HoUSed Campaign for Universal, Stable, Affordable Housing

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NLIHC in the News

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NLIHC News

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**HoUSed Campaign for Universal, Stable, Affordable Housing**

Join NLIHC’s National Sign-On Letter Urging Congress to Enact the “Eviction Crisis Act”!

Join NLIHC’s [sign-on letter](https://sforce.co/3PyKCsz) urging Congress to enact the bipartisan “Eviction Crisis Act” ([S.2182](https://sforce.co/3NqqYgl)) introduced by Senators Michael Bennet (D-CO) and Rob Portman (R-OH) and its House companion bill, the “Stable Families Act,” soon to be introduced by Representative Ritchie Torres (D-NY). The “Eviction Crisis Act” and “Stable Families Act” would create a permanent emergency rental assistance program – the “Emergency Assistance Fund” – to provide financial assistance and stability services to low-income households facing sudden economic shocks that impact their housing stability.

According to NLIHC’s annual report *The Gap: A Shortage of Affordable Homes*, 71% of the nation’s 11 million extremely low-income renter households spend half of their income or more on rent and utilities alone, leaving virtually no margin for unexpected expenses. In consequence, a broken-down car, unreimbursed medical bill, or temporary drop in income – as was experienced by many at the outset of the COVID-19 pandemic – can quickly send vulnerable households down a spiral of housing instability, eviction, and, in the worst cases, homelessness. In fact, even before the pandemic, renters faced eviction for owing an average of just $600 in rental arrears, with some households owing as little as $127 in back rent. Because of ongoing systemic racism and discrimination in housing and employment, Black renters, and particularly Black women, are more likely to face eviction.

The Emergency Assistance Fund would help stabilize households experiencing sudden economic shocks before they could result in eviction, instability, or homelessness, which often require more prolonged, extensive, and expensive housing assistance. The Fund would be a grant program administered by HUD and funded at $3 billion per year. Eligible grantees would include state, local, tribal, and territorial governments, which would be able to partner with local non-profit organizations to distribute funds. Additionally, funds would be deeply targeted to serve households with the lowest incomes, who are most at-risk of eviction following unexpected financial shocks.

Learn more about the “Eviction Crisis Act” and “Stable Families Act” at: [https://bit.ly/3NqqYgl](https://bit.ly/3NqqYgl)

Show your organization’s support for the “Eviction Crisis Act” and “Stable Families Act” by joining our sign-on letter at: [https://sforce.co/3PyKCsz](https://sforce.co/3PyKCsz)

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**Stalled Reconciliation Negotiations Pick Up, While Appropriations Talks Proceed Slowly – Take Action!**

Senate Majority Leader Chuck Schumer (D-NY) and Senator Joe Manchin (D-WV) met last week to discuss the outline of a potential reconciliation package, giving the clearest signal in weeks that congressional Democrats have not yet given up on enacting a reconciliation bill before the November midterms. Senator Manchin – the Senate’s lone Democratic holdout on the “Build Back Better Act,” which would have provided $150 billion in affordable housing investments – maintains that any future reconciliation package should focus on increasing federal revenues by changing the tax code and using new revenues to fight inflation, address climate change, draw down the federal deficit, and reduce prescription drug costs. The cost of housing is the single largest component of the Consumer Price Index (CPI), a key measure of inflation, and addressing the rising cost of housing is central to decreasing inflationary pressure on households, especially in the long term.
It is vital that Congress include in any reconciliation package the significant funding for targeted affordable housing investments included in the “Build Back Better Act,” including for the HoUSed campaign’s top priorities:

- $25 billion to expand housing vouchers to more than 300,000 households.
- $65 billion to preserve public housing for its 2 million residents.
- $15 billion for the national Housing Trust Fund to build, preserve, and operate more than 150,000 units of affordable, accessible homes for households with the lowest incomes.

Some Democrats in Congress have set the unofficial deadline for reaching an agreement on the framework for a revised reconciliation package as Memorial Day (May 30), which is fast approaching. Settling on an official framework before Memorial Day is possible but unlikely, and with negotiations picking up, it is more likely that talks between Majority Leader Schumer and Senator Manchin will resume in early June, when Congress is back in session after its Memorial Day recess.

Budget reconciliation – which allows the Senate to pass legislation with a simple majority of 51 votes, rather than the 60 votes usually required in the chamber – represents the best opportunity to enact the bold, large-scale investments in affordable housing needed to address the severe lack of deeply affordable rental homes. However, the annual appropriations process is vital to ensuring continued and expanded funding for HUD’s affordable housing programs.

While appropriations leaders in the House and Senate are hoping to avoid a significant delay in the fiscal year (FY) 2023 budget, there is still a long way to go before an agreement is reached on topline spending numbers for the new fiscal year. Senate Appropriations Chair Patrick Leahy (D-VT) and Ranking Member Richard Shelby (R-AL) met twice last week to continue talks on topline numbers, but urgent supplemental funding measures – including aid to Ukraine and a bill to address the infant formula shortage – have slowed down FY23 negotiations.

Still, appropriators remain optimistic they will be able to avoid a significant delay in enacting an FY23 omnibus spending package. The FY22 budget was significantly delayed because of partisan disagreements over how much to increase funding for defense and non-defense discretionary (NDD) programs, with Democrats maintaining a significant increase in NDD was necessary to make up for years of austerity under the “Budget Control Act” and Republicans insisting on parity between NDD and defense programs.

Even without an agreement on topline funding numbers, appropriators in the House will likely move forward with drafting FY23 spending bills, using President Biden’s FY23 budget request as a benchmark. House Appropriations Chair Rosa DeLauro (D-CT) and Ranking Member Kay Granter (R-TX) set a tentative schedule for Appropriations subcommittees to review and vote on their respective bills during June 13-22 and for a full committee review and vote during June 22-30.

NLIHC and our partners in the Campaign for Housing and Community Development Funding (CHCDF) are leading our annual 302(b) letter to demand that Congress provide the highest possible level of funding for affordable housing, homelessness, and community development resources in FY23. Advocates should contact their members of Congress and urge them to support significant funding for NLIHC’s top priorities:

- $32.13 billion for the Tenant-Based Rental Assistance (TBRA) program to renew all existing contracts and expand housing vouchers to an additional 200,000 households.
- $5.125 billion for the Public Housing Capital Fund to preserve public housing, and $5.06 billion for the Public Housing Operating Fund.
- $3.6 billion for HUD’s Homeless Assistance Grants program to address the needs of people experiencing homelessness.
• $100 million for legal assistance to prevent evictions.
• $300 million for the competitive tribal housing program, targeted to tribes with the greatest needs.

Take Action

Advocates should contact their senators and representatives to urge them to support the highest funding possible for affordable housing, homelessness, and community development programs in the FY23 spending bill and any budget reconciliation package. Use our call-in script to help create your own message to Congress!

Organizations can also take action to push for increased federal affordable housing investments:

• Sign your organization on to our annual 302(b) letter supporting the highest level of funding possible for affordable housing, homelessness, and community development resources in FY23.
• Join over 1,800 organizations around the country in support of historic investments in rental assistance, public housing, and the Housing Trust Fund in any reconciliation bill that moves forward.

National Coalition for Housing Justice Sends Letter to Appropriators Urging Robust FY23 Funding for Programs Serving the Lowest-Income People

The National Coalition for Housing Justice (NCHJ) sent a letter to appropriations leaders in the U.S. House of Representatives and Senate on May 20 requesting robust funding for programs targeted to serve households with the lowest incomes and those experiencing or at risk of homelessness. NCHJ is a group of national organizations, including NLIHC, dedicated to ending homelessness by achieving housing justice through pursuing racially and economically equitable policies that affirm the right of everyone to an affordable, safe, accessible, and stable place to call home.

The letter urges congressional appropriators to prioritize funding in fiscal year (FY) 2023 for programs that address the “growing housing and homelessness crisis communities face across the nation,” including Housing Choice Vouchers, Homeless Assistance Grants, public housing, tribal housing, and veteran housing, among others.

Read the letter at: https://tinyurl.com/2j8dresa

White House Senior Official to Join Today’s (May 23) National HoUSed Campaign Call for Universal, Stable, Affordable Housing!

Join today’s (May 23) national HoUSed campaign call from 2:30 to 4:00 pm ET. We will be joined by Special Assistant to the President for Housing and Urban Policy Erika Poethig, who will discuss President Biden’s recently announced Housing Supply Action Plan aimed at easing the burden of housing costs. Rasheeda Phillips, director of housing at PolicyLink, will share findings from a new report on how the shortage of affordable homes in major cities is disproportionately impacting Black renters. We will hear from NLIHC’s End Rental Arrears to Stop Evictions (ERASE) project about two new reports – Extending the Reach of Emergency Rental Assistance: Leveraging Federal Resources and Promoting Housing Stability through Just Cause Eviction Legislation. We will also receive the latest updates from Capitol Hill concerning the reconciliation and appropriations bills; hear news from the field; and more.
HUD Announces 2022 HTF Allocations and Other Program Allocations

HUD announced in a media release on May 17 that nearly $749 million in national Housing Trust Fund (HTF) dollars have been allocated to states, the District of Columbia, Puerto Rico, and the U.S. territories. In the same release, HUD announced allocations for each of the formula grant programs administered by its Office of Community Planning and Development (CPD): the Community Development Block Grant (CDBG), HOME Investments Partnership (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons with HIV/AIDS (HOPWA) programs. The release also announced public housing Capital Funds allocations for 2,813 public housing agencies (PHAs), as well as formula allocations for the Indian Housing Block Grant (IHBG) program, both administered by HUD’s Office of Public and Indian Housing (PIH).

Fannie Mae (Fannie) and Freddie Mac (Freddie) collected $740 million in 2021 for the HTF to allocate in 2022 (see Memo, 3/7), though in its media release HUD indicated that only $738 million has been allocated. However, two factors boost the actual amount allocated to nearly $749 million. First, funds recaptured from some states that missed the statute’s requirement to commit funds within two years are being reprogrammed and added to the total transferred from Fannie and Freddie for 2022. Second, due to a rescission provision, each year a percentage of the amount received from Fannie and Freddie must be removed from the amount transferred to HUD, but the amount rescinded from the previous year is restored the following year.

Created through the “Housing and Economic Recovery Act of 2008” (HERA) and overseen by HUD’s Office of Affordable Housing Programs (OAHP) in the Office of Community Planning and Development (CPD), the HTF allocates funding annually to states to build, preserve, rehabilitate, and operate rental housing for extremely low-income households (ELI) – those with incomes less than 30% of area median income (AMI) or with incomes less than the federal poverty line. Nationally, there is a shortage of 7 million rental homes affordable and available to people with the lowest incomes.

HERA stipulated that the initial dedicated source of revenue for the HTF and the Capital Magnet Fund (CMF) was to derive from an annual set-aside of 4.2 basis points (0.042%) for each dollar of the unpaid principal on Fannie’s and Freddie’s new business purchases, which consist of single-family and multifamily mortgage loans purchased during the year, and single-family and multifamily mortgage loans underlying mortgage-backed securities issued during the year.

Funds from the HTF are awarded as block grants to states and distributed by a statutory formula based on four factors that consider renter household needs only. Seventy-five percent of the value of the formula go to two factors that reflect the needs of ELI renters. The other two factors relate to the renter needs of very low-income households – households with incomes between 31% and 50% of AMI. A state may choose to award up to 10% of its annual HTF allocation to homeowner activities, though to date no state has done so.

When it was established in 2008, the HTF was the first new housing resource since 1974 targeted to building, preserving, rehabilitating, and operating rental housing for extremely low-income people. Starting in 2000, NLIHC, its members, and other stakeholders played a critical role in pushing for the creation of the fund and continue to advocate for increases to annual HTF funding. Since 2016, when the first $174 million of HTF dollars were allocated to states, HTF allocations have grown to $219 million (in 2017), $267 million (in 2018), $248 million (in 2019), $323 million (in 2020), and $690 million (in 2021), culminating in the record $740 million allocated in 2022.

View an Excel sheet showing HTF allocations and CPD formula program allocations at: https://bit.ly/3lmQRSs

Read HUD’s media release at: https://bit.ly/3LnXTkf
Read more about the HTF on page 3-1 of NLIHC’s 2022 Advocates’ Guide, and on NLIHC’s two HTF webpages, one providing basic information, and the other providing state-specific information.

View HUD’s HTF website at: https://www.hudexchange.info/programs/htf

HUD Issues HOME-ARP Policy Brief About Preferences and Limitations

HUD’s Office of Affordable Housing Programs (OAHP) in the Office of Community Planning and Development (CPD) issued “HOME-ARP Policy Brief: Preferences, Methods of Prioritization, and Limitations” on May 17. Preferences and limitations are frequently mentioned in CPD Notice 21-10: Requirements for the Use of Funds in the HOME-American Rescue Plan (HOME-ARP) Program. The policy brief explains and clarifies the requirements for establishing preferences and limitations and details how preferences and limitations affect permissible client referral methods. The brief does not establish new requirements.

The “American Rescue Plan” (ARP) provided $5 billion to assist individuals or households who are homeless or at risk of homelessness, as well as members of other vulnerable populations, by providing access to housing, rental assistance, supportive services, and non-congregate shelter in order to reduce homelessness and increase housing stability. (Notwithstanding the program’s title, HOME-ARP is very different from the regular HOME program.)

In the ARP, Congress identified four “qualifying populations” (QPs) that would be assisted:

- People experiencing homelessness.
- People at risk of homelessness.
- People fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking.
- Members of other populations who do not qualify under the above three situations but either require services or housing assistance to prevent homelessness or who are at the greatest risk of housing instability.

The policy brief asserts that, according to congressional intent, HOME-ARP activities are to benefit members of all four QPs. Therefore, participating jurisdictions (PJs) must design and administer their HOME-ARP programs to provide members of all four QPs with access to HOME-ARP projects and activities. This means that PJs must allow members of all four QPs to apply for or be referred to HOME-ARP projects or activities. In practice, access may not always result in households from all four QPs being served by a PJ’s HOME-ARP program (e.g., by being admitted to a HOME-ARP unit or receiving HOME-ARP supportive services), but a PJ may not exclude or remove the eligibility of any QP from its HOME-ARP program.

The policy brief explains that preferences are used to establish the order in which applicants are admitted to housing or shelter or are provided with HOME-ARP services or tenant-based rental assistance (TBRA). A preference provides a priority in the selection of applicants for a project or activity among QPs (e.g., the QP comprising people experiencing homelessness) or people who are in a specific category or subpopulation within a QP (e.g., elderly persons or persons with disabilities belonging to one or more QPs). PJs are allowed to establish reasonable preferences among the four QPs or for a subpopulation of the QPs to prioritize applicants in a specific QP or subpopulation. A preference permits a QP applicant who qualifies for a PJ-adopted preference to be selected for HOME-ARP assistance before another QP applicant who does not qualify for a preference. The policy brief describes several ways that preferences can be implemented.
The policy brief explains that limitations exclude certain QPs or subpopulations of QPs from eligibility for a project or activity. PJs should not impose a limitation on eligibility unless necessary to address a wider gap in effective housing, aid, benefit, or services in the PJ’s geographic area, and no HOME-ARP project or activity can address the gap through a preference. HUD strongly recommends that PJs consult with the Field Office of HUD’s Office of Fair Housing and Equal Opportunity (FHEO) before establishing a limitation that might have fair housing or civil rights implications.

Read the “HOME-ARP Policy Brief: Preferences, Methods of Prioritization, and Limitations” at: https://bit.ly/39v2Jin

View CPD’s HOME-ARP website at: https://bit.ly/3LbFnfb

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**HUD Publishes Family Self-Sufficiency (FSS) Program Final Rule**

HUD published a final rule on May 17 to implement changes to the Family Self-Sufficiency (FSS) program made by the “Economic Growth, Regulatory Relief, and Consumer Protection Act” (“Economic Growth Act”) signed into law on May 24, 2018. The changes include permanently expanding the definition of an eligible family to include tenants of privately owned multifamily properties subsidized with Project-Based Rental Assistance (PBRA).

**Background**

The FSS program helps public housing, Housing Choice Voucher (HCV), and Multifamily Project-Based Rental Assistance households increase their earnings and build assets that may be used for any purpose, such as buying a home or pursuing education. Participating public housing agencies (PHA) or Multifamily owners rely on FSS program coordinators to help create household-specific plans that form the basis of five-year contracts agreed to by participating households. Program coordinators connect households to supportive services and provide ongoing case management. As a participating household’s income increases, the difference between the household’s original rent and the increased rent that would result due to a household’s increased income is credited to an interest-bearing escrow account on behalf of the household. FSS is voluntary and allows participants up to five years to achieve their goals and “graduate” from the program.

FSS has existed and been funded for the Public Housing and HCV programs since the “Cranston-Gonzalez National Affordable Housing Act of 1990.” The fiscal year (FY) 2015 “Appropriations Act” authorized a demonstration program for HUD’s Multifamily program, and the “Economic Growth Act” enabled private owners of HUD-assisted Multifamily properties to establish their own FSS programs or coordinate with other owners or PHAs to offer FSS to their residents. The Economic Growth Act required HUD to issue regulations to update its program requirements and provide new provisions for private owners of multifamily assisted housing to set up their own FSS programs. HUD published a proposed rule in September 2020 to implement the changes required by the Economic Growth Act and streamline the FSS program (see Memo, 9/28).

Congress appropriated $109 million for FSS for FY22 – a $4 million increase over FY21-enacted levels. President Biden’s proposed FY23 budget request includes $120 million for FSS.

**Selected Regulations in the Final Rule**

The final rule implements a number of changes, including the following:

**Minimum Program Size** (Section 984.105)
The proposed rule revised the provisions regarding determining minimum program size (i.e., the minimum number of families that a PHA must serve in its FSS program), clarifying that the relevant figure is the total number of public housing units plus the total number of HCV and Project-Based Vouchers (PBVs). The final rule states that HUD will calculate each PHA’s minimum program size as of May 24, 2018, by calculating the original minimum program size (including public housing and Section 8) and reducing that number by the number of graduations reflected in PIC since October 21, 1998, to date.

Additionally, the final rule maintains the proposed change to extend the duration of any HUD-approved exception from three to five years. HUD will not leave the time period of an exception up to each PHA.

Cooperative Agreements (Section 984.106 and 887.107)

The Economic Growth Act allows owners to enter into Cooperative Agreements with one or more owners of Multifamily properties to voluntarily offer an FSS program to their tenants. The final rule specifies that Cooperative Agreements between PHAs and owners of Multifamily properties must include processes for the entities to communicate with each other about changes in their Action Plans to ensure coordination between the parties in administering their program. HUD notes that if a PBRA property is being served through a Cooperative Agreement, then at least one participant with assistance through PBRA must be a member of the Program Coordinating Committee (PCC).

FSS Appropriated Funds (Section 984.302)

HUD may award FSS appropriated funds directly to PBRA owners operating FSS programs independently or in partnership with another PBRA owner. The final rule revises Section 984.302 to clarify that FSS appropriated funds may be used by PHAs or owners for eligible FSS costs, including when an owner operates an FSS program through a Cooperative Agreement or on its own.

HUD added a regulatory provision at Section 887.113(a) that states that owners may also use residual receipts to pay for reasonable FSS program operation costs, including hiring an FSS Program Coordinator for their program.

Contract of Participation (Section 984.303)

The contracts that households voluntarily sign in order to participate in FSS are formally called Contracts of Participation (CoPs). The final rule makes several changes and revisions to Section 984.303, which covers CoPs.

Allowing an Adult Member to Execute the CoP

The final rule allows family members other than the Head of Household for rental assistance purposes to sign the CoP and to meet the employment obligation. This change is more inclusive of households in which the Head of Household is unable to work or increase work activity due to issues like health conditions, disabilities, or family caretaking responsibilities. The final rule will reflect a change to clarify that there will be only one CoP per household at any one time.

Revising Graduation Requirements (Section 984.303(b)(2))

The final rule implements HUD’s proposal to eliminate the requirement that households be independent from welfare assistance for 12 months prior to graduation. The final rule requires a household to be independent from welfare at the time of graduation from FSS, but not independent for a specified period before graduating from the program. This change ensures that a household can successfully graduate and access its escrow funds if they do not meet the 12-month time period.
**Determination of Suitable Employment**

The final rule revises paragraph (b)(4)(iii) to note that participants must be involved in the determination of suitable employment, so that the participant can provide input into the determination along with the PHA or owner. HUD expanded the regulation to state that the determination of suitable employment will involve consideration of the participant’s other benefits to ensure that new employment will not result in the loss of necessary resources.

**Expanding the Definition of “Good Cause”** (Section 984.303(d))

The CoP regulations at Section 984.303(d) state that “good cause” to extend the CoP is determined on a case-by-case basis by the PHA or owner. The final rule expands the definition of “good cause” for a contract extension to include more than circumstances beyond the participant’s control, including the active pursuit of a goal that will further self-sufficiency during the extension period, such as a college degree or credit repair program.

**Escrow**

Among other changes to FSS escrow regulations, the final rule provides that a CoP will be terminated but escrow can be disbursed to the family rather than forfeited if an FSS family in good standing moves outside the jurisdiction of the PHA for good cause and continuing the CoP after the move or completing the CoP before the move is not feasible.

**Removal of the Automatic FSS Graduation Provision**

The final rule removes the provision that automatically completes the FSS contract when 30% of the family’s adjusted monthly income equals or exceeds the Fair Market Rent (FMR). Removing this provision will allow FSS families to use the program to its full potential.

**Housing Choice Voucher (HCV) Portability Requirement** (Section 984.306)

Since PBVs are allocated to a specific unit, a family with a PBV does not have the right to take the rental assistance and move. Generally, after having a PBV for 12 months, the family may apply for Tenant-Based Rental Assistance. The final rule clarifies that a household with a PBV that has been enrolled in the FSS program for 12 months and that transfers from the PBV unit to tenant-based rental assistance may move outside of the jurisdiction of the initial PHA in accordance with standard portability regulations.

Additionally, the final rule states that a receiving PHA that is already serving the number of families in its FSS Action Plan and determines that it does not have the resources to manage an additional FSS contract is not required to enroll a porting family.

Under the proposed rule, a family that was not an FSS participant at the initial PHA would not have been able to enroll in the receiving PHA’s FSS program. The final rule allows a family that was not an FSS participant at the initial PHA to enroll in a receiving PHA’s program when the receiving PHA bills the initial PHA and the initial PHA manages an FSS program.

**Delayed Compliance Date**

The final rule provides PHAs and owners with up to six months from the publication of the rule to comply with its provision, which means that all FSS Action Plans must be updated by the compliance date. HUD intends to provide guidance on that process and encourages PHAs and owners to visit the FSS Resources webpage.

**Multifamily Changes**
The final rule adds a new 24 CFR part 887 to address the FSS program for owners of HUD-assisted Multifamily housing. A few of the key features are listed here.

Permanently Expanding FSS to Multifamily Owners

The final rule permanently expands the FSS program to Multifamily owners and allows them to compete directly for services funding. HUD revised the definition of Section 8 programs to include Multifamily assisted housing, tenant-based and project-based rental assistance, the HCV Homeownership Program, Family Unification Program assistance, and Moderate Rehabilitation and Moderate Rehabilitation Single Room Occupancy for people experiencing homelessness. Tenant-based and project-based rental assistance includes any applicable special purpose voucher, such as Veterans Affairs Supportive Housing (VASH) and Mainstream Vouchers.

Extending FSS eligibility to residents of PBRA properties and eligibility for FSS Program Coordinator funding to PBRA FSS programs is permitted by the statute. HUD streamlined the final rule regulations to apply all PIH FSS regulations to PBRA owners with several exceptions outlined in 24 CFR part 887. HUD notes that all FSS programs are voluntary for participants and administering an FSS program is voluntary for PBRA owners.

The final rule allows PBRA residents in RAD-converted properties to be served by PHAs with FSS appropriated funds if the PBRA owner enters into a Cooperative Agreement with the PHA. This will be reflected in a future Notice of Funding Opportunities (NOFO).

Basic Requirements for Multifamily FSS Programs (Section 887.105)

The final rule makes the FSS program requirements for Multifamily housing consistent with PHA requirements. Where a Program Coordinating Committee (PCC) is available, owners can either work with that PCC or create their own, either by themselves or in conjunction with other owners. This adds flexibility to language included in the proposed rule that explained that owners must work with a PCC and that did not mention an option for owners to create their own PCCs.

Under the final rule, Multifamily owners are no longer exempt from the family selection procedures in Section 984.203. This change provides owners the option to use certain selection preferences and motivational screening factors and makes it easier for an owner to operate an FSS program through a Cooperative Agreement with a PHA that uses selection preferences or motivational screening procedures.

Tenant participation in an FSS program is voluntary, and an owner must not delay or terminate assistance for a family that elects not to participate in an FSS program.

Read the proposed rule at: https://bit.ly/3sItl6c

Read HUD’s press release about the final rule at: https://bit.ly/3a2T5DT

Visit HUD’s FSS Program webpage at: https://bit.ly/38GeiTI

More information about FSS is on page 7-61 of NLIHC’s 2022 Advocates’ Guide.

Congress

House Financial Services Committee Passes Two Bills Addressing Homelessness
The U.S. House Committee on Financial Services approved two bills addressing homelessness on May 18: the “Flexibility in Addressing Rural Homelessness Act” (H.R. 7196) and the “Coordinating Substance Use and Homelessness Care Act of 2022” (H.R. 7716). Representatives Cindy Axne (D-IA) and Frank Lucas (R-OK) introduced the “Flexibility in Addressing Rural Homelessness Act” on March 24 (see Memo, 3/28). The bill, passed on a voice vote, would allow Continuums of Care (CoCs) in rural areas to operate with more flexibility in spending homelessness funding provided through the “McKinney-Vento Homeless Assistance Act.” Representative Madeleine Dean (D-PA) introduced the “Coordinating Substance Use and Homelessness Care Act” on May 11. The bill would create a $20 million per year capacity-building grant for state and local governments, tribal entities, public housing agencies, and CoCs to better coordinate healthcare and homelessness services. The bill passed by a vote of 27 to 22. NLIHC has endorsed both bills.

“I applaud Congresswoman Madeleine Dean for introducing the ‘Coordinating Substance Use and Homelessness Care Act’, which builds on decades of research, learning, and bipartisan support for proven solutions to homelessness,” said NLIHC President and CEO Diane Yentel in a press release addressing the bill. “The evidence is irrefutable: the most effective way to end homelessness is to provide affordable, accessible homes linked with voluntary wrap-around services, including substance use and other health services. By building our nation’s capacity to bring together housing and healthcare services, this bill can help us more effectively address homelessness.”

Committee members debated two amendments to the “Coordinating Substance Use and Homelessness Care Act.” Congressman French Hill (R-AR) introduced an amendment to reduce the amount of grant funding allowable for hiring system coordinators and addressing administrative costs. The amendment failed on a vote of 22 to 27. Congressman Andy Barr (R-KY) introduced an amendment to require at least 50% of grant funding to be distributed to nonprofits that do not receive CoC funding and that require individuals to meet prerequisites such as sobriety or job training in order to receive housing services. Congressman Barr’s amendment failed on a vote of 22 to 27.

House Financial Services Committee Chair Maxine Waters (D-CA) opposed both amendments and spoke in support of the bills and of Housing First, a proven model for addressing homelessness that prioritizes access to safe, stable housing with voluntary services as needed to ensure long-term housing stability. Chair Waters cited President George W. Bush’s adoption of the Housing First approach, which helped spur a 30% reduction in homelessness from 2005 to 2007. Chair Waters noted homelessness increased when the Trump administration failed to make housing investments and when elected officials vilified those experiencing homelessness. “Housing is a necessary platform for achieving other successful outcomes, whether it be unemployment, sobriety, or something else,” she said. “Preconditions [to housing] are counterproductive.”

Read a press release announcing the “Flexibility in Addressing Rural Homelessness Act” at: https://bit.ly/3izvlmz


Coronavirus, Disasters, Housing, and Homelessness

HUD Upholds Finding of Discrimination by Texas in CDBG-DR MIT Funding; NLIHC and other Housing and Civil Rights Organizations Urge HUD to Reach Consent Agreement or Withhold Funds
NLIHC and nine other national housing and civil rights organizations sent a [letter](https://bit.ly/3sNU0P8) to HUD Secretary Marcia L. Fudge on May 20 expressing appreciation for HUD’s decision to uphold the Office of Fair Housing and Equal Opportunity’s (FHEO) finding that the Texas General Land Office (GLO) discriminated against communities of color in Southeast Texas in its distribution of $2.1 billion in Community Development Block Grant-Disaster Mitigation (CDBG-DR MIT) funding (see [Memo, 3/14](https://bit.ly/3sNU0P8)). The letter also urges HUD to require that the Texas GLO resolve the concerns of Texas Housers and the Northeast Action Collective by reaching a Voluntary Consent Agreement (VCA) within 60 days. If a VCA is not reached, NLIHC and advocates urge HUD to suspend funding to Texas and refer the discrimination case to the U.S. Department of Justice.

HUD’s civil rights determination was made in response to one of four complaints about the Texas GLO’s program filed with HUD’s FHEO. The determination found that the state had discriminated against non-white communities in Southeast Texas when distributing over $2.1 billion in much-needed disaster mitigation funding, a portion of which was specifically dedicated to areas impacted by Hurricane Harvey. The funds in question were to be distributed through a GLO-established competition that penalized areas with larger overall and larger non-white populations and directed funds to rural counties with larger white populations. HUD’s determination that the Texas GLO’s program was discriminatory was the result of an [administrative complaint](https://bit.ly/3sNU0P8) filed in June 2021 by NLIHC partners Texas Housers and the Northeast Action Collective. NLIHC issued a [statement](https://bit.ly/3sNU0P8) in March following the announcement of HUD’s determination calling it a “historic decision.”

The lowest-income and most marginalized survivors are often hit hardest by disasters but receive the least amount of assistance to recover or prepare for future disasters. However, as the letter makes clear, HUD has the power to rectify such inequities. “HUD has the authority – and past precedent – to hold the Texas GLO accountable for its violations of civil rights laws,” explains the letter. “HUD should consider determining that the certifications by Texas in its action plan that the state is complying with Title VI is false, and therefore withhold funds. Failure by HUD to take such meaningful actions to ensure that Texas complies with its civil rights obligations will send a message to Texas, and to other grantees, that they may ignore these obligations without consequence.”

Read the letter at: [https://bit.ly/3sNU0P8](https://bit.ly/3sNU0P8)

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**NLIHC and Disaster Law Project Submit Recommendations to the UN Committee on the Elimination of Racial Discrimination**

NLIHC and the Disaster Law Project (DLP) submitted [recommendations](https://bit.ly/3sNU0P8) to the United Nations Committee on the Elimination of Racial Discrimination on May 20 regarding disaster recovery policies the committee should review during its assessment of U.S. policies. The letter urges the committee to focus on the rampant racial inequities in disaster recovery.

“The U.S. review provides an opportunity not only to address income inequality, racial discrimination, and disaster response failures as independent treaty violations, but to bring those factors together, highlight their interdependence, and center racial discrimination as a determining cause of climate vulnerability that warrants scrutiny under the International Convention on the Elimination of All Forms of Racial Discrimination [ICERD],” states the letter.

When disasters strike, the lowest-income survivors – who, because of generations of racist policies, are often disproportionately people of color, seniors, and people with disabilities – are often hardest hit, have the fewest resources, and face the longest, steepest paths to recovery. The letter proposes four suggested themes to help guide the committee’s work, including the role of the U.S. in:
• Creating climate vulnerability by failing to fully acknowledge and remedy the most extreme and obvious examples of racial injustice, including race-based enslavement, Native American “removal,” and colonial exploitation of island territories.
• Perpetuating climate vulnerability among households of color by failing to remedy ongoing income and housing disparities.
• Deepening climate vulnerability by making it harder for households of color to recover from a disaster.
• Failing to protect the rule of law following a disaster.

Read the letter at: https://tinyurl.com/23vm8ckr

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Opportunity Starts at Home

Research Finds Access to Affordable Housing Impacts Infant Mortality Rates

Healthy Beginnings at Home, a pilot research program, published a study showing that expanding affordable housing resources significantly improves infant health outcomes. The researchers surveyed 100 respondents who were pregnant and who had experienced housing instability or homelessness in the past. Respondents consisted of two groups: one that received housing assistance among other health resources and another control group that received health resources but not housing assistance. The study found that in the group with access to housing resources, 40 of 51 newborns were born at full-term and with healthy weights, while in the group without access to housing resources, only 24 of 44 newborns were born at full-term and with healthy weights.

The findings suggest that housing is essential for the health and well-being of children as well as families. “It is not an issue that just affects the mother and the infant,” said Barb Poppe, lead consultant with Healthy Beginnings at Home. “There were health improvements for all of the family members, and there were cost savings in health care.”

Read the report here.

Read an article about the report here.

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Our Homes, Our Votes

Register for May 31 Our Homes, Our Votes: 2022 Webinar: Voter Registration Messaging, Events, and Door-to-Door Canvassing

NLIHC’s Our Homes, Our Votes: 2022 webinar series features experts with frontline election experience who walk through every step of voter and candidate engagement activities and support housing organizations’ nonpartisan election efforts. The next webinar, “Voter Registration Messaging, Events, and Door-to-Door Canvassing,” will be held on Tuesday, May 31, at 2:30 pm ET. Register for the webinar here.

The first step in expanding voter participation is to ensure that low-income renters are registered to vote. In this webinar, we will review strategies to increase voter registration, overcome voter apathy, and ensure that all communities recognize their stake in the outcome of elections. Panelists will also discuss how to host successful voter registration events and organize door-to-door canvassing operations in buildings and neighborhoods with low registration rates. The webinar will feature Laura Williamson, associate director of policy and research for
democracy reform at Demos; Emma Steelman, president of Vote Huntsville; and Tia Turner, president of Love Huntsville.

To watch recordings of past Our Homes, Our Votes webinars and preview the topics of the full series, visit the Our Homes, Our Votes website.

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**Become an Our Homes, Our Votes Affiliate!**

*Our Homes, Our Votes* affiliates are nonpartisan organizations that are formally identified with the campaign and committed to carrying out its goals. Tenant associations, homeless service providers, tribal organizations, student groups, neighborhood organizations, and any other group working to deliver more housing voters to the polls is invited to become an *Our Homes, Our Votes* affiliate. There is no cost for being an affiliate, and affiliates can request free merchandise for community events. Affiliates also receive permission to use our campaign logos and images on co-branded materials, additional guidance, and support from NLIHC staff, opportunities to have their work featured in the *Our Homes, Our Votes* biweekly newsletter, and more! To sign your organization up as an affiliate, please fill out [this form](#).

Do you work with housing providers in your network? If so, invite them to participate in the *Our Homes, Our Votes* Housing Providers Council! The first meeting in 2022 will take place on **Thursday, May 26, at 11 am ET**. Here is the [registration link](#) for housing providers that are interested in attending.

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### Research

**New Research Finds 2.7 Million Households Receive Eviction Filings Annually**

A study published in the *Proceedings of the National Academy of Sciences* (PNAS), “*Estimating Eviction Prevalence across the United States,*” offers new estimates of the rates of eviction filings and number of households threatened with evictions from 2000 to 2018. Using both court-issued records and proprietary data, the authors of the study model eviction filing rates in each state and find that between 2000 and 2018, 3.6 million eviction cases were filed annually on average. Evictions were particularly prevalent in the southeastern states, where tenant-landlord laws tend to favor landlords. Additionally, states that required landlords to provide tenants with eviction notices had significantly fewer filings than states with no such requirement.

The researchers requested eviction records from all 50 states and the District of Columbia, but due to data limitations within some states – including the lack of record digitization and legal hurdles for requesting data – only 19 states submitted data. To supplement court-issued data, the researchers purchased eviction record data from LexisNexis.

The study finds that between 2000 and 2018, landlords across the country filed 3.6 million eviction cases per year, on average. The number of households receiving eviction filings was 2.7 million per year, on average. The number of households receiving eviction filings is less than the total number of filings because some landlords file repeatedly for the same households. Though the number of annual evictions increased from 3 million to 3.65 million between 2000 and 2018, the eviction filing rate has decreased due in part to the growing number of renter households, many of whom are older and have higher incomes. The percent of renter households threatened with eviction peaked between 2005 and 2008 at approximately 7.5% and has decreased in recent years to approximately 6%.
The study finds that evictions are most common in southeastern states. This finding contradicts common assumptions that eviction filings are most prevalent in high-cost cities or gentrifying neighborhoods. Instead, the research indicates the importance of state policy in influencing eviction filing rates. States that require landlords to provide eviction notices to tenants in advance of filing saw significantly lower eviction filing rates than states without such requirements. The requirement that a notice be provided to tenants one to three days prior to filing was associated with a 63.1% decrease in annual eviction filings when controlling for county-level demographics and other state-level eviction requirements.

The authors point to Maryland as a state exemplifying the ways state eviction policies can incentivize or discourage landlords who are considering filing evictions. In 2018, Maryland’s eviction rate was 69.6% – an extreme outlier rate compared to the national average of nearly 8%. Landlords in Maryland have only to pay a fee of $15 to $25 to file for an eviction, and evictions can be filed immediately after non-payment of rent. Moreover, the state does not require that tenants be notified before the filing. The authors posit that this policy landscape encourages landlords to file evictions often and repeatedly because doing so can serve to threaten tenants who are behind on rent payments.

The data compiled for the study is publicly available on the Eviction Lab website and will likely open the door for more research on the prevalence of eviction and the policies most likely to decrease eviction filings. The authors suggest that future research should focus on how other policies, such as fair housing laws and right to counsel, affect eviction filing patterns.

Read the report at: https://bit.ly/3wo0p5F

Listening Project Highlights Housing Challenges Faced by Renters in Rural Missouri

KC Tenants, a tenant union in Kansas City, MO, recently undertook a listening project to learn about challenges facing tenants in rural Missouri in order to help build power among tenants statewide. The organization detailed the findings of the project in a report, “The State of Missouri Tenants: Listening to Tenants in America’s Heartland,” and in an accompanying audio reel. Several major challenges were cited by participants in the listening sessions, with housing conditions, rent costs, and landlord abuse being the most common.

Project organizers conducted over 1,000 deep listening sessions with rural tenants across Missouri. Door-to-door canvassing was focused on two regional hubs in Southeast and Southwest Missouri – Cape Girardeau and Springfield – but canvassers also conducted conversations by phone in the central and northern parts of the state. The deep listening sessions covered topics like challenges faced by tenants in their homes, questions about responsibility, and tenant ideas about the role of housing in their communities.

Half the tenants interviewed identified rent costs as a major challenge. Though high and increasing rents are usually seen as an issue faced by tenants in metropolitan areas, many of the rural tenants interviewed were paying more than half their incomes on rent and did not believe more affordable alternatives existed nearby. The minimum wage in Missouri is $11.15/hour, but tenants in Cape Girardeau, for example, would need to earn $15.52/hour in order to afford a two-bedroom apartment at fair market rent (see Out of Reach 2021). Increasing rent costs were cited as a particular challenge by tenants in Springfield, MO, a growing metro area. One tenant who was interviewed had lived in his unit for 13 years but after learning of an upcoming rent increase had concluded that he would have to vacate to find more affordable housing.

Fifty-three percent of tenants saw housing conditions as a major issue. Housing conditions were mentioned with particular frequency by tenants in public housing units, who cited mold, pests and rodents, and antiquated appliances as significantly affecting their quality of life. Several tenants had experienced apartment fires due to
poor infrastructure, including outdated stoves and breaker boxes. Other issues commonly cited by tenants included landlord abuse (41%), poor property management (38%), safety (29%), and eviction (28%).

To assess housing stability across housing types and race, canvassers asked tenants about the lengths of time they had lived in their current homes. Residents of public housing had the highest rates of housing stability, with 36% of tenants having lived in their current unit for more than three years. Only 16% of tenants living in apartment complexes and 21% of tenants living in trailers had lived in their current units for more than three years. Housing stability was also low among Latino tenants: only 16% of Latino tenants had lived in their current unit for more than 3 years, compared to 33% of Black tenants and 36% of white tenants.

Many tenants believed that landlords, developers, and politicians were largely responsible for their current housing challenges. Tenants also mentioned the role played by whiteness, wealth, and power in creating structural barriers to more just, accessible, and affordable housing. The report concludes by listing steps KC Tenants plans to take to support local organizing efforts in rural Missouri.

Read the report at: https://bit.ly/3vM8i4I

Fact of the Week

Eviction Filing Rates Vary Widely Across States


Note: The eviction filing rate is the number of evictions filed in a state divided by the number of renter households.
Hawai‘i State Legislature Approves $1 Billion for Affordable Housing, Increases Minimum Wage to $18 an Hour

Housing advocates are celebrating the recent passage by the Hawai‘i state legislature of several historic bills to support low-income renters and individuals who are unhoused in the state. The bills would create a $500-per-month housing subsidy for low-income families, source-of-income protections for renters, and a landlord-participation-incentive program, while also expanding funds and reducing administrative barriers to help develop housing for people experiencing homelessness and allocating $600 million in flexible resources to address the housing needs of native Hawaiians. In addition to passing these bills, the legislature approved raising the state’s minimum wage to $18 per hour by 2028, putting Hawai‘i in line to have the highest minimum wage of any state in the country. If signed into law by Governor David Ige, the bills would help reverse decades of worsening housing instability, as wages and assistance programs have failed to keep up with soaring housing costs and residents have increasingly struggled to access stable housing.

The new bills vary in focus. Two of them – SB206 and HB1752 – are designed to support the utilization of Housing Choice Vouchers (HCVs). Hawai‘i consistently fails to expend resources it receives from the federal government to support its HCV program, in part due to widespread discrimination against voucher holders, 70% of whom identify as people of color. SB206 and HB1752 would improve voucher utilization rates and help families better access affordable housing in communities of their choice, the first by extending source-of-income protections and the second via a program incentivizing landlords to accept vouchers.

Two other bills – HB2510 and HB2233 – would support affordable housing through economic measures. According to recent estimates, a minimum wage worker in Hawai‘i must work 149 hours per week at the current minimum wage of $10.10 per hour to afford a two-bedroom apartment in the state. HB2510 would raise the minimum wage to $18 per hour, while HB2233 would offer a monthly housing benefit for low-income families. These bills would thus help bridge the gap between renter incomes and the cost of housing.

Another bill, HB2512, would extend to 2026 the Ohana Zone Pilot Program, which provides funding to develop housing and provide supportive services to people experiencing homelessness. HB2512 would also exempt some projects from certain planning, building, and permitting requirements, reducing costs and expediting the construction of more affordable housing.

HB2511, meanwhile, would provide $600 million to the Department of Hawaiian Home Lands (DHHL) to address the affordable housing crisis faced by native Hawaiians. Established in 1921, the DHHL is a land trust designed to promote homesteading by Native Hawaiians with the purpose of returning members of this community to land that was taken from their forebearers. Due to decades of underfunding, Hawaiian Home Lands has a waitlist of approximately 28,000 native Hawaiians, many of whom have been on the list for decades. HB2511 would provide flexible resources to help households on the waitlist secure affordable housing.

The enactment of these and the other bills is a major success, the result of years of work by advocacy organizations in the state. For example, Hawai‘i Appleseed Center for Law & Economic Justice (Hawai‘i Appleseed), an NLIHC state partner, helped form Raise Up Hawai‘i in 2016 to fight for a living wage and the Hawai‘i Tax Fairness Coalition in 2017 to create a more equitable tax system. Then, in 2021, Hawai‘i Appleseed formed the Hawai‘i Housing Affordability Coalition (HIHAC), which brought impacted renters and houseless individuals together with service providers and other stakeholders to push for the enactment of affordable housing policies during Hawai‘i’s 2022 legislative session. Each coalition employed a range of strategies to advance its cause, using email and social media tools to engage supporters and releasing reports.
and fact sheets showing the potential impacts of proposals. The coalitions also worked closely with housing champions in the legislature and the Governor’s office and held rallies across the state and at the capital, and they published op-eds in local media while engaging the business community, health care providers, and other sectors. The coalitions also supported the work of Native Hawaiian organizations that led the effort for the DHHL appropriation.

By the close of the 2022 legislative session, bills aligned with each of HIHAC’s policy priorities had been passed. HICAC attributes much of its success to engaging people with lived experience of homelessness and housing insecurity and helping them bring their stories and solutions directly to lawmakers. Notably, the coalition worked with members of Pu‘uhonua O Wai‘anae, a village of about 250 people living unhoused on the island of O‘ahu, and helped people travel to the state capitol to testify in support of HB2512.

Though each bill included compromises, coalition members express pride in their achievements and have resolved to continue organizing to build upon their successes during next year’s legislative session. “This is an historic legislative session for Hawai‘i’s struggling working families,” said Gavin Thornton, executive director of Hawai‘i Appleseed. “It happened because of an extraordinary coming together of organizations and everyday people pushing for the investments Hawai‘i’s residents and communities need to thrive.”

Arjuna Heim, organizer for the Hawai‘i Housing Affordability Coalition, agreed: “This has been an overall successful legislative session. We are looking forward to building on and carrying this momentum into next year and city council sessions and continue to push for solutions to solving Hawai‘i’s housing crisis.”

Hawai‘i’s 2022 legislative session closed on May 5. Governor Ige now has until June 27 to sign the bills into law or decide whether he will issue any vetoes.

For more information about Hawai‘i Appleseed and the advocacy efforts that led to the enactment of the bills, contact Gavin Thornton at gavin@hiappleseed.org

NLIHC in the News

NLIHC in the News for the Week of May 15

The following are some of the news stories to which NLIHC contributed during the week of May 15:

- “‘Millions of families struggle to keep roofs over their heads’: Biden administration has a plan to tackle America’s housing shortage – but will it be enough?” MarketWatch, May 16 at: https://on.mktw.net/3wwsVSG
- “The Difference Between LIHTC and Section 8” Forbes, May 18 at: https://bit.ly/3G6dQdV
- “Biden’s housing crisis plan met with praise from experts – who say there’s more to do” ABC News, May 19 at: https://abcn.ws/3G2yNGs

NLIHC News

Where to Find Us – May 23

NLIHC President and CEO Diane Yentel and other NLIHC staff will be speaking at the following events in the coming months:
• Northgate Residents’ Ownership Corporation Board Meeting – Virtual, May 24
• Supportive Housing Network of New York Conference Advocacy Panel – New York, June 2
• 2022 Just Economy Conference (NCRC) – Washington, DC, June 13
• Orange County United Way - Housing Policy Made Simple – Virtual, July 12
• Princeton Community Housing Gala – Virtual, July 21
• HousingNext Grand Rapids Michigan Policy Conference – Grand Rapids, MI, August 16
• Idaho Housing and Finance Association Annual Housing Conference – Keynote speaker, Boise, ID, August 22-23
• AARP Housing Workshop Plenary Panel – Virtual, September 22

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