

**Volume 28, Issue 35**  
**September 25, 2023**

## **Budget and Appropriations**

- Senate Prepares Bipartisan Continuing Resolution after Failure of House Republican Proposal – Take Action!
- House Budget Committee Votes to Adopt Nonbinding FY24 Budget Resolution Proposing Drastic Spending Cuts

## **Homelessness and Housing First**

- Framework Team Hosts “Healthy Parents Healthy Babies” Webinar on Addressing the Needs of Pregnant People Experiencing Homelessness
- Reminder: Share Your Feedback on the Homelessness and Housing First Webinar Series by September 27!

## **Low-Income Housing Tax Credit**

- Local Government Leaders Send Letter to Congress Urging Enactment of “Affordable Housing Credit Improvement Act” to Expand and Reform Low-Income Housing Tax Credit

## **Our Homes, Our Votes**

- Register for Upcoming *Our Homes, Our Votes* Webinar Series: Housing Is Built with Ballots!

## **Disaster Housing Recovery**

- House Transportation and Infrastructure Committee Hosts FEMA Administrator Criswell for Briefing on State of Disaster Readiness, Response, and Recovery
- FEMA Operations Would Likely Not Be Impacted by Government Shutdown
- Disaster Housing Recovery Update – September 25, 2023

## **Public Charge Rule**

- State Department Publishes Final Public Charge Rule; *Los Angeles Times* Releases “Public Charge Explainer”

## **HUD**

- HUD Extends NSPIRE Compliance Date for CPD Programs
- HUD Recap Updates Several RAD Resident Fact Sheets, Posts Training Video

## **Fair Housing**

- NLIHC Joins Fair Housing, Civil Rights, and Public Health Organizations in Press Statement Opposing Harmful Appropriations Amendments That Would Defund Fair Housing Enforcement

## **From the Field**

- California Governor Signs Legislation to Further Fair Housing and Address Roadblocks to Housing Development; Additional Housing Bills Await Governor’s Signature

## **Opportunity Starts at Home**

- Children’s Defense Fund Releases Report on Housing’s Impacts on Children

## **Research**

- Renters in Central and South Los Angeles Reduced Spending on Basic Needs to Afford Housing

## **Fact of the Week**

- Measures of Housing Stability by Status of Emergency Rental Assistance

## **NLIHC in the News**

- NLIHC in the News for the Week of September 17

## **NLIHC News**

- Where to Find Us – September 25

## **Budget and Appropriations**

### **Senate Prepares Bipartisan Continuing Resolution after Failure of House Republican Proposal – Take Action!**

With just four working days left before their September 30 deadline, policymakers in the U.S. Congress are running out of time to reach an agreement on a continuing resolution (CR) to keep the federal government funded. Failure to pass a CR before October 1 – the beginning of the new fiscal year – will result in a partial shutdown of the federal government. The last government shutdown occurred in December 2018 and lasted 35 days.

CRs maintain the previously appropriated year’s level of funding for federal programs for a specified period of time, giving lawmakers more time to reach an agreement on appropriations bills for the upcoming fiscal year (FY). Because the cost of housing and development rises every year, [it is crucial](#) that HUD’s affordable housing and homelessness assistance programs receive increased annual appropriations just to maintain the current number of people and communities served. Without additional funding, people who rely on HUD’s programs for safe, stable housing will be in danger of losing their assistance.

Republicans in the U.S. House of Representatives unveiled a CR proposing a 30-day funding extension, in exchange for an 8% across-the-board cut to federal nondefense programs, except programs run by the U.S. Department of Veterans Affairs. The bill also contained conservative border security priorities and did not provide additional funding for disaster relief – proposals that would render the bill dead-on-arrival in the U.S. Senate. Still, House Republicans could not reach an agreement within their caucus on the CR, with House Freedom Caucus and other ultra-conservative members pushing for a bill that would also decrease funding for FY24, including draconian cuts of up to 30% for non-defense programs.

In the Senate, a planned vote on a “minibus” bill containing the FY24 Transportation, Housing, and Urban Development (THUD) funding bill ground to a halt after some Senate Republicans refused to provide unanimous consent to move the bill forward (see *Memo*, [9/18](#)). Unable to find a resolution that would allow the package to move forward, Senate Appropriations Committee Chair Patty Murray (D-WA) and Vice-Chair Susan Collins (R-ME) pivoted instead to drafting a bipartisan CR that would likely pass the Senate before being sent to the House for a vote. However, it is unclear whether House Speaker Kevin McCarthy (R-CA) would be willing to bring the CR to the floor as it currently stands.

Any further delay in passing a CR will bring the country perilously close to a government shutdown. Even short-term shutdowns have [immediate consequences](#) for HUD programs and the people, families, and communities who rely on them. Many affordable housing and community development projects would be forced to freeze, and HUD staff would have to cease many non-emergency operations. While tenants who receive rental assistance would see little immediate impact in the short term, a long-term shutdown could impact Public Housing Authorities’ (PHAs) ability to continue providing housing assistance.

**Take Action!**

Together, we can – and have – [achieved historic protections and resources](#) for renters with the lowest incomes, and together we can continue to fight the ongoing threat of cuts to HUD’s vital affordable housing and homelessness resources. Advocates can use NLIHC’s [Legislative Action Center](#) to call or email their members of Congress and urge them to expand – not cut – funding for HUD’s vital affordable housing and homelessness programs in the FY24 budget.

Thanks to the hard work of advocates across the country, who mobilized to weigh in with their elected officials, HUD’s vital rental assistance, homelessness assistance, and tribal housing programs were spared from cuts in the Senate draft bill. Due to the rampant increase in the cost of rent, however, the House’s proposed funding for the Tenant-Based Rental Assistance (TBRA) program is not expected to be sufficient to cover renewals for all existing contracts. Thus, advocates still have work to do to ensure these funding levels remain in a final bill and that other critical programs, such as Public Housing, are also fully funded.

Keep making your voice heard, and tell Congress that it cannot balance the federal budget at the expense of people with the lowest incomes! Advocates can take action TODAY in the following ways:

- [Contact your senators and representatives](#) to urge them to expand – not cut – investments in affordable, accessible homes through the FY24 spending bill, including by:
  - **Providing the Senate’s proposed funding for Tenant-Based Rental Assistance (TBRA) and Project-Based Rental Assistance programs.** While both the House and Senate provided increased funding for these vital programs, it is unlikely that the House’s proposed funding levels would be sufficient to renew all existing contracts. The Senate bill provides funding not only sufficient to renew existing voucher contracts, but to expand vouchers to an additional 4,000 households.
  - **Ensuring full funding for public housing operations and repairs.** Both the House and Senate bill proposed funding cuts to the Public Housing Capital Fund, despite an over \$70 billion capital needs backlog in the public housing portfolio. While the Senate bill provided increased funding for Public Housing Operations – which the House bill cut – it is crucial that these programs receive increased funding in FY24 just to maintain the current level of services.
  - **Allocating the Senate’s proposed funding for Homeless Assistance Grants.** HUD’s Homeless Assistance Grants (HAG) program provides vital funding to respond to the needs of people experiencing homelessness.
  - **Protecting funding for legal assistance to prevent evictions in the Senate bill.** The Senate maintains \$20 million in funding for a new grant program for legal assistance to prevent evictions, which the House proposal eliminated.
  - **Appropriating the House’s proposed funding for Native housing.** While both the House and Senate bills would provide increased funding for native housing programs, the House spending bill would provide a more than 40% increase from FY23 to the Native American Housing Block Grant program – a significant investment towards addressing the housing crisis on tribal lands.
- Join over 2,100 organizations by signing on to a [national letter](#) from the Campaign for Housing and Community Development Funding ([CHCDF](#)), calling on Congress to

oppose budget cuts and instead to support the highest level of funding possible for affordable housing, homelessness, and community development resources in FY24.

### **Want to Support NLIHC's Work? Become a Member!**

One way to support NLIHC and this work is by becoming an NLIHC member. NLIHC membership is open to individuals, organizations, corporations, and government agencies, and annual membership dues are suggested amounts, meaning you can join at any amount that works for you.

You can join easily online at [nlihc.org/membership](https://nlihc.org/membership) – or contact [outreach@nlihc.org](mailto:outreach@nlihc.org) with any questions.

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### **House Budget Committee Votes to Adopt Nonbinding FY24 Budget Resolution Proposing Drastic Spending Cuts**

The U.S. House of Representatives Committee on the Budget, under the leadership of Chair Jodey Arrington (R-TX), voted to adopt a [budget resolution](#) for fiscal year (FY) 2024 that outlines drastic spending cuts to domestic programs. Because the resolution is nonbinding, it does not have an impact on the FY24 appropriations process or the funding ultimately allocated to federal programs. Rather, the budget resolution serves as a messaging vehicle for Republicans in the House to showcase the ways they would spend money and raise revenues and provides a potential blueprint for future funding legislation.

The proposed plan reflects the demands of conservative members of the party, including capping FY24 spending at FY22 levels – which would result in a \$131 billion, or 8%, cut from levels enacted in the current fiscal year – and allowing discretionary spending to increase only by a paltry 1% per year through FY33. Depending on how cuts were made, the proposal could have an extremely destructive impact on HUD's affordable housing and homelessness programs (see [Memo, 6/20](#)). It should be emphasized, however, that this resolution does not have the power of law and will have no practical effect on the FY24 process.

View more information about the budget resolution [here](#).

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### **Homelessness and Housing First**

#### **Framework Team Hosts “Healthy Parents Healthy Babies” Webinar on Addressing the Needs of Pregnant People Experiencing Homelessness**

NLIHC hosted a webinar with its partners in the [Framework for an Equitable Homelessness Response](#) on September 21. The webinar focused on findings from the Framework's [Healthy Parents Healthy Babies](#) report, which addresses the unique needs of parents and infants navigating the housing and healthcare systems across the U.S.

The Framework's "[Healthy Parents Healthy Babies](#)" webinar highlighted key findings and recommendations for service providers and offered a path forward for reducing racial disparities, increasing housing stability, and improving maternal health, birth outcomes, and child health for women and families of color experiencing homelessness and extreme housing instability.

The report is a critical resource that sheds light on the challenges women – disproportionately women of color – face when experiencing housing instability while pregnant. The report highlights significant health disparities among homeless infants and their housed counterparts and underscores the urgent need for interventions that address these disparities and promote healthy pre- and post-natal development.

The report's findings also show how homelessness during pregnancy and infancy can have severe and lasting consequences for a child's health and development. These challenges are compounded when parents lack access to stable housing. The webinar increased awareness of the report's findings and insights, fostered dialogue among communities and policymakers, and encouraged the adoption of equitable recommendations for supporting parents, especially women of color, and their children facing housing instability.

Read the report [here](#).

Watch a recording of the webinar [here](#).

Access webinar slides [here](#).

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## **Reminder: Share Your Feedback on the Homelessness and Housing First Webinar Series by September 27!**

Thank you to everyone who participated in the Homelessness and Housing First webinar series hosted by NLIHC, the National Alliance to End Homelessness, and the Center on Budget and Policy Priorities! More than 13,000 people registered for the [webinar series](#), which included 13 webinars throughout 2022-2023. We invite you to take a few minutes to [fill out this brief evaluation](#) of the series. Your input will help inform the trajectory of future webinars.

More details about the survey:

- The survey is open to anyone who **attended at least one webinar**.
- The survey will take about **five minutes** to complete.
- All responses will remain completely **confidential**.
- The survey will close on **September 27**.

We appreciate your time and participation!

If you have any questions or concerns, please contact Alayna Calabro, NLIHC senior policy analyst, at [acalabro@nlihc.org](mailto:acalabro@nlihc.org).

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## Low-Income Housing Tax Credit

### Local Government Leaders Send Letter to Congress Urging Enactment of “Affordable Housing Credit Improvement Act” to Expand and Reform Low-Income Housing Tax Credit

Nearly 200 local government leaders representing cities, counties, and other municipalities sent a [letter](#) to Congressional leadership on September 21 urging enactment of the “Affordable Housing Credit Improvement Act” (AHCIA, [S.1557/H.R.3238](#)). The AHCIA would expand and reform the Low-Income Housing Tax Credit (LIHTC), the largest national affordable housing production program in the U.S. (see *Memo 5/15*). The letter was led by the ACTION Campaign, in partnership with the National League of Cities, the National Association of Counties, and Mayors & CEOs for U.S. Housing Investment and calls for “a number of provisions that would enhance the [LIHTC] program and enable cities and counties like ours to better serve the affordable housing needs in our communities.”

LIHTC is the primary source of financing for the construction and preservation of affordable housing, but homes financed solely with the tax credit are very rarely affordable to renter households with the lowest incomes. If enacted, the “Affordable Housing Credit Improvement Act” would reform the tax credit to provide additional incentives to developers to build homes affordable to the extremely low-income households who are most impacted by the housing crisis, as well as underserved rural and Native American communities. These improvements to the LIHTC program are a necessary step toward addressing our nation’s affordable housing crisis.

The letter – signed by 184 local government leaders – highlighted three important provisions in the “Affordable Housing Credit Improvement Act,” including an important NLIHC priority: basis boosts for LIHTC to better serve hard-to-reach communities. “The legislation includes provisions that would allow basis boosts for extremely low-income tenants, bond-financed Housing Credit properties, Difficult Development Areas, tribal areas, and rural communities,” the letter states. “By allowing certain projects a ‘boost’ on their eligible basis, this would make more projects financially feasible for these harder-to-serve groups.”

Read the letter at: <https://tinyurl.com/456um4rc>

Read the ACTION Campaign’s press statement about the letter at: <https://tinyurl.com/5dttehmz>

Urge your members of Congress to pass LIHTC reforms through the Affordable Housing Credit Improvement Act at: <https://p2a.co/ZhQtIH2>

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## **Our Homes, Our Votes**

### **Register for Upcoming *Our Homes, Our Votes* Webinar Series: Housing Is Built with Ballots!**

Housing was a winning issue at the ballot box in the 2022 midterm elections. Voters overwhelmingly supported ballot measures to strengthen local tenant protections, dedicate resources to housing and homelessness programs, and facilitate affordable housing development. The momentum has continued in 2023, as voters across the country have approved a number of new housing resources in local elections. Join NLIHC's *Our Homes, Our Votes* campaign for a [two-part webinar series](#) on Thursday, October 12, and Thursday, October 26, to learn more from the people who made these ballot measure victories possible.

The first webinar, "Housing is Built with Ballots: A Year of Ballot Measure Victories in Review," will take place on Thursday, October 12, at 2:30 pm ET. The webinar will provide an overview of housing policy wins achieved at the ballot box in recent elections. A follow-up webinar will be held on Thursday, October 26, at 2:30 pm ET, and will delve deeper into effective organizing tactics for ballot measure campaigns. [Click here](#) to register for the webinars!

The first webinar (Thursday, 10/12) will feature:

- Abram Diaz, policy director, Nonprofit Housing Association of Northern California
- Michael Daly, founder, East End YIMBY
- Tiffani McCoy, advocacy director, Real Change Homeless Empowerment Project (Seattle, Washington)
- Zach Martinez, legal counsel, Gary Community Ventures (Colorado)

The second webinar (Thursday, 10/26) will feature:

- Angelina Cornejo, campaign strategy coordinator, East Bay Housing Organizations
- Emily Martiniuk, resident leader, Residents United Network-Los Angeles
- Madeleine Hammerlund, housing campaign organizer, Our Future Starts at Home (Minnesota)

For more information about *Our Homes, Our Votes*, visit: <https://www.ourhomes-ourvotes.org/>

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## **Disaster Housing Recovery**

### **House Transportation and Infrastructure Committee Hosts FEMA Administrator Criswell for Briefing on State of Disaster Readiness, Response, and Recovery**

The U.S. House of Representatives' Committee on Transportation and Infrastructure's Subcommittee on Economic Development, Public Buildings and Emergency Management held a [hearing](#), "FEMA: The Current State of Disaster Readiness, Response, and Recovery," on September 19. FEMA Administrator Deanne Criswell testified on behalf of the agency and



responded to questions about agency funding allocations, risk ratings, and equity. Supplemental funding for the Disaster Relief Fund (DRF) was at the top of the agenda, with members repeatedly questioning Administrator Criswell about prior fund distributions amid significant shortages.

Committee Chairman Sam Graves (R-MO) opened the hearing alongside Subcommittee Chairman Scott Perry (R-PA), who suggested that FEMA funds had been misappropriated to “advance partisan policy objectives,” specifically regarding the border crisis and the war in Ukraine. Subcommittee Ranking Member Dina Titus (D-NV) and Committee Ranking Member Rick Larsen (D-WA) also gave opening remarks, addressing the need for equity and mitigation in disaster response and emphasizing the impact of climate change on disaster response.

In her [statement](#), Criswell outlined her agency’s response, recovery, and mitigation objectives but acknowledged that the “mission at FEMA has become more challenging and complex,” in part due to the increasing frequency of disasters. Criswell reiterated the need to provide the Disaster Relief Fund with \$16 billion in funds and urged Congress to approve the Biden administration’s fiscal year (FY) 2024 budget and its supplemental requests as soon as possible.

Following Criswell’s testimony, Chairman Graves accused the agency of failing to reimburse organizations and of “diverting funds from fire mitigation to renewable energy,” specifically net-zero policies. Chairman Graves’s line of questioning was continued by Ranking Member Titus, who asked Criswell about cuts to the budgets of the National Weather Services and Assistance to Firefighters Grants program. Criswell emphasized her support for the bipartisan “Disaster Survivor Preparedness Act” and spoke of supporting the National Weather Services and the Firefighters Grants program as critical to FEMA’s mission.

Criswell also faced questions about Risk Rating 2.0, a new system for measuring flood risk for the purposes of the FEMA-run National Flood Insurance Program, from two Louisiana members: Representatives Garret Graves (R-LA) and Troy Carter (D-LA). Representatives Graves attacked Criswell for what he called a “lack of transparency” over a pricing methodology that considers specific characteristics of a building to provide a more individualized flood insurance rate. Meanwhile, Representative Jenniffer González (R-PR) asked Criswell for updates on reconstruction projects in Puerto Rico under the agency’s jurisdiction that have encountered delays and financing problems.

Criswell warned that a lack of funding for the Disaster Relief Fund in particular would impact smaller jurisdictions, as well as pre-disaster mitigation and resilience projects. She repeatedly underscored the importance of mitigation, reminding the Subcommittee that natural hazard mitigation saves \$6 on average for every \$1 spent on federal mitigation grants, according to an [analysis](#) by the National Institute of Building Sciences.

The Disaster Housing Recovery Coalition (DHRC) led by NLIHC [stands behind](#) Criswell’s call for the quick passage of an emergency disaster supplemental appropriations bill to fund ongoing disaster operations and disaster recovery for current and future 2023 disasters.

Watch a recording of the hearing at: <https://bit.ly/3PwDGwG>

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## **FEMA Operations Would Likely Not Be Impacted by Government Shutdown**

A [government shutdown](#) on October 1 is looking more and more likely due to stalled negotiations in the U.S. Congress over the appropriations bills that fund government operations, including those of FEMA. In the event of a government shutdown, there is considerable uncertainty about the impact on FEMA, though ultimately most of the agency's operations would probably continue without interruption.

Under the "[Antideficiency Act](#)," federal agencies cannot spend or obligate any money without an appropriation (or other approval) from Congress. When Congress fails to enact the 12 annual appropriation bills, federal agencies must cease all non-essential functions until Congress acts, triggering a government shutdown.

During shutdowns, many federal employees are told not to report for work, though a 2019 law requires that these employees be paid retroactively when the shutdown ends. Government employees who provide what are deemed essential services, such as air traffic controllers and law enforcement personnel, continue to work, but are not paid until Congress takes action to end the shutdown.

According to a 2022 [report](#) by the U.S. Department of Homeland Security (DHS), activities funded by appropriations that have neither lapsed nor been exhausted – such as unobligated carryover balances – are exempt from the government hiatus. The Disaster Relief Fund (DRF) was specifically included as an example of a part of the government whose activities would be exempted.

FEMA identified 17,621 of 22,000 total employees as exempt, and these employees therefore continued to work during a lapse in appropriations last year. In 2023, however, the agency's funds are rapidly dwindling – as indicated by the spending restriction known as "immediate needs funding" that limits FEMA to spending disaster funds on life-saving measures. Thus, while a government shutdown may not greatly impact FEMA's ability to assist in disaster response and recovery, the agency is already coping with impacts to many of its operations as a result of lack of funding.

The NLIHC-led Disaster Housing Recovery Coalition (DHRC) of over 900 local, state, and national organizations [continues to advocate](#) for the quick passage of an emergency disaster supplemental appropriations bill to fund ongoing disaster operations and disaster recovery for current and future 2023 disasters.

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## **Disaster Housing Recovery Update – September 25, 2023**

### **Congressional and National Updates**

Hurricane Lee made [landfall](#) in Canada on September 16 after shifting from a Category 5 hurricane to a post-tropical cyclone. A hurricane watch and tropical storm watch were issued on September 13 for much of the New England coastline, but warnings related to Lee were [discontinued](#) on September 17.

Tropical [Storm Nigel](#), which formed in the Atlantic earlier this week, intensified into a Category 1 hurricane on Monday. The storm grew rapidly over the following days and became a major hurricane on Tuesday, but no warnings or watches have been issued.

The push for disaster assistance funding remains [messy](#), even while FEMA's Disaster Relief Fund continues to dwindle. While a Continuing Resolution is expected to include funds destined for FEMA, multiple bills from Republican lawmakers seek to accomplish this objective independently.

U.S. Senators Marco Rubio (R-FL) and Rick Scott (R-FL) [reintroduced](#) the "Disaster Assistance Simplification Act" to prohibit penalizing survivors of natural disasters who apply for, but do not accept, U.S. Small Business Administration (SBA) disaster loans when HUD awards Community Development Block Grant (CDBG) disaster relief funds.

In a recent story, *Marketplace* [covers](#) the difficulties faced by owners of manufactured homes in recovering after disasters.

## **State and Local**

### **Florida**

FEMA has opened disaster recovery [centers](#) in those areas hit hardest by Hurricane Idalia.

The Florida Division of Emergency Management (FDEM) announced the [launch](#) of FloridaRecovers.org September 18 to provide temporary sheltering assistance to Floridians impacted by Hurricane Idalia. The program is state-run.

Florida [submitted](#) a State Action Plan for Disaster Recovery to HUD requesting \$910 million in funding. The funds would be allocated through HUD's Community Development Block Grant-Disaster Recovery (CDBG-DR) program, which is supporting long-term recovery, resiliency, and mitigation efforts following Hurricane Ian in 20 counties. HUD has 60 days to review and approve Florida's plan.

### **Hawaii**

More than 5,000 survivors had been [approved](#) for FEMA Individual Assistance as of September 9, while three disaster recovery centers had opened in Lāhainā, Makawao, and Kahului to help those impacted by the fires.

The [fire death toll](#) dropped from 115 to 97 after additional DNA analysis was conducted. Authorities have identified 74 of those died.

Housing [solutions](#) for the victims of the Maui fires have not been easy to find. The State of Hawaii is exploring a variety of options for providing transitional shelter for displaced households. However, rental housing remains scarce.

During a recent Maui County Council meeting, residents [pushed](#) commissioners to institute a ban on real estate transactions in impacted areas to prevent the loss of community residential and commercial options in favor of corporate development.

## **Georgia**

[New recovery centers](#) have opened in Georgia to aid Hurricane Idalia survivors from Cook, Glynn, and Lowndes counties.

## **Kentucky**

The Kentucky Housing Corporation has fielded more than [\\$18 million in applications](#) for housing recovery efforts. Funds to support recovery will be taken from the state's Rural Housing Trust Fund to rebuild single family homes in areas impacted by catastrophic flooding and tornados. The Ohio River Valley Institute estimated that 9,000 homes in eastern Kentucky were damaged in last year's severe flooding, while six in 10 families in the flood damaged area have incomes of less than \$30,000 a year. The Rural Housing Trust Fund program is a middle-income program.

## **Maine**

Maine State Governor Janet Mills declared a [state of emergency](#) on September 15 in anticipation of Hurricane Lee. Governor Mills' declaration was followed by a federal emergency disaster declaration later that evening.

Strong winds associated with Hurricane Lee caused more than 92,000 [power outages](#) throughout Maine. By September 16, approximately 94,000 Maine customers were without power, according to PowerOutage.us. One person was killed after their vehicle was struck by a falling tree in Searsport, and another was injured in a similar incident.

## **Massachusetts**

A [state of emergency](#) was announced in Massachusetts on September 15 by Governor Maura Healey due to Hurricane Lee. The announcement was approved by the Biden administration one day later. Fifty members of the Massachusetts National Guard were activated in anticipation of the hurricane, and an emergency operations center was opened in Boston.

An initial [\\$15 million](#) was made available to farmers who have been adversely affected by extreme weather in 2023 through the Natural Disaster Recovery Program for Agriculture.

## **Mississippi**

FEMA and the U.S. Small Business Administration (SBA) have approved \$3.8 million in [federal support](#) for Mississippi residents one month after a major disaster declaration was announced for severe storms that impacted the state in June. FEMA expects the amount of funds to increase as more people apply.

## **New York**

New York State Governor Kathy Hochul [deployed](#) 50 National Guard members to Long Island in preparation for Hurricane Lee's arrival. Meanwhile, the Town of Southampton declared a state of emergency on September 15.

## **Puerto Rico**

A year after Hurricane Fiona hit Puerto Rico, FEMA [announced](#) its support for a project seeking resilient preparation for Puerto Rico in the face of future atmospheric events. The federal organization approved over \$3.6 million for the first phase of the project, which will provide a new sanitary sewer system for 367 homes and separate sanitary sewer discharge from the storm sewer system. Since the hurricane, FEMA has awarded over \$646 million in Individual Assistance (IA) grants to survivors, and more than 740,000 households have received disaster assistance funding to repair and rebuild damaged homes.

## **Vermont**

Some Vermonters affected by the July flooding are still deep in the throes of flood [recovery](#), with some continuing to seek shelter. So far, FEMA has determined that more than 2,900 homes in the state had some type of damage, based on applications and housing inspections, including 530 designated as having major damage and 14 that were destroyed. About 1,280 households have received rental assistance from FEMA, which may provide an indication of how many people cannot currently live in their homes, according to the governor's press secretary. FEMA is bringing in manufactured homes and searching for apartment buildings that can be leased and renovated to accommodate flood victims. The agency says about 225 people are eligible for temporary housing, but half of them have found other housing solutions.

Residents of nine counties included in a federal disaster declaration now have until October 12 to apply for individual assistance, FEMA [announced](#) after state officials requested an extension. FEMA Individual Assistance is [available](#) to homeowners and renters in nine counties included in the federal government's major disaster declaration: Caledonia, Chittenden, Lamoille, Orange, Orleans, Rutland, Washington, Windham, and Windsor.

More than \$54.7 million in [federal assistance](#) has been provided by FEMA and the U.S. Small Business Administration (SBA) directly to Vermonters to aid in their recovery from severe storms in July. Addison County was [added](#) to the federal disaster declaration for this summer's severe storms on September 14.

An [additional](#) Disaster Recovery Grant of \$200,000 for ongoing flood recovery efforts for cultural organizations was awarded on September 19 by the National Endowment for the Humanities.

Vermont is [utilizing](#) a state program to assist owners of manufactured homes when FEMA does not pay out funds needed by survivors to repair or replace their homes. The agency has not been taking into account the question of whether a unit has been condemned by local or state officials when distributing assistance amounts. The supplemental state program comes in conjunction with another state program to assist in the demolition and removal of damaged manufactured housing units.

## Virginia

The State of Virginia is [considering](#) the creation of a state relief fund after flooding impacted the towns of Hurley and Whitewood twice in the past two years. Federal funding was limited by a lack of disaster declarations in both instances.

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## Public Charge Rule

### State Department Publishes Final Public Charge Rule; *Los Angeles Times* Releases “Public Charge Explainer”

The U.S. Department of State (DOS) published on September 5 a final [“public charge” rule](#), confirming that the agency will not finalize the Trump administration’s harmful 2019 interim final rule. The DOS rule, effective as of October 5, 2023, aligns with the U.S. Department of Homeland Security’s final public charge rule, which clarified that several health and social services are not to be considered in a public charge determination, a decades-old test used to deny temporary admission into the U.S. or deny requests to change a person’s status to lawful permanent resident (see *Memo 9/12/2022*). Meanwhile, the *Los Angeles Times* released a helpful [explainer](#) focused on the public charge rule that includes contributions from Protecting Immigrant Families Coalition (PIF), a member organization of NLIHC’s [Opportunity Starts at Home Roundtable](#).

Prior to 2019, almost all non-cash government benefits, such as Medicaid and housing benefits, were excluded from the public charge consideration. But under the Trump administration, the long-standing guidance for “public charge” was changed dramatically, resulting in an interim final rule that would have created a confusing and complex test for those seeking a visa or green card based on income, education, and other factors. The newly published DOS “public charge” rule makes clear that the agency will not finalize the Trump administration’s 2019 interim final rule and that DOS will revert to the regulatory text that was in place prior to the publication of the 2019 rule.

Relatedly, the *Los Angeles Times* published “Receiving Food Stamps Won’t Kill Your Green Card Chances. How ‘Public Charge’ Works.” The article will likely prove useful to housing and social service providers that help immigrant communities understand their access to benefits and how the “public charge” rules have been reformed under the Biden administration. Part of the “Immigrant Dreams” survey and article series, the piece offers an easy-to-understand summary of the public charge issue and quotes Adriana Cadena, campaign director of PIF. While focused on resources available to California residents, the article provides a summary of public charge impacts nationwide and dispels myths related to the rule.

Read the DOS rule at: <https://tinyurl.com/5d8x335n>

Read a background and timeline of “public charge” published by PIF at: <https://pifcoalition.org/our-work/public-charge>

Read the *Los Angeles Times* piece at: <https://tinyurl.com/4v7d5nmX>

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## HUD

### HUD Extends NSPIRE Compliance Date for CPD Programs

HUD published a [notice](#) in the *Federal Register* on September 18 extending the National Standards for the Physical Inspection of Real Estate (NSPIRE) compliance date for programs administered by HUD's Office of Community Planning and Development (CPD). A final NSPIRE rule was published on May 11 (see *Memo*, [5/15](#)) requiring CPD programs to comply by October 1, 2023. The *Federal Register* notice extends the compliance date to October 1, 2024. The affected CPD programs are the national Housing Trust Fund and the HOME Investment Partnerships, Housing Opportunities for Persons with AIDS (HOPWA), Emergency Solutions Grants (ESG), and Continuum of Care (CoC) programs.

NSPIRE aligns, consolidates, and improves regulations at 24 CFR part 5, the physical inspection regulations that apply to multiple HUD-assisted housing programs, replacing Uniform Physical Condition Standards (UPCS) and absorbing much of the Housing Quality Standards (HQS) regulations. NSPIRE physical inspections focus on three areas: the housing units where HUD-assisted residents live, elements of their buildings' non-residential interiors, and the exteriors of buildings, ensuring that components of these three areas are "functionally adequate, operable, and free of health and safety hazards."

The final NSPIRE rule made amendments to the HTF and HOME program regulations, requiring HTF grantees (states) and HOME participating jurisdictions (PJs) to develop property standards that apply to rental or homeownership projects involving rehabilitation, ongoing inspections of rental housing during their period of affordability, and acquisition of standard housing for homeownership. These property standards will also apply to housing occupied by households assisted with HOME tenant-based rental assistance.

The final NSPIRE rule also stated that HUD will publish lists of specific physical deficiencies in a *Federal Register* notice indicating deficiencies that must be corrected before HTF or HOME projects are completed or during their affordability periods. These HTF and HOME specific deficiencies will form a subset of the much larger set of deficiencies presented in the NSPIRE Inspection Standards for public housing, Multifamily housing, and the Housing Choice Voucher program (see *Memo*, [6/26](#)). To fully implement the final NSPIRE rule, HTF grantees and HOME PJs must develop rehabilitation and ongoing property standards as well as policies and procedures all of which incorporate the subset of specific HTF and HOME physical deficiencies. However, because HUD has not published such a notice yet, the agency is extending the compliance date for all CPD programs to October 1, 2024.

Read the September 18 *Federal Register* notice at: <https://tinyurl.com/484ethpv>

Read NLIHC's "Summary of Key Provisions of the Final National Standards for Physical Inspection (NSPIRE) Regulations" at: <https://bit.ly/3Oweh7H>

Read the May 11 *Federal Register* version of the final NSPIRE rule at: <https://bit.ly/3pvM9XM>

Find an easier-to-read preview version of the final NSPIRE rule at: <https://bit.ly/3pxumiX>

View HUD's NSPIRE website at: <https://bit.ly/2V9qvV3>

More information about HUD programs subject to the new NSPIRE rule is available in NLIHC's [\*2023 Advocates' Guide\*](#).

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## **HUD Recap Updates Several RAD Resident Fact Sheets, Posts Training Video**

HUD's Office of Recapitalization (Recap) posted updated fact sheets reflecting changes in the resident engagement and protections provisions in the recent revisions to the Rental Assistance Demonstration (RAD) [Supplemental Notice 4B, H-2023-08 PIH-2023-19](#) (see *Memo*, 8/14). Recap also posted a 25-minute training video, "[2023 RAD Supplemental Changes for Resident Engagement and Protections](#)," explaining the resident-focused changes in RAD Supplemental Notice 4B, such as the addition of one required resident meeting and new information that must be included in required resident notices. The fact sheets numbered 1-5 and 6 are those that have been revised to reflect the resident-oriented changes in RAD Supplemental Notice 4B.

Read the revised fact sheets at: <https://tinyurl.com/2p8ymx3x>

View the training video at: <https://www.hud.gov/RAD/residents/whatisrad>

Read RAD Supplemental 4B at: <https://tinyurl.com/47mtfhv6>

Read NLIHC's "RAD: Key Features for Public Housing Residents" updated to reflect Supplement 4B on [NLIHC's public housing webpage](#). A narrative presentation about RAD is on [page 4-46](#) of NLIHC's [\*2023 Advocates' Guide\*](#) (which will be revised for 2024 to reflect the Supplement 4B changes).

View Recap's RAD webpage at: <https://www.hud.gov/RAD>

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## **Fair Housing**

### **NLIHC Joins Fair Housing, Civil Rights, and Public Health Organizations in Press Statement Opposing Harmful Appropriations Amendments That Would Defund Fair Housing Enforcement**

NLIHC joined a broad and diverse group of leading civil rights, fair housing, affordable housing, and public health advocates in a [press statement](#) opposing certain amendments included in the appropriations bill presently moving through the U.S. Senate. The amendments to the "Military Construction, Veterans Affairs, and Related Agencies Appropriations Act of 2024" ([H.R.4366](#)) would prevent HUD from complying with its legal requirement to affirmatively further fair



housing (AFFH). The Biden administration’s proposed AFFH rule, published in the *Federal Register* earlier this year (see *Memo 5/1*), could still be finalized even if the amendments are included in the bill, but HUD’s oversight and technical assistance could be stalled if Congress prohibits HUD from using any funds in the fiscal year (FY) 2024 appropriations bill for AFFH implementation.

“We urge Senators to oppose any amendments that would prohibit funding for implementation of HUD’s proposed ‘Affirmatively Furthering Fair Housing’ (AFFH) rule,” the statement reads. “Implementation of the AFFH rule will help ensure that HUD grantees have the guidance, data, and tools necessary to empower communities to shape their own cost-effective strategies to affirmatively further fair housing – including future investments in housing, transportation, infrastructure, and economic development that can make any community thrive.”

The statement also cites the longstanding history of fair housing as a reason why Congress must continue to fund AFFH implementation: “When Congress passed the Fair Housing Act fifty-five years ago, it charged HUD and other federal agencies with the duty to affirmatively further fair housing. The AFFH mandate is one of our strongest tools to address today’s housing challenges. We urge Senators to vote ‘no’ on any amendments that would prevent HUD from implementing its proposed AFFH rule.”

Read the press statement at: <https://tinyurl.com/4nvjjw6>

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## From the Field

### **California Governor Signs Legislation to Further Fair Housing and Address Roadblocks to Housing Development; Additional Housing Bills Await Governor’s Signature**

California state legislators approved [more than a dozen bills](#) to increase housing supply, promote fair housing, and address homelessness in the 2023 legislative session, which concluded on September 14. Many of the successful housing and homelessness bills were top priorities for NLIHC’s five California state partners, whose sponsorship and advocacy played a pivotal role in securing their passage. California Governor Gavin Newsom has already signed some top priority bills, including legislation to redress a racist provision of the state constitution and remove roadblocks to housing development. Governor Newsom faces a deadline of October 14 to approve the remaining bills.

“This year, Housing California, Residents United Network (RUN), and our coalition members advanced several impactful pieces of legislation, including Roadmap Home 2030 evidence-based solutions aimed at growing the supply of affordable housing, protecting renters, solving homelessness and addressing the deep racial inequities in our housing system,” said Chris Martin, policy director of Housing California, an NLIHC state partner. “These legislative wins highlight that when we work together, we can find powerful solutions to the state’s toughest problems.”

Governor Newsom signed [SB 469](#) on September 8, which limits the scope of Article 34 of the state constitution. This [racist constitutional amendment](#) – adopted in 1950 as part of a backlash against housing integration – requires voter approval for the “development, construction, or acquisition of a publicly funded low-rent housing project,” which has hampered the development of affordable housing in California and reinforced racial segregation. Article 34 was interpreted to apply not only to new public housing but also to privately developed housing with state subsidies. SB 469 corrects this interpretation and limits the scope of Article 34 by exempting state-financed, privately developed affordable housing from its voter approval requirements. Affordable housing developments financed by the California Department of Housing and Community Development, the Strategic Growth Council, or the Tax Credit Allocation Committee will no longer be subject to Article 34. In the 2024 election, California voters will have the chance to repeal Article 34 and remove this racist requirement from the state constitution altogether. SB 469 passed both chambers of the legislature on unanimous votes.

“While the passage of SB 469 is an important victory that frees most of California’s affordable housing developments from our racist history, Article 34 still imposes a racist public vote requirement on new public housing and must ultimately be repealed from the State Constitution. Voters will have a chance to do just that in 2024,” said Mark Stivers, director of advocacy at the California Housing Partnership, an NLIHC state partner. “In the meantime, SB 469’s exemption for state-financed developments will affirmatively further fair housing and reduce unnecessary costs, delays, and uncertainty in the development of desperately needed affordable homes. The California Housing Partnership, along with our partner the California Rural Legal Assistance Foundation, is proud to have suggested and co-sponsored this important measure, which takes effect January 1, 2024.”

Governor Newsom also signed [AB 1307](#) on September 7, which establishes that the unamplified voices of residents in a residential project cannot be considered a significant environmental effect under the “California Environmental Quality Act” (CEQA). Although CEQA provides some important environmental protections, it is often weaponized to block affordable housing development. Assemblymember Buffy Wicks introduced the bill to remedy the impact of the First Appellate Court’s decision in *Make UC a Good Neighbor et al. v. Regents of the University of California*. The presiding judge stated that the University of California’s Environmental Impact Report failed to address the impact of noise from student residences in residential neighborhoods near campus. This case set the precedent that all residential housing projects could be required to complete an expensive, time-consuming Environmental Impact Report if unamplified voices of residents could cause an environmental impact.

This precedent essentially equated people with pollution and legitimized the claim that certain groups of people could be considered an environmental harm because of the perceived risk of their behavior – an assumption that exacerbates racist and classist assumptions about affordable housing. AB 1307 narrowly addresses the Court’s ruling by stating that noises generated by the unamplified voices of residents cannot be considered a significant environmental effect under CEQA. This change prevents legal challenges to residential development based on speculation that the new residents will create unwanted noise. NLIHC state partners California Housing Partnership and Housing California were among the bill’s cosponsors, and it passed with unanimous support in both chambers of the legislature.

As housing advocates celebrate the signing of SB 469 and AB 1307, they also await Governor Newsom's signature on a range of other priority bills. Some of the bills on Governor Newsom's desk include:

- [The “Affordable Housing on Faith and Higher Education Lands Act” \(SB 4\)](#), which will provide a streamlined process for religious organizations and nonprofit colleges to develop affordable housing on their property regardless of local zoning restrictions.
- [AB 1449](#), which exempts certain 100% affordable housing projects from CEQA to facilitate affordable housing development.
- [AB 1418](#), which will prohibit cities and counties from enacting “crime-free housing” programs and policies that include discriminatory provisions, such as requiring landlords to evict tenants for alleged criminal activity or contact with law enforcement.
- [The “Tribal Housing Reconstitution and Resiliency Act” \(SB 18\)](#), which will create a first-ever Tribal Housing Grant Program.
- The [“Homelessness Prevention Act” \(SB 567\)](#), which closes loopholes that undermine the California Tenant Protection's Act just cause eviction protections and provides clear mechanisms for accountability and enforcement against violations of the Tenant Protection Act.

A future *Memo* article will provide further details and updates on additional legislation signed by Governor Newsom between September 22 and October 14.

For more information on SB 469, visit: <https://chpc.net/wp-content/uploads/2023/06/SB-469-Fact-Sheet.pdf>

For more information on AB 1307, visit: <https://calhsng.org/wp-content/uploads/2023/03/AB-1307-Fact-Sheet-No-CEQA-on-Unamplified-Voices-March-2023.pdf>

For Housing California's summary of the 2023 legislative session, visit: <https://www.housingca.org/news-media/statements/2023-legislative-session-summary/>

For more information on NLIHC's California state partners, visit <https://nlihc.org/housing-needs-by-state/california> and click the “State Level Partners” tab.

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## Opportunity Starts at Home

### Children's Defense Fund Releases Report on Housing's Impacts on Children

Children's Defense Fund released a report, [“The State of America's Children,”](#) that identifies housing and homelessness as key issues impacting child poverty. The report reveals that 1.1 million students experienced homelessness during the 2020-2021 school year, approximately 75% of whom were Black or Brown. The report also uncovers disproportionate impacts on students who are English learners and students with disabilities and shows that students experiencing homelessness are vulnerable to altered cognitive and physical development. More generally, the authors establish connections between the lack of affordable housing,

discrimination in accessing housing, and income inequalities and make the case that these three factors combine to bring about the housing insecurity faced by many families with children. The authors argue that policymakers should address this urgent problem by adopting solutions that advance racial equity, income equality, and greater access to housing resources. Read the report [here](#).

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## Research

### **Renters in Central and South Los Angeles Reduced Spending on Basic Needs to Afford Housing**

A study published in the *Journal of Urban Affairs*, "[How do renters survive unaffordability? Household-level impacts of rent burden in Los Angeles](#)," found 85% of surveyed renters in central and south Los Angeles reduced their consumption of at least one basic need to afford housing. Rent-burdened households cut back spending for several basic needs at a significantly higher rate and for longer durations than non-rent-burdened households. The researchers also found that severely rent-burdened households were more likely than renters with lower rent-burdens to increase their household size to afford housing.

The study used data from 794 door-to-door household surveys administered in both English and Spanish in central and south Los Angeles in 2019. Survey administrators asked residents whether they had made consumption cutbacks – for food, health and medicine, clothing, education, bills and debt, or entertainment and family activities – or functional adjustments to their work or home situations – including taking on more work hours or jobs, adding additional people to the household, or renting out a room – to make their housing more affordable.

Across all surveyed households, 84.7% of respondents cut back on their consumption of at least one basic need to make housing more affordable, with over half reducing spending on food and 45% delaying paying bills or taking on additional debt. Rent-burdened households were more likely than non-rent-burdened households to cut back on food, health, medicine, clothing, and transportation.

The researchers also examined adjustments to work and housing conditions made by households to increase income or reduce their share of the rent. Forty percent of non-rent-burdened households and 35% of rent-burdened households had adjusted either their employment or housing in the previous two years. Across all respondents, more than one in four took on more work hours or jobs, and nearly one in six adjusted their housing situation by either adding an additional member or renting out a room. Severely rent-burdened households were significantly more likely than moderately rent-burdened households to add additional members to their household.

The researchers found that one-third of households adjusted either their work or household size to afford housing and had also cut back on basic needs. More than 25% of households that adjusted their work or housing conditions had cut back spending on three or more basic needs. The researchers conclude that layered survival tactics create new, impactful stressors on

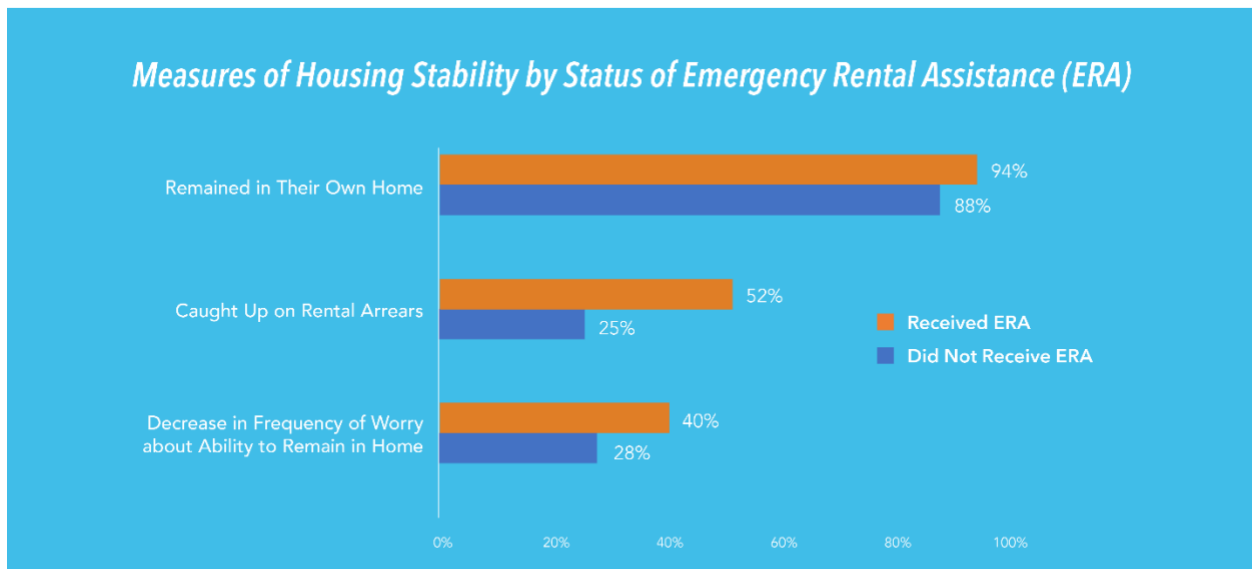
households already struggling to afford rent. They call for immediate and long-term supports that alleviate housing costs and help renters handle day-to-day budgets, including investment in new affordable housing and the preservation of affordable housing, increasing the supply of affordable market-rate housing through zoning changes, increased subsidized housing and expansion of housing voucher programs, and reinvestments in the social safety to help renters meet basic needs.

Read the article at: <https://bit.ly/3PtWw7E>

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## Fact of the Week

### Measures of Housing Stability by Status of Emergency Rental Assistance



Source: NLIHC, Housing Initiative at Penn, & Reinvestment Fund. (2023). Beyond Housing Stability. Understanding Tenant and Landlord Experiences and the Impact of Emergency Rental Assistance. <https://bit.ly/3Z4haQj>



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## NLIHC in the News

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

The following are some of the news stories to which NLIHC contributed during the week of September 17:

- “Why Permanent Supportive Housing Is the Answer to Homelessness” *Invisible People*, September 22 at: <https://bit.ly/3PPw8FJ>
  - “Why Architects Need To Help Solve The Housing Crisis” *Next City*, September 22 at: <https://bit.ly/3Zwnxfj>
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## NLIHC News

### Where to Find Us – September 25

- Wisconsin Council on Physical Disabilities September Housing Committee Meeting – Virtual, September 18 (Courtney Cooperman)
  - [Neighborhood Preservation Coalition of New York Annual Conference](#) – Saratoga Springs, NY, September 19 (Lindsay Duvall)
  - [Community Development Advocates of Detroit 2023 Community Development Week: “Housing for All”](#) – Detroit, MI, September 19 (Andrew Aurand)
  - New York Regional Housing Collaborative – New York, NY, September 20 (Lindsay Duvall)
  - [Housing Oregon Industry Support Conference](#) – Portland, OR, September 27 (Courtney Cooperman)
  - National Coalition for the Homeless Conference – Washington, DC, September 30 (Diane Yentel)
  - [San Diego Housing Federation 2023 Affordable Housing & Community Development Conference](#) – San Diego, CA, October 3 (Kim Johnson)
  - [Housing Washington](#) – Tacoma, WA, October 5 (Brooke Schipporeit)
  - [Nevada Housing Conference](#) – Las Vegas, NV, October 11 (Brooke Schipporeit)
  - Habitat for Humanity of the Greater La Crosse Region Advocacy Committee Meeting – Virtual, October 20 (Courtney Cooperman)
  - [Southern California Association of Non-Profit Housing](#) – Los Angeles, CA, November 3 (Sarah Saadian)
  - Sinergia NY Housing Advocacy Program – Virtual, November 8 (Lindsay Duvall)
  - [Pennsylvania Housing Finance Agency](#) Conference – Hershey, PA, December 7 (Sarah Saadian)
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