

TENANT TALK

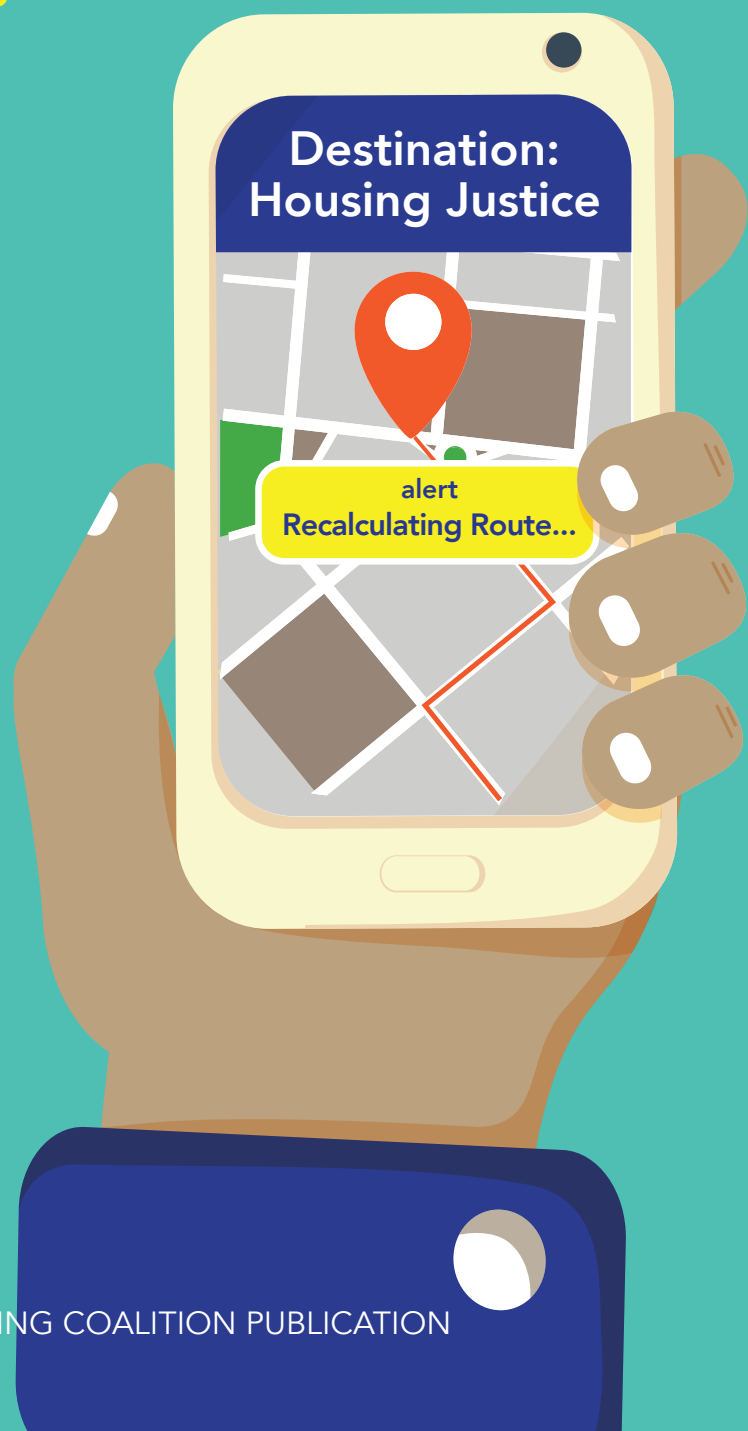
WINTER/SPRING 2017 | VOLUME 8, ISSUE 1

A New Administration and Congress. . .

AND A RENEWED MOVEMENT FOR CHANGE

ALSO IN THIS ISSUE:

- LOCAL SPOTLIGHTS ON CRIMINAL JUSTICE REFORMS FOR AFFORDABLE HOUSING
- PUBLIC HOUSING SMOKING BAN—WHAT CAN RENTERS EXPECT?
- PROFILE OF NEW HUD SECRETARY DR. BEN CARSON



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**NATIONAL LOW INCOME
HOUSING COALITION**

ABOUT NLIHC

The National Low Income Housing Coalition is dedicated solely to achieving socially just public policy that assures people with the lowest incomes in the United States have affordable and decent homes.

A key part of our work is through public education and engagement. NLIHC is committed to sharing resources and tools that help individuals become informed advocates.

Tenant Talk is one of the many resources we provide to the public.

BECOME A MEMBER

NLIHC relies heavily on the support of our members to fund our work and guide our policy decisions. Members are our strength! Hundreds of low income residents and resident organizations have joined the NLIHC community by becoming members.

We suggest an annual membership rate of only \$5 for a low income individual membership, and \$15 for a low income resident organization. Please consider becoming a member of NLIHC today at www.nlihc.org/membership.

Dear Readers,

Many of us were shocked by the results of the recent election. As the federal government gets back to work after a bumpy transition, President Trump has submitted a budget to Congress that includes massive cuts to public housing, housing assistance, and community development that we will oppose vigorously. There are also threats that Congress may move forward with time limits and work requirements for households in subsidized homes. Although the chaos of the changing political environment may seem daunting, and the challenges are real, this moment also brings new opportunities for collaboration and creative solutions.

In this edition of *Tenant Talk* we explore how we can work together to address the potential threats to fair housing, vouchers, and the public housing budget within the new administration. This edition will also explore new areas of opportunity for affordable housing advocacy such as equitable tax reform, legislation on criminal justice reform, and the inclusion of affordable housing in any infrastructure package.

In addition to our outrage at Mr. Trump's proposed massive cuts to affordable housing, we have concerns that President Trump selected as his top housing official a retired physician with no experience in affordable housing policy. We were encouraged that HUD Secretary Ben Carson affirmed during his confirmation hearing that he would support important rental assistance programs like public housing and Housing Choice Vouchers (Section 8), but Mr. Trump's budget says something different. While we are open to working with the new administration, we remain vigilant in holding elected officials and policy makers accountable to safeguarding existing laws and programs that protect vulnerable populations.

We cannot lose sight of our values and our mission to ensure people with the lowest incomes have access to affordable and decent homes. We remain committed to our goals of preserving existing federally assisted homes and housing resources, expanding the supply of low income housing, and establishing housing stability as the primary purpose of federal housing policy.

In addition to remaining open to collaboration with the new administration, strengthening existing networks and cultivating new relationships with stakeholders across various industries will be essential. Navigating the new political landscape will require teamwork among organizations across issue areas, from healthcare and education to labor and child advocacy, creating a united front in order to further common goals of advancing socially just policies.

Together our voices are more powerful. We must remain vigilant, stand strong, and fight for our values. United, we can create real change and have a greater impact for the millions of extremely low income people counting on us to ensure access to affordable, accessible, and adequate homes.

Yours in advocacy,

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Submit article ideas!

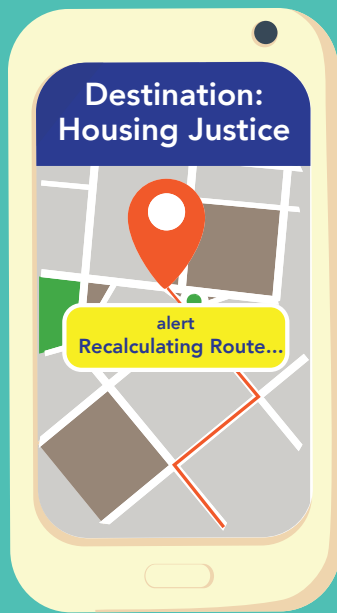
A future issue of *Tenant Talk* will explore the issue of housing displacement caused by neighborhood gentrification, and what communities are doing to stop this from happening. If you have good ideas for a local spotlight article or a perspective to include, please contact NLIHC's Field Team at outreach@nlihc.org.

A Letter
from the
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THE NEW ADMINISTRATION

President Donald J. Trump and Implications for Affordable Housing

President Trump has had a career developing, operating, and selling housing, mostly focused on middle and upper income households. He has little experience with or knowledge about housing affordability. Mr. Trump scarcely mentioned the issues of affordable housing or homelessness during his presidential campaign and has now come out with a budget that slashes essential affordable housing programs.



One statement Mr. Trump made repeatedly during his campaign was that “we’re not going to allow people who have no money to die on the streets” when referring to his health care plans. But both his health care proposal and his budget request to Congress contradict that commitment.

President Trump’s FY18 budget slashes critical resources used to help keep housed some of the

country’s lowest income and most vulnerable seniors, people with disabilities, families with children, veterans, and formerly homeless individuals. He proposes to cut overall HUD funding by 13% or \$6.2 billion compared to FY16. When compared to funding levels needed for FY17, **the proposed cuts amount to a 15% or \$7.5 billion reduction.**

Potential threats extend beyond Mr. Trump’s budget. During the campaign, Mr. Trump indicated he would end HUD’s Affirmatively Furthering Fair Housing (AFFH) rule and roll back fair housing guidance. Indeed, Mr. Trump has a personal history with fair housing law.

Mr. Trump began his career working for his

father, Fred Trump, a developer and landlord in New York City. When Donald Trump became the Trump Management Company’s president, it operated more than 10,000 rental units. The Justice Department’s Civil Rights Division filed suit against the company in 1973 for Fair Housing

Act violations. The lawsuit stated that Mr. Trump’s employees discriminated against people of color by falsely indicating where apartments were and were not available, falsely quoting rents to non-white applicants, making notes on rental applications indicating race and ethnicity, and denying applicants accordingly. Trump Management Company never admitted to wrongdoing and counter-sued the Justice Department. The suit was settled through a consent decree in 1975.

The Trump Organization continues to have vast real estate holdings and operates several rental properties. Because Mr. Trump refused to place his business assets in a blind trust, Senator Elizabeth Warren (D-MA) asked then HUD Secretary-Nominee Dr. Ben Carson to ensure that HUD would not benefit Mr. Trump’s businesses or those of his relatives. *The Baltimore Sun* recently reported that Jared Kushner, Mr. Trump’s son-in-law and a top adviser, owns three apartment complexes in Maryland that receive income from Housing Choice Vouchers.

Housing advocates are outraged by Mr. Trump’s budget proposal and alarmed by other potential threats. NLIHC will fight to protect affordable and fair housing for the lowest income people in America.



President Donald Trump

Dr. Ben Carson Sworn in as HUD's 17th Secretary

Dr. Ben Carson was sworn in as the 17th Secretary of HUD on March 3, 2017. According to a HUD press statement, Dr. Carson plans an ambitious listening tour of select communities and HUD field offices around the country, beginning in his native Detroit.

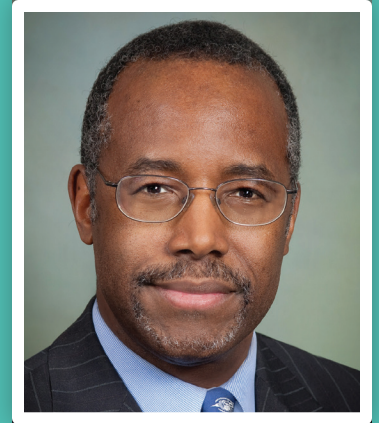
In this new role, Dr. Carson will lead an agency with nearly 8,000 employees and an annual budget of more than \$40 billion. HUD oversees federal rental assistance programs that serve over 5 million of the country's lowest income households; provides funding for community development, disaster recovery, and homeless assistance programs; enforces fair housing laws; and acts as one of the largest mortgage insurers in the world. HUD plays a critical role in alleviating poverty, stabilizing and revitalizing communities, increasing the educational attainment and incomes of low income families, and providing safe, affordable homes to deeply poor, elderly, or disabled families.

"I am immensely grateful and deeply humbled to take on such an important role in service to the American people," said Dr. Carson. "Working directly with patients and their families for many years taught me that there is a deep relationship between health and housing. I learned that it's difficult for a child to realize their dreams if he or she doesn't have a proper place to live, and I've seen firsthand how poor housing conditions can rob a person of their potential. I am excited to roll up my sleeves and to get to work."

NLIHC noted at the time of his nomination that, with many qualified candidates to choose from who have deep knowledge of and commitment to affordable housing solutions, Mr. Trump's selection of Dr. Carson to serve as HUD secretary was "surprising and concerning." The new HUD secretary has no prior experience in government or with housing or urban policy and had little prior knowledge of the programs he now oversees.

In a 2013 interview, Dr. Carson claimed that "poverty is really more of a choice than anything else," implying that poor people can escape poverty through hard work, a commonly-held belief among conservatives opposed to government spending on social programs. In July 2015, Dr. Carson published an editorial

describing Affirmatively Furthering Fair Housing (AFFH) as an Obama Administration "mandated social-engineering scheme," revealing a misunderstanding of obligations that have been around since 1968, the year the Fair Housing Act was made law.



HUD Secretary Ben Carson

At his January 12 confirmation hearing before the Senate Banking Committee, however, Dr. Carson appeared to have begun the process of learning about housing policy and the programs he would oversee at HUD. He appeared to have reversed his previous position that the federal government has no role in alleviating poverty. His view on AFFH seemed to have shifted also, as he acknowledged that fair housing "is the law of the land."

During the confirmation process, Dr. Carson affirmed that he will advocate for increasing resources for affordable housing for people with the lowest incomes. "When it comes to deep affordability . . . removing all regulatory barriers won't get you there," Dr. Carson wrote. "It comes down to subsidy. Subsidy levels haven't changed appreciably under Democratic or Republican administrations. I think we can all agree that we will all make sure housing is a key consideration in every appropriations bill." President Trump's recently announced FY18 budget request, however, cuts subsidies drastically.

NLIHC is committed to working constructively with Dr. Carson to address the housing needs of the lowest income households in the U.S. NLIHC will also work to hold Dr. Carson to his commitments to "house as many families as possible in safe, affordable housing. The more than 8 million extremely low income households paying more than half their limited incomes on rent depend on sustained and informed advocacy to ensure that they have decent and affordable housing.

THREATS TO HOUSING BY THE NEW CONGRESS

Public Housing and Other Affordable Housing Budgets Threatened

Affordable housing programs could face steep budget cuts in the coming year. President Trump has submitted a budget for FY18 that proposes deep cuts to non-defense programs, including those at HUD, in order to increase defense spending. Mr. Trump proposes to cut overall HUD funding by 13% or \$6.2 billion compared to FY16 levels. When compared to funding levels needed for FY17, the proposed cuts amount to a 15% or \$7.5 billion reduction. Even if Congress rejects Mr. Trump's proposals, low spending caps required by a 2011 law will be in effect for FY18. Congress must lift these caps and ensure all critical affordable housing programs are adequately funded.

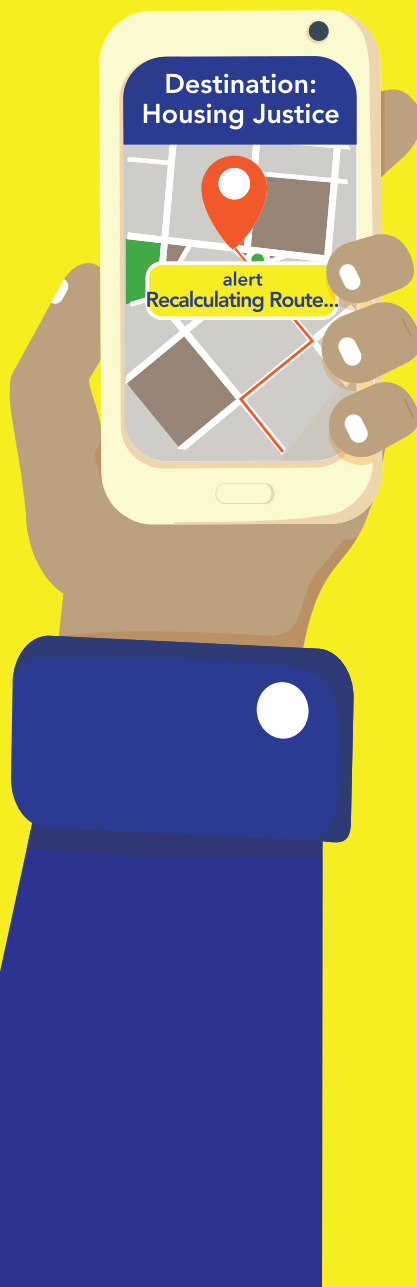
At the time this *Tenant Talk* goes to print, Congress has not passed its FY17 spending bills. HUD needs approximately \$1.8 billion more in FY17 than FY16 spending levels just to maintain current program levels and to keep all families receiving rental assistance in their homes. If Congress provides HUD only the same level of funding it received in FY16, an estimated 100,000 or more housing vouchers could be lost this year. Such level funding would almost certainly also negatively impact other HUD programs like public housing, homeless assistance grants, and other programs that help make housing affordable for low income seniors, people with

disabilities, families with children, and individuals.

The situation could be even worse for FY18 if the low spending caps are not lifted or even deeper cuts are applied. Even continued level funding for these programs would cause thousands of families to lose access to stable housing, putting them at increased risk of homelessness; sequester caps or deeper cuts would be devastating.

President Trump proposes to eliminate Community Development Block Grants, the HOME Investment Partnerships program, Choice Neighborhoods grants, NeighborWorks America, and the Self-help Homeownership Opportunity Program. His budget also would eliminate the U.S. Interagency Council on Homelessness, legal aid services that provide the only resource available to help deeply low income people avoid unwarranted evictions, and resources to help low income families heat their homes in winter.

Advocates should contact their Members of Congress to stress the importance of full funding for all affordable housing programs. NLIHC calls on Congress to reject Mr. Trump's proposed budget and to lift the spending caps—with equal relief for defense and other spending—to ensure that affordable housing programs receive the highest amount of federal funding possible in FY17 and FY18.



Affirmatively Furthering Fair Housing Rule Threatened

The Fair Housing Act of 1968 prohibits housing discrimination based on race, color, national origin, religion, sex, disability, and family status. It also requires all federal agencies to operate their programs “in a manner affirmatively to further” fair housing. This obligation extends also to public housing agencies (PHAs), cities, counties, and states receiving federal housing or community development funds.

Over the nearly five decades since the law passed, those required to follow the law had little guidance on how to carry it out. They essentially had just to sign a pledge indicating that they were complying with the law.

In 2009, the Obama Administration began meeting with many stakeholders to figure out what most of them would accept in an Affirmatively Furthering Fair Housing (AFFH) rule. In 2013, HUD published a proposed rule for public

comment. A final rule was published in 2015, providing guidance and uniform standards. HUD also provided data and computer mapping tools to help identify patterns of racial and ethnic concentrations so that PHAs, states, and local communities could better meet their fair housing obligations. The AFFH rule is designed to help promote fair housing choice, which includes preserving existing affordable housing like public housing, revitalizing communities that have experienced disinvestment, and preventing displacement, as well as helping people move to communities with better schools, good grocery stores, and no environmental hazards.

More information on AFFH is available in our previous special AFFH issue of *Tenant Talk* (Vol. 7, Issue 1) and on the NLIHC website at: <http://nlihc.org/issues/affh>

Since the AFFH rule was published, some in Congress have attempted to spread untruths about it, and the current session of Congress looks to be no different. A

common tactic of AFFH opponents is to falsely claim that the rule is the federal government’s attempt to take planning decisions from state and local governments. In January, Representative Paul Gosar (R-AZ) and Senator Mike Lee (R-UT) introduced companion bills, titled the “Local Zoning Decisions Protection Act of 2017.” Both Mr. Gosar’s bill (H.R. 482) and Mr. Lee’s bill (S. 103) would prohibit using federal funds for HUD’s database that contains information on patterns of race- and income-based concentrations.

AFFH is a crucial part of the Fair Housing Act and it must be preserved and finally made meaningful. NLIHC encourages you to tell your U.S. representative to oppose the Gosar bill (H.R. 482) and your U.S. senators to oppose the Lee bill (S. 103), and to oppose any efforts to damage fair housing. Your efforts helped defeat similar bills last year, and with your help we can do it again now.

Please stay updated on this issue by subscribing to Call to Action emails at www.nlihc.org. While on the website, also make sure to view the “Take Action” page so that you know when your Members of Congress need to hear from you.



Threats to the Housing Choice Voucher Program

Millions of Americans depend on Housing Choice Vouchers—commonly known as Section 8—to pay their rent each month. Affordable housing advocates are wary that funding for those vouchers may be threatened under the new Administration and Congress.

Each year, Congress creates a budget to pay for key government services and programs. This includes funding for HUD and USDA Rural Development housing programs, as well as funding for departments like the Department of Defense, the Department of Education, Veteran's Affairs, and others.

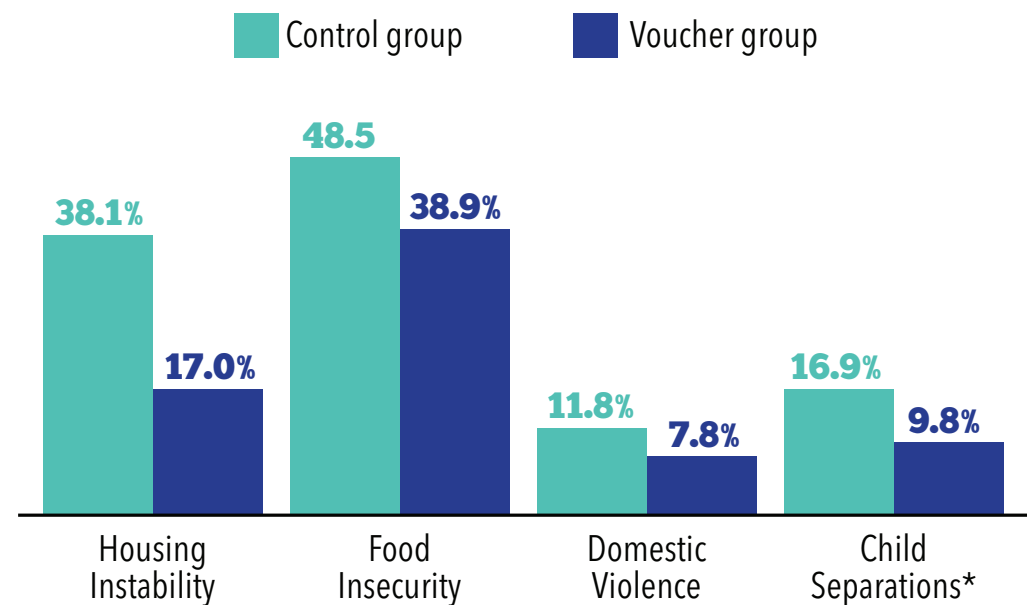
Congress decides how much funding it will provide to each department and the president signs this budget act into law.

Each year as rents increase but wages do not keep pace, housing programs become more expensive to operate—with average inflation costs around 3% annually. Congress must account for this increase as they create the federal budget. It is estimated HUD will need \$1.8 billion more in FY17 to continue funding the same number of vouchers and other forms of rental assistance provided in FY16, while keeping other HUD programs intact. Consequently, Congress will need to provide the additional \$1.8 billion just to maintain current program levels. If Congress fails to do so, more than 100,000 households currently using vouchers will not be able to renew them.

Vouchers will face greater threats in the FY18 budget because low spending caps will return. These spending caps will make it even more difficult for Congress to meet the growing costs of rental assistance. In addition, Congress may impose deeper cuts.

In order to protect vouchers in your community and advocate for support for families who do not currently receive vouchers, contact your Member of Congress at 202-224-3121 and ask them to fund the Housing Choice Voucher program at the highest level possible.

Vouchers Reduce Hardship for Homeless Families



Note: The control group consisted of homeless families that were not offered vouchers or other assistance under the study.

*These data are the results reported 20 months into the HUD Family Options Study. All the other chart data are from the completed 3 year study.

Food Insecurity = Someone in the household had inadequate access to food at some point during the year.
Housing Instability = Family reported spending at least one night homeless or doubled up in the past 6 months or stayed in an emergency shelter in the past year.

Source: Gubits *et al.*, "Family Options Study 3-Year Impacts of Housing and Services Interventions for Homeless Families," Department of Housing and Urban Development.

CENTER ON BUDGET AND POLICY PRIORITIES | CBPP.ORG

WHERE HOUSING PROGRESS HAS A CHANCE

Invest in Affordable Housing as Infrastructure

An investment in our nation's infrastructure may be an issue where Democrats in Congress can find common ground with the new president. While running for office, President Donald Trump proposed to spend \$1 trillion dollars to rebuild America's infrastructure, and Senate Democrats unveiled their own \$1 trillion infrastructure investment plan in January.

A large, bipartisan infrastructure spending bill could provide additional resources to build and preserve America's affordable housing infrastructure. The Senate Democratic proposal includes \$100 billion for "revitalizing America's Main Streets," which could include investments in affordable housing.

"An investment in affordable housing infrastructure for

the lowest income people would provide our nation with the resources it needs to help the economy, local communities, and families thrive," said NLIHC President and CEO Diane Yentel.

Research shows that an investment in affordable housing infrastructure would boost productivity and economic growth, support job creation and increased incomes, and help connect low income families to communities of opportunity.

NLIHC advocates that any comprehensive infrastructure package should include an expansion of the national Housing Trust Fund, an increase in Housing Choice Vouchers or other rental assistance to help connect families to areas of opportunity, and resources to rehabilitate public housing.

Rebalancing Federal Housing Investments to Benefit Those Most in Need

Tax Reform is a top priority for President Donald Trump and the new Congress, and it could provide advocates an opportunity to significantly increase affordable housing resources. Previous efforts at a broad tax reform package have been stalled by partisan gridlock, but this Congress is likely to move forward with a bill that has numerous implications for housing programs.

Representative Keith Ellison (D-MN) introduced H.R. 948, the "Common Sense Housing Investment Act," to reform the mortgage interest deduction—a \$70 billion tax write-off that largely benefits higher-income households—and to reinvest

the savings to provide affordable rental homes to people with the greatest needs. If enacted, the bill would allow an additional 15 million low and moderate income homeowners who currently do not benefit from the mortgage interest deduction to receive a much-needed tax break. The bill would also reinvest the significant savings—\$241 billion over 10 years—into the national Housing Trust Fund, Low Income Housing Tax Credit, public housing, and rental assistance solutions.

NLIHC and the United for Homes campaign—which has been endorsed by more than 2,300 national,



Continued on the next page

From the previous page

state, and local organizations and government officials—strongly support H.R. 948. We encourage all advocates to ask their Members of Congress to cosponsor H.R. 948.

It is time for Congress to reinvest scarce federal resources to serve families with the greatest needs. Just one in four families eligible for rental housing assistance gets the help it needs. Meanwhile, half of

all homeowners do not benefit from the mortgage interest deduction, and nearly all of the mortgage interest deduction goes to households with incomes over \$100,000.

For our nation to fully address the affordable housing crisis for families with extremely low incomes, we must rebalance scarce resources to increase investment in proven solutions. To learn more about the United For Homes campaign, visit www.unitedforhomes.org

Housing is a Crucial Aspect of Criminal Justice Reform

There's no way around it: The United States incarcerates its people at an outrageous rate. For every 100,000 people, there are 716 in jail or prison. Although the U.S. represent just over 4% of the world's population, we "house" almost 25% of the world's total prison population. In fact, the FBI estimates that as many as one in three Americans has a criminal record.

Throughout America's incarceration binge, costs for constructing and maintaining prisons and jails have eaten up state and federal budgets—money that could have been spent elsewhere: on education, on health, on housing. Families have been torn apart.

Even after people have served their time and try to return to their families and communities, they often face insurmountable barriers that jeopardize their opportunity to make the most of their second chance.

Finding a place to call home poses a particular challenge for justice-involved people because housing providers, including public housing agencies (PHAs) and owners of federally-assisted housing, have broad discretion in screening out applicants with criminal records. When this happens, returning citizens are at risk of becoming homeless or recidivating.

Numerous studies and pilot programs throughout the country have shown why housing is so critical for people returning from incarceration. Housing provides a stabilizing platform that leads to positive outcomes for the formerly incarcerated, their

communities, and their families. Other studies have shown that without housing, formerly incarcerated individuals are more likely to end up back in prison.

Given the growing cost of our criminal justice system, both in terms of families and dollars, criminal justice reform (CJR) has become more of a bipartisan issue. Both the House and Senate have increasingly moved to pass pieces of CJR legislation in the last few years.

Unfortunately, CJR stalled in 2016, but lawmakers have indicated they would again like to take up the issue. However, with the Senate bogged down with confirmation hearings for the Supreme Court and federal agencies, it remains unclear when senators will turn their attention to CJR.

Additionally, there is a lot of uncertainty as to whether the Trump Administration will support these renewed efforts given the president's earlier rhetoric on the issue and his selection of Senator Jeff Sessions, an opponent of past reform proposals, to serve as U.S. Attorney General.

Some advocates believe that the Trump administration may be less interested in working on more controversial reforms, such as reducing prison sentences, and might instead focus their efforts on reentry issues, which could include housing access for people with criminal records.

When Congress finally does turn its attention to CJR and legislative proposals begin to take shape, it is essential that the housing needs of people with criminal records be addressed.

SPOTLIGHT ON...

Communities Open the Door to Returning Prisoners



Returning prisoners face numerous challenges when returning to their communities, and access to housing is one of the largest obstacles. Subsidized housing programs can often have very restrictive criteria for renting to applicants with any conviction history. Very often, stable housing is a key factor in keeping returning prisoners from activities that may send them straight back to jail. Several communities throughout the country are taking action to create new programs and policies to open doors to this often overlooked group in need of housing support.

HERE ARE JUST A FEW EXAMPLES....

Gwinnett GA Program Provides Housing and Services to Those Leaving Correctional Facilities

The Gwinnett Reentry Intervention Program (GRIP) is an innovative program in Gwinnett County, GA that provides housing and supportive services to individuals leaving correctional institutions. The program seeks to assist ex-offenders in making their transition back into society a success.

GRIP provides returning citizens with transitional housing, job training, health screening, and help applying for social security disability (SSDI) and supplemental security income (SSI) programs. GRIP also connects returning citizens to mental health treatment—a vital resource as 60% of inmates in Gwinnett County report symptoms of mental illness.

When a returning citizen is ready to transition to

permanent housing, GRIP assists with that process, locating landlords willing to house individuals with criminal records. This assistance is vital, as the inability to find affordable housing is one of the chief barriers that prevents many returning citizens from successfully reengaging in their community.

By providing stable housing and case management services, GRIP has helped thousands of individuals successfully transition back into society. Before the program began, 25% of individuals who left Gwinnett County Jail returned to jail within three years of their release. But only 8% of

GRIP participants returned to jail in the three years following their release. By reducing recidivism, GRIP saves the county money, lowers the barriers to housing for ex-offenders, and helps the community at large benefit from safer neighborhoods.

“By providing stable housing and case management services, GRIP has helped thousands of individuals successfully transition back into society.”

New Orleans Housing Authority Revises Policy for Screening Those with Criminal Records

Former HUD Secretary Julián Castro announced in April, 2016 that housing authorities could no longer use arrest records to discriminate against individuals applying for housing assistance. This decision reversed decades of HUD policy that had favored one-strike evictions for residents of public housing and recipients of Housing Choice Vouchers. As housing authorities have begun to review and redesign their screening procedures in light of the decision, the Housing Authority of New Orleans (HANO) has become an example of how a more comprehensive approach to applicant screening can be successfully implemented for the benefit of individuals and the community.

In May of 2016, HANO finalized a new occupancy plan changing the screening process for new applicants. Previously, HANO had refused to accept any applicants with criminal records and did not allow individuals with criminal records to be added to existing leases. As a result, residents leaving the criminal justice system had very limited options for safe and stable housing. They were unable to legally reside with family members or friends who lived in public housing, and they could not receive assistance on their own. Many returning citizens lived with relatives or friends in public housing without being added to the lease, which put the lease holder at risk of eviction and left HANO with inaccurate records about their residents.

New Orleans community groups including Stand with Dignity!, Voice for the Ex-Offender, and Vera Institute of Justice began in 2012 to advocate for changes to the HANO policies that banned individuals with criminal records from living in public housing. They argued that the policies denied returning citizens second chances, furthered racial discrimination, and made communities less stable. In 2013, HANO announced it would begin developing new screening policies that would soften many of the restrictions on returning citizens.

After three years of developing the new policies, in cooperation with advocates, residents and local officials, HANO received approval of their new screening system from HUD. The plan first looks at a person's conviction; HUD regulations prohibit housing



New Orleans resident Marlene Kennedy prays during a 24-hour vigil hosted by VOTE, Stand with Dignity, and other advocacy groups. The vigil outside the city's housing authority was designed to draw attention to bans on people with criminal records living in public housing. Ms. Kennedy was an inmate in St. Gabriel Prison. Image by Eliot Kamenitz of the New Orleans Advocate.

authorities from housing individuals who have been convicted of making methamphetamine on public housing property and those who are on the lifetime sex offender registry. These are the only applicants HANO prohibits without further consideration. All other applicants enter HANO's Screening Criteria Grid, which considers the type of conviction and the length of time since the conviction. Most applicants pass through the Grid without issue and are admitted to a HANO property or the public housing waiting list. HANO refers some applicants who have more serious convictions to a panel for further review. The panel is made up of two senior HANO representatives and a resident representative. Together, they consider an individual's circumstances and hear testimony from parole officers, employers, friends, and family. The panel then votes on whether the individual should be admitted.

Advocates in New Orleans and around the country are celebrating the new screening process and offer it as a model for public housing authorities around the country as they work to incorporate HUD's new guidance on screening applicants and their criminal records into their policies.

NYCHA Completes Family Reentry Pilot Program

The New York City Housing Authority (NYCHA) recently completed a two-year Family Reentry Pilot Program (FRPP) to ease restrictions on former prison inmates in public housing. NYCHA launched FRPP in collaboration with the Corporation for Supportive Housing, the NYC Department of Homeless Services, the NYS Department of Corrections and Community Supervision, and the Vera Institute of Justice, along with over a dozen direct reentry service providers across the city.

From 2013-2015, FRPP screened former inmates released within the previous three years and provided them with supportive reentry services, with the goal of adding them to their family's lease upon completion of the program. Applicants needed to be at least 16 years old, interested in reuniting with family currently living in a NYCHA apartment, and willing to participate in supportive reentry services for six months to two years.

The Vera Institute evaluated the program and conducted interviews with program participants, which they published in a November 2016 report, *Coming Home: An Evaluation of the New York City Housing Authority's Family Reentry Pilot Program*. Vera identified 1,953 recently released former inmates as being eligible to participate in the pilot. Of those, 153 applied for the program and 85 were accepted. *Coming Home* reports overwhelmingly successful results of the pilot, and the organizations that collaborated to launch FRPP enthusiastically advocate for its continuation and expansion.

Of the 85 people accepted into the program, none has committed a new crime or violated parole since reentry, showing the program eliminated the recidivism common among former inmates. Roughly half of FRPP participants interviewed by Vera researchers indicated they would be homeless or living in a shelter or other transitional housing

facility if they were not accepted into the program. Nationally, four out of every ten former inmates return to prison within three years of release, and homelessness is often a contributing factor in that cycle. The study also revealed that participants and their families experienced mutual benefits from their reunion, especially in cases where the program participant reunited with an elderly family member. Often, the program participant became a primary caregiver for that elderly relative. The program has allowed participants the access to housing stability they need to successfully rebuild family and social connections, find and maintain employment,

continue their education, and reintegrate into their home communities.

NYCHA, home to more than 400,000 New Yorkers, was one of the first public housing authorities (PHAs) in the nation to pilot such a program after HUD urged PHAs in 2011 to examine their restrictions on former prison inmates in housing admission

policies to combat homelessness among former inmates, reduce recidivism, and reunite former inmates with their families. Then-HUD Secretary Shaun Donovan said at the time, "People who have paid their debt to society deserve the opportunity to become productive citizens and caring parents, to set the past aside and embrace the future...part of that support means helping ex-offenders gain access to one of the most fundamental building blocks of a stable life—a place to live." It remains to be seen whether New York City will introduce an expanded and more permanent reentry program, but Vera estimates that as many as 500 people per year returning home to the city would qualify for FRPP in its most recent form.

To read the full *Coming Home* report, visit: <http://bit.ly/2fCvN7k>

For information on NLIHC's criminal justice reform efforts, visit: <http://nlihc.org/issues/criminal-justice>.



"I Just Want to Come Home" © Groundswell 2015

Getting Ready for HUD's Smoke-Free Rule in Public Housing

HUD issued a “smoke-free” final rule, meaning public housing agencies (PHAs) must create and carry out a policy barring anyone, including residents and guests, from smoking cigarettes, cigars, pipes, and hookahs in public housing apartments and indoor common areas. In addition, a PHA's policy must ban smoking outdoors less than 25 feet from public housing and administrative buildings. PHAs have until July 30, 2018 to put a policy in place.

What You Need to Know

LEASE AMENDMENTS REQUIRED



PHAs must amend residents' leases to include the PHA's smoke-free policy. Separate HUD guidance (Notice PIH-2017-03) requires a PHA to give residents 60-

days advance notice that the lease will change. Residents must sign the lease amendment. The guidance suggests the lease amendment indicate which actions would violate the smoke-free policy.

DESIGNATED SMOKING AREAS

The rule does not require PHAs to have outdoor designated smoking areas (DSAs). If a PHA allows DSAs, HUD's guidance suggests that lease amendments indicate where DSAs exist. DSAs must be accessible for people with disabilities. DSAs may include partially enclosed structures and should include appropriate seating, adequate lighting, and shade.

REASONABLE ACCOMMODATIONS FOR PEOPLE WITH DISABILITIES

The guidance encourages PHAs to have information in the lease amendment about what the PHA will do for residents who have physical or mental disabilities who smoke and request a “reasonable accommodation” that enables them to comply with the smoke-free policy.

Both the guidance to the final rule and the preamble that introduces it recognize that smokers with certain mental health conditions may need special attention to ensure that they understand the smoke-free policy and how to use any resources offered to help them stop smoking. Advocates note that some might find it difficult to understand a PHA's procedures for requesting a reasonable accommodation.

ENFORCEMENT OF SMOKE-FREE POLICIES

The guidance and preamble say a PHA may not evict for a single violation.

The preamble states that lease enforcement is the best way to ensure compliance, and that a PHA should enforce its smoke-free policy as it would other lease-related policies.

The guidance and preamble declare that a PHA must provide “due process” when enforcing a lease. PHAs must follow HUD's existing public housing grievance regulations, which include residents' right to an informal settlement process and a formal hearing.

The guidance and preamble encourage PHAs to use a gradual enforcement approach, one that has multiple steps with each step gradually increasing the warning level. At each step a PHA should also provide information about resources to help a resident stop smoking. The guidance suggests PHAs work with the Resident Advisory Board and resident councils to agree on how many violations trigger lease enforcement. PHAs are advised to have written documentation of each warning to put in a resident's file.

The guidance declares that eviction should only be a last resort.

Advocates' Recommendations

GET GRADUAL ENFORCEMENT THAT OFFERS A RESIDENT MANY CHANCES TO ADJUST

NLIHC's comments on HUD's proposed rule suggested a five-step enforcement process:

1. For a first violation, a resident should get a verbal warning, plus materials that can help them to stop smoking, including referrals to any free stop-smoking services.
2. For a second violation, a resident should get another verbal warning, plus stop-smoking materials, referrals to free stop-smoking services, and referral to a resident services coordinator.
3. For a third violation, a resident should get a written warning, plus the materials and referrals in step 2.
4. A fourth violation would result in a notice to vacate, but with time and options to remedy the violation, along with the materials and referrals in step 2. If the resident remedies the violation, then the resident would begin a six-month probation period.
5. For a fifth violation, the resident would receive a notice to vacate without an option to remedy.

NLIHC suggested that all violations be dropped at the end of the year so that a resident can start with a clean slate.

The National Housing Law Project suggested alternative steps. For the first three violations a resident would get a written warning, each informing a resident about: the opportunity to cure the violation, free stop-smoking services, and the right to request a reasonable accommodation if the resident has a disability. A resident would need to receive the three warnings before a PHA could begin to take lease enforcement actions. For residents who just can't comply after many attempts (or who don't want to), the PHA's policy should offer this resident a voucher or place them high on the wait list for the next available voucher.

HAVE INDEPENDENT PERSON RESPOND TO COMPLAINTS

There is concern that some PHA staff or neighbors will use the smoke-free policy to cause trouble for a resident who they don't like. To avoid this, advocates

urge that a PHA's policy for enforcement involve an independent person to look into and verify claims of violations.

BE WARY OF SMOKE DETECTING DEVICES

Devices called particulate sensors have been used to detect whether residents have been smoking in their apartments. Advocates warn that these devices can give false results because they also detect dust particles. Sensors can also be fooled if a resident or previous residents used to smoke before the ban went into effect.

ALLOW E-CIGARETTES

The smoke-free rule does not ban e-cigarettes, but some PHAs have banned them. Residents might want to convince their PHA to allow e-cigarettes because: the science about their second-hand smoke impact is unclear, they are not a fire hazard, and they can help people quit tobacco. At a minimum, e-cigarettes should be allowed as a reasonable accommodation for people with disabilities who have difficulty going outside to smoke.

IT'S STILL EARLY – BE INVOLVED IN SHAPING YOUR PHA'S POLICY

PHAs have until July 30, 2018, so there is no rush to enforce the rule yet. Convince your PHA to take time to hear from all residents before drafting a smoke-free plan, and then allow time for residents to comment on the draft before making it final.

HUD's guidance encourages PHAs to work with resident councils and have informal meetings with residents about possible features of a smoke-free policy before drafting and beginning one. HUD also encourages PHAs to post notices and distribute flyers to inform residents. All information should be in appropriate languages for people with limited English skills, and be provided in ways accessible for people who have visual or hearing impairments.

Smoke-Free Information

A HUD webpage with Healthy Housing Smoke Free Materials is at: <http://bit.ly/2mLz3nc>

The American Lung Association has Enforcement Policies at: <http://bit.ly/2mqblfp>

“Live Smoke Free” has information at: <http://bit.ly/2m77xx3>

“Our liberation depends on all of us, all of us returning to our homes and using this experience and all the experiences that have shaped us, to act, to organize, to resist.”

— Janet Mock, advocate and author of *Redefining Realness & Surpassing Certainty* from her speech at the Women’s March on Washington, January 21, 2017.



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