement with relevant stakeholders. In part, the memorandum is designed to ensure that the review process promotes policies that reflect new developments in scientific and economic understanding, fully accounts for regulatory benefits that are difficult or impossible to quantify and does not have harmful anti-regulatory or deregulatory effects. Recommendations should include procedures that take into account the distributional consequences of regulations, including as part of any quantitative or qualitative analysis of the costs and benefits of regulations, to ensure that regulatory initiatives appropriately benefit and do not inappropriately burden disadvantaged, vulnerable, or marginalized communities.

Further, President Biden issued an “[Executive Order on Revocation of Certain Executive Orders Concerning Federal Regulation](#)” on January 20. This order revokes harmful policies and directives that threaten to frustrate

the federal government’s ability to confront national problems and empowers agencies to use appropriate regulatory tools to achieve the president’s goals. The EO revokes six Trump administration EOs, including EO 13771, EO 13777, and EO 13891.

EO 13771 required federal agencies to repeal at least two existing regulations for each new proposed regulation and to calculate the incremental cost of all new regulations and repealed regulations so that there was no net cost due to regulatory action during a given year (see *Memo*, [2/6/17](#)). EO13777 required federal agencies such as HUD to establish a Regulatory Reform Task Force and designate a Regulatory Reform Officer (RRO) to oversee the Task Force. The RRO and Task Force must carry out EO 13771.

EO 13891 required each non-regulation guidance document issued by a federal agency to state clearly that the document did not have the force or effect of law, and that for “significant guidance” documents, a federal agency must seek public participation in the development of the significant guidance and provide 30 days for public comment. Agencies were required to make guidance documents available on a single, searchable, and indexed public website. Any member of the public could petition the agency to have a guidance document withdrawn, and the agency had to respond within 90 days. HUD published an interim final rule on November 10, 2020 implementing EO 13891, evading the Administrative Procedures Act (see *Memo*, [11/16/20](#)).

The Biden EO directs the director of the OMB and the heads of agencies to promptly take steps to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof, implementing or enforcing the executive orders identified in section 2 of the EO, as appropriate and consistent with applicable law, including the Administrative Procedure Act.

“Regulatory Freeze Pending Review” is at: <https://bit.ly/2NjUgn0>

“Executive Order on Revocation of Certain Executive Orders Concerning Federal Regulation” is at: <https://bit.ly/3c9peJ9>

“Modernizing Regulatory Review” is at: <https://bit.ly/3c235Mx>

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## Fair Housing

### **President Biden Signs Executive Order Implementing Supreme Court Ruling Protecting Transgender Americans**

On his first day in office, President Joe Biden signed an executive order directing the federal government to fully implement the U.S. Supreme Court’s landmark ruling in *Bostock v. Clayton County, Georgia*. The ruling, issued on June 15, 2020, held that Title VII of the Civil Rights Act bars discrimination based on gender identity and sexual orientation (see *Memo*, [06/22](#)). The order reinforces laws that prohibit sex discrimination, including the Fair Housing Act, which prohibits discrimination on the basis of gender identity or sexual orientation.

The executive order states the following:

“Every person should be treated with respect and dignity and should be able to live without fear, no matter who they are or whom they love. Children should be able to learn without worrying about whether they will be denied access to the restroom, the locker room, or school sports. Adults should be able to earn a living and pursue a vocation knowing that they will not be fired, demoted, or mistreated because of whom they go home to or because how they dress does not conform to sex-based stereotypes. People should be able to access healthcare and secure a roof over their heads without being

subjected to sex discrimination. All persons should receive equal treatment under the law, no matter their gender identity or sexual orientation.”

This order repudiates the anti-transgender rhetoric that was commonplace in the previous administration and is contrary to former HUD Secretary Ben Carson’s interpretation of the ruling. When Congresswoman Maxine Waters (D-CA) and Congresswomen Jennifer Wexton (D-VA) sent a [letter](#) to the former secretary, calling on the agency to reconsider its proposed anti-transgender changes to the Equal Access Rule due to its potential contradictions with the *Bostock* ruling (see *Memo*, [06/08/2020](#)), former Secretary Carson claimed in his response [letter](#) that it had “no impact.”

Read the executive order on preventing and combating discrimination on the basis of gender identity or sexual orientation at: <https://bit.ly/2Mh4FzC>

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## HUD

### Senate Committee to Hold Confirmation Hearing for HUD Secretary Nominee Fudge

The Senate Committee on Banking, Housing, and Urban Affairs is scheduled to hold a confirmation hearing on January 28 for President Joe Biden’s nominee for the secretary of HUD, Representative Marcia Fudge (D-OH). Prior to her election to Congress, Representative Fudge was mayor of Warrensville Heights, OH, where she led the city in providing new residential construction. As a congresswoman, she has been a staunch supporter of nutrition assistance programs.

The hearing will be held on Thursday, January 28 at 10 am ET and will be streamed live on the Senate Committee on Banking, Housing, and Urban Affairs’ website at: <https://bit.ly/2Y0vhHJ>

Read the statement from NLIHC on Representative Fudge’s nomination at: <https://bit.ly/2XYW0V3>

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### HUD PIH Posts Work Requirement and Landlord Incentive Cohort MTW Notices

HUD’s Office of Public and Indian Housing (PIH) posted notices soliciting public housing agencies (PHAs) to apply for two Moving to Work (MTW) Demonstration cohorts. [Notice PIH 2021-02](#) pertains to Cohort #3 (work requirements), and [Notice PIH 2021-03](#) pertains to Cohort #4 (landlord incentives). PHAs that would like to be considered for either cohort must submit an MTW Plan and application package by August 8, 2021.

PIH had previously issued notices soliciting PHAs to apply to participate in Cohort #1 (see *Memo*, [10/22/18](#)) and Cohort #2 (see *Memo*, [3/18/19](#)). PIH [announced](#) on January 14, 2021 it has selected 30 small PHAs for Cohort #1 (MTW flexibilities) and indicated that it anticipated announcing PHAs for Cohort #2 (rent reform) in the spring. The [list of the 30 small PHAs](#) selected to participate in Cohort #1 does not reveal specific MTW flexibilities those PHAs will use; the brief descriptions merely present platitudes and generalities.

#### *Notice PIH 2021-02: Cohort #3 – Work Requirements*

This notice outlines the process by which 10 PHAs will be selected for the third cohort of the MTW Demonstration Expansion, which will test the impact of implementing a work-requirement policy on a PHA and the residents it serves, in particular whether work requirements will increase resident self-sufficiency. PHAs may choose to implement a work-requirement policy in the public housing program, the HCV program, or both programs.

Applicant PHAs will fully develop a work-requirement policy as detailed in the [MTW Operations Notice](#) (see *Memo*, 8/31/20) and vet that policy through a required resident engagement and public comment and review process. HUD will conduct a lottery of applicant PHAs to select 10 PHAs to be awarded MTW designation under Cohort #3.

The evaluation of the third cohort of the MTW Expansion will be conducted by an independent research team that will assess whether households subject to a work requirement earn more income than assisted households not subject to a work requirement. In addition to measuring changes in earned income and other key outcomes for households, the evaluation will document how PHAs design and implement a work-requirement policy.

NLIHC has prepared a [summary of key provisions](#) of the work requirement Notice.

#### *Notice PIH 2021-03: Cohort #4 – Landlord Incentives*

This notice lays out the process by which 30 PHAs will be selected for the fourth cohort of the MTW Demonstration Expansion, which will evaluate landlord incentives and their effect on landlord participation in the HCV program. PIH identified seven MTW activities in the [MTW Operations Notice](#) (see *Memo*, 8/31/20) that have the potential to act as landlord incentives. In addition, two Cohort Specific MTW Waivers are available for PHAs. Together, the MTW Operations Notice and Cohort Specific MTW Waivers are referred to as the “Cohort #4 MTW Activities List.” PHAs in the fourth cohort must implement at least two activities from the Cohort #4 MTW Activities List and vet those proposed waivers through a required resident engagement and public comment and review process.

PHAs seeking MTW designation in the fourth cohort must submit an MTW Plan and application package to HUD by August 8, 2021. HUD will conduct a lottery of applications, and those selected will be offered MTW designation under the fourth cohort. Evaluation of the fourth cohort will be conducted by an independent research team that will compare outcomes for the PHAs that were selected and the PHAs that were not selected through the lottery.

NLIHC has prepared a [summary of key provisions](#) of the landlord incentives Notice.

#### *Brief Background on MTW Expansion*

The “Consolidated Appropriations Act of 2016” authorized HUD to expand the MTW demonstration to an additional 100 high performing PHAs over a seven-year period to end in 2022. PHAs will be added to the MTW demonstration in groups (cohorts), each of which will be overseen by a research advisory committee to ensure the demonstrations are evaluated with rigorous research protocols, quantitative analysis, and comparisons to control groups. Each cohort of MTW sites will be directed by HUD to test one specific policy change.

The MTW statutory objectives are to reduce costs, give households incentives to achieve economic self-sufficiency, and increase housing choice. The statute requires MTW agencies to: 1) serve the same number of low-income families as they would without MTW funding flexibility; 2) serve a mix of families by size comparable to the mix they would have served if they were not in MTW; 3) ensure that 75% of the families they assist have income at or below 50% of area median income; 4) ensure that assisted units meet housing quality standards; and 5) establish a reasonable rent policy.

The effort now includes five cohorts:

- Cohort 1 will evaluate the overall impact of MTW flexibilities on PHAs with fewer than 1,000 units.
- Cohort 2 will evaluate the impacts of different rent structures.
- Cohort 3 will evaluate the impacts of work requirements.

- Cohort 4 will evaluate incentives to landlords to participate in the Housing Choice Voucher (HCV) program.
- Cohort 5 will evaluate the overall impact of MTW flexibility on PHAs with fewer than 27,000 units.

PIH posted the final [Operations Notice for the Expansion of the Moving to Work \(MTW\) Demonstration Program](#) in the *Federal Register* on August 28 (see *Memo*, [8/31/20](#)). This version of the notice establishes requirements for implementing the MTW demonstration for PHAs applying for one of 100 new MTW slots. The original *Operations Notice* was published on January 23, 2017 (see *Memo*, [1/23/17](#), [5/8/17](#)). The final notice was effective immediately.

PIH issued notices soliciting PHAs to apply to participate in Cohort #1 (see *Memo*, [10/22/18](#)) and Cohort #2 (see *Memo*, [3/18/19](#)). PIH [announced](#) on January 14, 2021 that it has selected 30 small PHAs for Cohort #1 (MTW flexibilities) and that it anticipates announcing PHAs to undertake Cohort #2 (rent reform) in the spring. The [list of the 30 small PHAs](#) selected to participate in Cohort #1 does not reveal specific MTW flexibilities those PHAs will use.

The [list of the 30 small PHAs](#) to participate in Cohort #1 is at: <https://bit.ly/2Kxrb6K>

Notice PIH 2021-02 (Cohort #3) is at: <https://bit.ly/2KgEVm4>

NLIHC's Summary of PIH 2021-02 (Cohort #3) is at: <https://bit.ly/3sM95zg>

Notice PIH 2021-03 (Cohort #4) is at: <https://bit.ly/38MiS09>

NLIHC's Summary of PIH 2021-03 (Cohort #4) is at: <https://bit.ly/35YJR6Q>

The *Federal Register* version of the Operations Notice is at: <https://bit.ly/2ECV569>

An easy-to-read version of the Operations Notice is at: <https://bit.ly/3hCrqZf>

The main MTW website is at: <https://www.hud.gov/mtw>

MTW Expansion webpage is at: <https://bit.ly/39PEXdf>

More about MTW is on [page 4-57](#) of NLIHC's *2020 Advocates' Guide*.

More information about public housing is on [page 4-30](#) of NLIHC's *2020 Advocates' Guide*.

More information about Housing Choice Vouchers is on [page 4-1](#) of NLIHC's *2020 Advocates' Guide*.

More information about the Annual PHA Plan is on [page 7-61](#) of NLIHC's *2020 Advocates' Guide*.

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## HUD PIH Posts Updated Demolition/Disposition Notice

HUD's Office of Public and Indian Housing (PIH) posted [Notice PIH 2021-07](#) about Section 18 public housing demolition and disposition. The notice posted on the last day of the Trump administration updates [Notice PIH 2018-04](#). The primary change is to the so-called "RAD/Section 18 Construction Blend," allowing a public housing agency (PHA) to apply to HUD for approval to dispose of public housing "because it is not in the best interests of the residents and the PHA." In short, the drastically changed provision would allow a PHA to convert anywhere from 40% to 80% of the units in a Rental Assistance Demonstration (RAD) project to Project-Based Vouchers (PBVs) under Section 18. PIH began allowing 25% of the units in a RAD project to



convert PBVs under Section 18 in [PIH Notice 2018-11](#) on July 2, 2018. The new notice further accelerates PIH's public housing "repositioning" policy (see *Memo*, [11/19/18](#)).

*Notice PIH 2021-07* provides PHAs (on page 3) with two sets of reasons to request disposition of public housing, one of which is that a PHA certifies that it has determined that disposition is appropriate (on page 4) given regulations at 24 CFR 970.17(c). Paragraph (e) describes in detail the expanded RAD/Section 18 blend option (page 5).

The percentage of units eligible for disposition within a RAD project is based on the "hard construction costs" of the proposed rehabilitation or new construction. Hard construction costs include overhead and profit, payment and performance bonds, and "general requirements." Specific details include:

- For high-cost areas, defined as those where Hard Construction Costs exceed 120% of the national average, a PHA may convert up to **80%** of the units in a RAD project to PBVs under Section 18.
- If hard construction costs are equal to or greater than 90% of the Housing Construction Costs published by HUD for the given market area, a PHA may convert up to **60%** of the units in a RAD project to PBVs under Section 18.
- If hard construction costs are equal to or greater than 60% but less than 90% of the Housing Construction Costs published by HUD for the given market area, the PHA may convert up to **40%** of the units in the RAD project to PBVs under Section 18.
- If hard construction costs are equal to or greater than 30% but less than 60% of the Housing Construction Costs published by HUD for the given market area, the PHA may convert up to **20%** of the units in the RAD project to PBVs under Section 18.

Small PHAs (i.e., those with 250 or fewer public housing units) may convert up to **80%** of the units in a RAD project to PBVs under Section 18. However, to be eligible for the Small PHA blend, a PHA must submit a feasible repositioning plan that removes all of a PHA's public housing Annual Contributions Contract (ACC) units, reflects that the PHA will not develop additional public housing units under otherwise available Faircloth authority, and will not transfer that Faircloth authority to another PHA.

The Faircloth Amendment to the "Housing Act of 1937" states that HUD cannot fund the construction or operation of new public housing units with Capital or Operating Funds if construction of those units would result in a net increase in the number of units a PHA owned, assisted, or operated as of October 1, 1999.

### *Resident Protections*

Although *Notice PIH 2021-07* makes only indirect reference to the large RAD notice guiding the entire RAD program, residents in units in a RAD project that are converted under Section 18 must have all of the RAD resident protections afforded to their neighbors in the "regular" RAD units. Protections include: no permanent displacement, relocation assistance if temporary relocation is needed to rehabilitate units, right to return, no rescreening upon returning, \$25 per unit for resident participation activities, right to organize, and the right to the Housing Choice Voucher program grievance and termination procedures.

Section 1.6 (page 51) of the [RAD Notice](#) states:

"So as to facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the Covered Project shall be subject to the same waivers and alternative requirements where noted below."

Those alternative requirements are at 1.6.C (page 60). Also, Section 1.5.B (page 44-45) states:

“The RAD relocation requirements described in the [RAD Fair Housing, Civil Rights, and Relocation Notice](#) shall apply to residents of the Section 18 units, in lieu of the relocation requirements under 24 CFR part 970. All of the RAD relocation requirements shall apply to residents of the Section 18 units, including, but not limited to, the resident notice and meeting requirements, the right to return, and relocation assistance and payments. The PHA may not provide different relocation rights and benefits to residents of the project on the basis of whether they reside in a RAD unit or a Section 18 unit.”

#### *Last Minute Implementation of Executive Order 13891*

*Notice PIH 2021-07* includes new language in compliance with the Trump Administration’s Executive Order 13891 as implemented by an interim final rule that evaded the Administrative Procedure Act (see *Memo, 11/16/20*). It states:

“The contents of this notice, except when based on statutory or regulatory authority or law, do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.”

That interim final rule provides that any member of the public can petition HUD to have a guidance document withdrawn, and HUD must respond within 90 days.

#### *Note about 2012 Demolition/Disposition Notice*

NLIHC’s Board of Directors in November 2010 raised concerns to the HUD secretary about legal services attorneys’ observations that PHAs had been abusing the Section 18 demolition regulations and that HUD was lax in monitoring PHA demolition practices. HUD agreed to meet with legal services attorneys in early 2011, and after several meetings, phone calls, and exchanges of letters, HUD issued [Notice PIH 2012-7](#), which addressed many of these issues. Then on October 16, 2014, HUD published proposed demolition regulations correcting many of the problems identified. HUD informally indicated that, as a result of the proposed regulations, demolition of public housing had slowed down. Unfortunately, the proposed improvements to the demolition rule were never finalized. Under HUD Secretary Carson, both the proposed rule and *Notice PIH 2012-7* were withdrawn (see *Memo, 1/8/18*). The old, inadequate demolition regulations are still in place and a new *Notice PIH 2018-04* eliminated all of the resident protections of the previous notice (see *Memo, 4/2/18*).

*Notice PIH 2021-07* is at: <https://bit.ly/365eeZs>

*Notice PIH 2018-04* is at: <https://bit.ly/3o6YHP1>

More information about Section 18 Demolition/Disposition is on NLIHC’s public housing webpage at: <https://bit.ly/2XZle5H>

More information about RAD is on [page 4-39](#) of NLIHC’s *2020 Advocates’ Guide* and on NLIHC’s public housing webpage at: <https://bit.ly/2XZle5H>

More information about public housing repositioning is on [page 4-30](#) of NLIHC’s *2020 Advocates’ Guide*.

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## **NLIHC Housing Policy Forum 2021**

**“Coronavirus, Housing, and Homelessness: The Current State of Play” to be Featured at NLIHC Virtual Housing Policy Forum 2021, March 30-31**

**NLIHC's Virtual Housing Policy Forum 2021: A New Day**, taking place March 30-31 from 1-5 pm ET, will feature a special session on the COVID-19 pandemic and its ongoing impacts on housing and homelessness. The session will highlight key policies, programs, and best practices in response to COVID-19 and share insights from NLIHC's and other's ongoing work to limit the pandemic's devastating effects on low-income families and individuals. Register today to attend this and other compelling sessions at: <http://bit.ly/NLIHCForum21>



There will also be keynote speakers and panels on Racial Equity and Housing Justice; What the Elections Mean for Affordable Housing/Capitol Hill Insiders Panel; State and Local Emergency Rental Assistance Programs; Achieving a Housing Entitlement; Best Practices in Organizing, and more.

Register at: <http://bit.ly/NLIHCForum21>

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## NLIHC Housing Leadership Celebration

### **Celebrate 2021 Housing Leadership Award Honorees: Representative Maxine Waters, Senator Sherrod Brown, Joy Johnson, and the Housing Justice Network**

Join NLIHC in celebrating the 2021 Housing Leadership Awards honorees: **Representative Maxine Waters** (D-CA), chair of the House Financial Services Committee; **Senator Sherrod Brown** (D-OH), the new chair of the Senate Banking, Housing, and Urban Affairs committee; **Joy Johnson**, long-time resident leader of the Charlottesville Public Housing Association of Residents (PHAR) and former NLIHC board member; and the **Housing Justice Network** of the National Housing Law Project. These exceptional leaders will be recognized at NLIHC's 39th Annual Housing Leadership Awards Celebration held virtually on Wednesday April 28. Donate to NLIHC in these leaders' honor as an [individual](#) or as an [organization](#).

A 2021 Edward W. Brooke Housing Leadership Award will be presented to **Representative Maxine Waters** for her indispensable leadership fighting for equity and justice, combatting racism, championing the housing needs of the lowest-income people, and achieving critical housing and homelessness resources and protections during the 2020 pandemic. This award is named for Senator Edward Brooke (R-MA), who championed low-income housing as a U.S. senator and later as chair of the NLIHC board of directors.



Rep. Maxine Waters

**Senator Sherrod Brown** will receive a 2021 Edward W. Brooke Housing Leadership Award for his many years of fighting for racial and social justice, voting rights, and affordable housing, and for his exceptional leadership in Congress to address the housing and homelessness crisis during the 2020 coronavirus pandemic.



Sen. Sherrod Brown

The Dolbeare Lifetime Service Award, named for NLIHC's founder Cushing Niles Dolbeare, a pioneer of the affordable housing movement, will be awarded to **Joy Johnson** for serving her community and the nation for decades as a public housing advocate, organizer, and activist-leader, improving the lives of low-income residents in Charlottesville and across the United States.



Joy Johnson

The National Housing Law Center's **Housing Justice Network** will receive the Sheila Crowley Housing Justice Award for the Network's outstanding efforts for over forty years serving on the front lines to advance housing rights and over past year to keep families safely housed during the pandemic. This award is named after former NLIHC President and CEO Sheila Crowley, who led NLIHC for more than 17 years.



Recognize these outstanding leaders by making a donation to NLIHC in their honor!

Donate as an individual at: <https://bit.ly/2Kd9oRZ>

Donate as an organization at: <https://bit.ly/2LpBbzy>

Or text LEADERSHIP to 41444 to donate in honor of the awardees.

Your donation will be recognized in the Leadership Awards Celebration program. The contribution will support NLIHC's mission to achieve socially just public policy to ensure the lowest-income people have decent, affordable homes.

Registration to attend the Housing Leadership Awards Celebration will be forthcoming.

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## Opportunity Starts at Home

### Campaign Sends Letter to President Biden Urging Improvement and Enforcement of Eviction Moratorium

The [Opportunity Starts at Home](#) multi-sector affordable homes campaign sent a letter on January 15 to then President-elect Joe Biden urging him to take immediate action to prevent a catastrophic wave of evictions by: 1) extending, 2) improving, and 3) enforcing the federal eviction moratorium. On his first day in office, the president acted swiftly to extend the moratorium through March 31, which is a necessary first step. On its own, however, the extension is insufficient to protect renters during the pandemic. President Biden and the Centers for Disease Control (CDC) must not only extend the moratorium but also [improve and enforce](#) it.

The letter was signed by 63 leading organizations from an array of sectors, including health, education, food security, civil rights, faith, homelessness, seniors, child well-being, environmental protection, municipal governance, gender equity, animal protection, and more. These signatories demonstrate a growing willingness across sectors to engage in housing policy advocacy. Read the full letter [here](#).

Follow the *Opportunity Starts at Home* campaign on social media: [Twitter](#), [Instagram](#), [Facebook](#), and [LinkedIn](#). Be sure to [sign up](#) for our e-newsletter to get the latest updates about the campaign, including new multi-sector partners, [calls to action](#), events, and [research](#).

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## Research

### New Research Focuses on Moving to Work (MTW) Demonstration

*Cityscape*, a journal of original research published by HUD's Office of Policy Development and Research, released a [new issue](#) containing a series of articles examining the Moving to Work (MTW) demonstration program. Six of the articles report research conducted by the Urban Institute and MDRC for a HUD-sponsored retrospective evaluation of MTW. The articles examine how well public housing agencies (PHAs) that participate in MTW have been able to achieve statutory objectives to increase cost-effectiveness, promote the self-sufficiency of assisted households, and increase housing choice for low-income families.

MTW is a demonstration program that has allowed up to 39 PHAs to use public housing capital and operating funds and Housing Choice Voucher funds more flexibly to provide housing assistance to low-income households (see *Memo*, [1/22/18](#), [2/20/18](#), [7/13/20](#)). HUD plans to expand MTW to 100 additional PHAs by 2022. More information, including discussion of the risks MTW poses to low-income families, can be found in NLIHC's [Advocates' Guide to Housing and Community Development Policy](#), p. 4-57.

One paper analyzes how MTW agencies have used funding flexibility to move funds between distinct revenue streams, drawing on PHAs' annual reports and interviews with staff. Another paper summarizes research [previously covered in Memo](#) that finds MTW status does not affect the cost per household. One study reports mixed evidence of how well MTW agencies have been able to promote self-sufficiency and increase housing options. Three papers provide international perspectives for evaluating MTW, and the issue includes a discussion of the trade-offs involved with alternative rent policies.

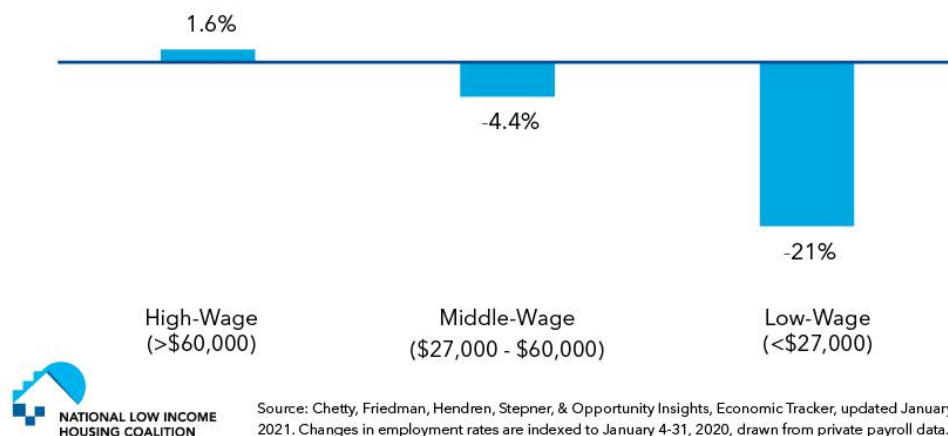
The current issue of *Cityscape* is at: <https://bit.ly/2XVKs4T>

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## Fact of the Week

### Employment for Low-Wage Workers Remains Significantly Below Pre-Pandemic Levels

## Percent Change in Employment Between January and October 22, 2020, by Income Category



Source: Chetty, Friedman, Hendren, Stepner, & Opportunity Insights, Economic Tracker, updated January 8, 2021.

### From the Field

#### Massachusetts Passes Legislation with Critical Zoning Reforms and Affordable Housing Resources

In Massachusetts, the Citizens’ Housing and Planning Association (CHAPA)—an NLIHC state partner—and a coalition of affordable housing and community development organizations successfully advocated for the passage of H.5250, “An Act Enabling Partnerships for Growth.” The legislation includes the first comprehensive zoning reform changes in Massachusetts in 40 years and authorizes \$115 million for transit and climate-resilient affordable housing development and neighborhood stabilization activities. The bill also doubles the Massachusetts Low Income Housing Tax Credit program to \$40 million per year. The legislation passed with overwhelming majority in the Massachusetts House and Senate and was signed by Governor Barker (R) on January 14.

One of the primary components of the act is zoning reform. In Massachusetts, zoning laws are made at the local level, which has resulted in some communities not allowing multifamily housing or affordable housing to be built. The reforms will make it easier for local governments to pass zoning changes by lowering the required vote threshold from a two third supermajority to a simple majority. This change will increase the number of homes built across the Commonwealth. Other CHAPA priorities in the act include multi-family zoning reforms, an increased cap for the state housing tax credit, a tenant appointment process to housing authority boards, eviction record sealing for minors, and penalization of lawsuits brought against planned housing developments for the purpose of delaying them.

CHAPA members advocated for the passage of the act over the last two years by writing letters to the Economic Development Bill Conference Committee outlining the necessary housing provisions to be included in the bill; creating corresponding FAQs to educate lawmakers on the provisions; and providing essential testimony. CHAPA staff mobilized its network through action alerts encouraging individuals and organizations to send messages to their representatives and Governor Baker. Additionally, CHAPA staff hosted meetings about

housing provisions in the bill, where the bill was in the legislative process, and steps needed to ensure the legislation passed.

Because of CHAPA members' outreach and education efforts, many state legislators championed the housing reforms. Key supporters included Housing Committee Chairs Representative Kevin Honan and Senator Brendan Crighton; long-time housing supporter Senator Joe Boncore; Representatives Andy Vargas and Christine Barber and Senator Harriette Chandler, who filed and led on the effort; Senator Eric Lesser and Representative Aaron Michlewitz, chief negotiators on the Economic Development Bill; and Senate President Karen Spilka, Speaker Ron Mariano, and former Speaker Bob DeLeo.

"This package of policies is truly historic," says Eric Shupin, director of public policy at CHAPA. "Requiring communities to zone for multifamily housing and making it easier to pass smart growth zoning and affordable housing decisions through housing choice will make a real difference in people's lives. These are systems changes that will open up opportunities in communities that have been out of reach for so many. With the funding for affordable housing and climate resilient housing along with increases in the state budget for our rental assistance programs, Massachusetts has more of the tools in place to create more of the homes we need. This will help people find homes they can afford in the communities they choose; whether it is moving to new communities or staying in the communities people have called home."

Governor Baker pocket vetoed some portions of the legislation including giving tenants the right of first refusal to buy their home. The real estate industry groups had lobbied Governor Baker to veto this provision, citing concerns of its effects on the housing market and on the construction of new rental units. Governor Baker also vetoed a section of the legislation that would have allowed additional eviction records to be sealed, citing administrative burden.

To learn more about CHAPA, contact Ryan Dominguez, policy analyst at: [rdominguez@chapa.org](mailto:rdominguez@chapa.org)

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## NLIHC NEWS

### NLIHC Seeks Research Analyst–COVID Response

NLIHC seeks a research analyst to further the coalition's research on housing-related responses to the coronavirus pandemic and economic crisis. The analyst will work with other members of the NLIHC research team to initiate and carry-out research, including data collection and analysis, on rental assistance and other housing policies intended to aid low-income renters. This is a one-year position.

### RESPONSIBILITIES:

- Develop and implement research related to housing-related responses to the coronavirus pandemic
- Collect and analyze federal housing-related expenditure data, including spending through FEMA, the Community Development Block Grant (CDBG), and other federal programs
- Participate in NLIHC working groups related to the coronavirus and other disasters
- Collect data on state and local housing-related responses to the coronavirus pandemic
- Write reports that communicate NLIHC research with the general public
- Disseminate NLIHC research to the general public, members, and partners through writing reports and blogs, creating visualizations, and other means
- Participate in other research as assigned
- Prepare materials and give research presentations for webinars, briefings, conferences, and similar events organized by NLIHC and other partner organizations
- Contribute to NLIHC's weekly e-newsletter *Memo to Members & Partners* by identifying and summarizing new research relevant to NLIHC members' interests



- Attend and participate in NLIHC staff meetings, events, Board meetings, and trainings
- Other duties as assigned.

## **Qualifications**

A bachelor's degree (master's degree preferred). Applicants should have at least one year of experience in research and/or public policy (three years of experience for senior research analyst position). Applicants should have a commitment to social justice and some knowledge of affordable housing, homelessness, or fair housing policies (knowledge of CDBG, ESG, or FEMA a plus). Candidates should have strong analytical, writing, and editing skills, oral and interpersonal communications, organizational skills, and attention to detail. Applicants should be proficient in the Microsoft Office suite. Experience with statistical software like SPSS, STATA, or R. GIS is a preferred.

An equal opportunity, affirmative action employer, NLIHC offers a competitive salary and benefits package. NLIHC is located in Washington, DC, but the analyst will work remotely, at least initially.

Interested candidates should submit a resume, cover letter with salary requirement, and two writing samples to Bairy Diakite, operations manager, and Andrew Aurand, vice president for research, at: [bdiakite@nlihc.org](mailto:bdiakite@nlihc.org) and [aurand@nlihc.org](mailto:aurand@nlihc.org)

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## **NLIHC Welcomes Graphic Design/Communications Jameil Johnson**

NLIHC is pleased to welcome Jameil Johnson as one of the Coalition's spring graphic design/communications interns. After earning his Bachelor of Arts in mass communications with a focus in advertising at Eastern Connecticut State University, Jameil is now pursuing a master's degree in user experience design at the Maryland Institute College of Art.

Jameil serves as the Digital Literacy Instructor at the Critical Path Learning Center (a public program of the Philadelphia FIGHT organization) in Philadelphia, where he teaches computer literacy classes to citizens returning home from incarceration and communities most impacted by the intersecting crises of mass incarceration, poverty, and HIV/AIDS. Originally from Bridgeport, CT, Jameil began his journey into service work after volunteering with the AmeriCorps project through Philadelphia FIGHT's Institute for Community Justice as an AmeriCorps VISTA.

Please join us in welcoming Jameil to the NLIHC team.

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## **NLIHC Welcomes New Graphic Design/Communications Kevin Tan**

NLIHC is pleased to welcome Kevin Tan as another of the Coalition's spring graphic design/communications interns. He is a rising sophomore at Harvard studying chemical and physical biology with computer science.

Kevin hails from the suburbs of LA and is proud to represent the San Gabriel Valley. On campus, he is involved in the educational non-profit space, data analytics for social good, and research in computational biology. Kevin is excited about how good design can tell stories and shape the narrative around us. In his spare time, he enjoys playing board games, listening to hyperpop, and trying new beverages at local coffee shops.

Please join us in welcoming Kevin to the NLIHC team.

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## NLIHC in the News

### NLIHC in the News for the Week of January 17

The following are some of the news stories that NLIHC contributed to during the week of January 17:

- “Will the Biden administration be able to stop evictions of tenants hurt by Covid?” *NBC News*, January 19 at: <https://tinyurl.com/y67wnfhw>
- “Biden to extend order limiting pandemic evictions,” *NPR*, January 20 at: <https://tinyurl.com/y2q5mz4n>
- “Biden seeks to extend bans on evictions and foreclosures,” *CNN*, January 20 at: <https://tinyurl.com/yyjdmfyy>
- “Biden to extend eviction moratorium through March,” *Washington Post*, January 20 at: <https://tinyurl.com/y336o68z>

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