

2022 Federal Housing Policy Priorities: July Update



2022 Federal Housing Policy Priorities: May Update



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The Roots of Our On-Going Housing Affordability Crisis

Even before the COVID-19 pandemic revealed the fragility of a range of U.S. institutions, from our healthcare system to our meager social safety net, the U.S. faced a crisis in housing affordability. In 2008, the bursting of a housing bubble created by a deregulated financial industry offering predatory subprime loans and inscrutable financial instruments destroyed the financial stability of millions. The foreclosure crisis, and the financial crisis that followed, cost American households \$16 trillion in wealth as millions lost their homes and saw their savings and retirement funds depleted.¹ Black and Latinx households were hardest hit, losing half their wealth.²

In the fourteen years since, the financial industry has only become more entrenched in U.S. housing markets,³ extracting wealth from low- and moderate-income families and creating a drag on an economy still reeling from the pandemic.⁴

Benefitting from the large number of homes available at a discount in the wake of the foreclosure crisis—some of which were purchased directly from Fannie Mae⁵-- and large cash reserves, several financial firms entered the rental market, squeezing out many would-be homeowners in the process.⁶ These firms created a business model that relied on imposing the highest possible annual rent increases to ensure growing rates of return for their investors.⁷

In addition to raising rents, this new class of corporate landlords also piles on fees, including punitive charges for renters who fail to perform the kind of maintenance that would traditionally be expected of a landlord including “landscaping, ‘routine insect control,’ replacing air filters in their central air systems once a month, repairing broken glass (regardless of how it was broken), and repairing and maintaining sewer and sink backups.”⁸

Finally, when the accumulated burden of inflated rents and fees becomes too much for tenants, corporate landlords move to evict, filing against tenants at a higher rate than traditional landlords.⁹ This activity continued even in the midst of a global pandemic and national moratorium on evictions.¹⁰



How Federal Policy Has Failed Low Income Renters

While the particular exploitative practices of corporate landlords may be new, the failure of the for-profit housing sector to create safe, affordable housing for low and very low-income families is not. The private market has never been capable of creating a sufficient supply of affordable housing because the incentives of the market encourage the neglect of properties coupled with constant increases in rent.¹¹ As a result, low-income renters have struggled to pay for overpriced, sub-standard units while facing the constant threat of eviction.¹²

Early advocates recognized the need for government intervention in the housing market and in the first half of the 20th century, in the wake of the Great Depression, federal and state governments finally responded by creating a range of housing policies, including the development of public housing projects.¹³ Like the infamous red-lined maps of the Home Owners' Loan Corporation, many of these early public housing developments were designed to maintain segregated neighborhoods, creating quality housing for white renters in white neighborhoods and substandard housing for Black renters in Black neighborhoods.¹⁴

When federal housing and infrastructure policies drew white residents out of the nation's cities and into federally-subsidized suburbs, the housing projects in city centers were inhabited by low income Black and brown residents. In the decades after this shift, policymakers and media stigmatized "public housing" as synonymous with poverty, crime and blight.¹⁵ They used the deterioration of underfunded public housing as an excuse to demolish it,¹⁶ while imposing unjust and ineffective "one-strike" eviction policies on residents in the name of fighting crime.¹⁷

Just as segregation and the devaluation of Black neighborhoods was a result of federal policy rather than the inevitable result of private actions, the failures of the public housing projects of the 1960s through the 1990s were not inevitable. They were the creation of federal and state policies that punished residents and denied them the services and infrastructure provided to white suburbanites.

Rather than relying on either a private housing market that is incapable of creating deeply affordable housing or on the racist and counter-productive housing policies of the last century, the federal government must catch up with the rest of the world and develop a set of housing policies that address modern challenges while meeting the needs of low-income families. This requires robust, universal protections for renters; prohibitions on the predatory and extractive practices of corporate landlords; and real, sustained public investment in a range of social housing models, including public housing, community land trusts and land banks.



Protecting Renters

Continue Support for renters Impacted by the Global Pandemic

Even as cities across the country and around the world begin to re-open, many communities are still reeling from the effects of the pandemic. That includes renters, who continued to face predatory landlord practices throughout the pandemic. According to Eviction Lab, since the economic shutdown of March 2020, over 800,000 landlords across 6 states have filed for eviction.¹⁸ A full accounting across all 50 states would likely bring that number above 1 million filings. Landlords continued to file evictions even as the federal government granted real estate investors billions of dollars in relief through the CARES act. This windfall came just two years after investors were given \$50 billion in the Tax Cuts and Jobs Act.¹⁹

Faced with an economic shutdown on top of a decades-long housing crisis, renters' unions and other advocates demanded Congress cancel rent and mortgages, noting that moratoriums would only delay a wave of evictions rather than preventing them.²⁰ State and local governments responded with limited attempts at providing both direct assistance and eviction moratoriums²¹ before Congress finally stepped in with \$46 billion in assistance for rent and utility payments.²²

The emergency rental assistance program prevented an estimated 1.36 million eviction cases in 2021 according to the Eviction Lab.²³ Yet as of February 2022, **over 10 million renters reported they were behind in rent.**²⁴ Of those, over 4 million reported they were either somewhat or very likely to leave their homes due to eviction in the next two months.²⁵ Over sixty percent of those 4 million were Black or Latinx.²⁶ Meanwhile, the rental assistance program has begun turning away state requests for additional funding.²⁷

For these renters struggling to stay in their homes, the pandemic is far from over. Congress has still not met its obligation to create a just recovery for them and their families. To do so Congress must:

- **Forgive rent for all renters, and mortgage payments for all homeowners, affordable housing providers, and small landlords, applied from March 2020 until the current crisis has ended. Fully forgive rent debt accrued during the pandemic.** Rent forgiveness is necessary to ensure assistance swiftly and efficiently reaches those who need it, especially the most vulnerable who face barriers in accessing relief. Low-income renters, who constitute the majority of renters, would disproportionately benefit from sweeping forgiveness.²⁸
- **Alongside rent and mortgage forgiveness, allocate rental relief payments to small landlords and affordable housing providers who comply with renter protections, to be disbursed on a needs basis.** This eases the burden of financial responsibility on renters, while helping strengthen renter protections.
- **Require that landlords who previously benefited from rent relief payments forgive rental debt, agree to automatic lease renewal, and adopt stronger tenant protections.** Incentivize landlords' cooperation by encouraging relief programs to process payments for renters with the same landlord in bulk, and by imposing penalties on uncooperative landlords, such as making debt uncollectible in court. Create options for renters with uncooperative landlords to receive cash assistance directly.
- **Provide funding and technical assistance for enforcement of state and local eviction moratoriums.**
- **Fund community-based tenant organizations to implement navigator programs that help renters access federal assistance.**

Universal Rent Control

Stable housing for families who rent requires protection from those landlords who seek to gouge them at the end of every lease. Several states have attempted to address this issue by regulating rent increases, but the vast majority of renters still live without protections from increases that threaten to push them out of their homes.²⁹ The Yardi Matrix National Multifamily Report found that average rent growth at the end of 2021, as the pandemic still raged, was 13.5%-- almost double any previous year.³⁰

This impacts local, state, and national economies. In a 2017 survey conducted by the National League of Cities, forty-two percent of cities saw their economies impacted by a lack of affordable housing.³¹ The same percentage of cities saw an increase in the need for “survival services,” including food banks and emergency shelter.³² Additionally, an out-of-control rental market can exacerbate income inequality by blocking renters from moving to areas with greater job opportunities or access to education.³³ This has national implications as at least one study suggests that the national economy loses hundreds of billions per year in lost wages and productivity because housing costs prohibit workers from moving to take advantage of economic opportunities.³⁴

This national crisis requires a national solution. A federal standard preventing unreasonable increases in the rental market would help prevent displacement while improving local economies and increasing mobility in the labor market. **We propose a cap on annual increases of rents for residential units and manufactured housing lots of 3 percent or inflation (CPI-U), whichever is greater. This cap should apply to all charges imposed on renters, including arbitrary fees and penalties.**

Universal Just Cause Evictions and Access to Counsel

There is no more devastating event for a family than losing their home. Between 2010 and 2016, an average of over 900,000 households per year were evicted.³⁵ As Pulitzer Prize-winning author Matthew Desmond explains, “Eviction isn’t just a condition of poverty; it’s a cause of poverty. Eviction is a direct cause of homelessness, but it also is a cause of residential instability, school instability, and community instability.”³⁶

Under our current system, even a household that has never missed a rent payment may be forced to leave home, subject to the whims of a landlord who may be seeking higher rent, or a new owner seeking to renovate.³⁷ Further, blocking unreasonable rent increases will not protect renters if landlords can simply push them out of their homes

without cause. In order to give families the stability they need to thrive, **Congress must enact legislation blocking landlords from forcing people out of their homes without just cause.**

Even in cases where a landlord claims just cause for eviction, renters need the protection of professional legal counsel to ensure their rights are protected. New York City reported that providing legal services for low-income renters decreased evictions by 24 percent between 2015-2016, allowing 40,000 New Yorkers to remain in their homes.³⁸ Federal funding should be provided to help other communities follow New York City's example to keep residents in their homes. **We propose the creation of an Access to Counsel Fund of \$65 billion over ten years to provide grants to state and local governments implementing Access to Counsel programs.**

Banning Discrimination Based on Source of Income

Federal housing voucher programs are a vital tool in ensuring that low-income families have access to safe, quality housing in healthy communities. Allowing landlords to refuse to serve families based on their use of a voucher or any other cash assistance undermines the efficacy of that tool and promotes racial segregation and injustice. **No landlord should be allowed to turn an otherwise eligible tenant away because of her income source.**

Further, this prohibition must be backed up with strong enforcement mechanisms through the Fair Housing Act, including the denial of funding to jurisdictions who allow practices that encourage segregation and housing discrimination.

Banning Housing Discrimination

People who are LGBTQ are more likely than the general population to have experienced homelessness at some point in their lives.³⁹ This is due in part to the discrimination they face in all facets of life including seeking an education, employment, and housing. The instability created by being locked out of so many basic necessities makes members of this community more likely to experience violence, and mental health issues including substance use disorder.⁴⁰ **Prohibiting discrimination in access to housing on the basis of gender identity or sexual orientation** is a vital step toward making our society just and safe for everyone.

Recognizing renters' Right to Organize

In passing the National Labor Relations Act in 1935, Congress cited a power imbalance between employers and employees that not only denied employees the “full freedom of association or actual liberty of contract”⁴¹ but adversely impacted local, state and national economies.

As with employers and their employees, there has always been an imbalance of power between renters and their landlords. The development of national and international firms as landlords has dramatically intensified this imbalance. And, as Congress found in 1935, a large power imbalance between residents and powerful interests can serve as a drag on the economy.

Increasingly, corporate control of local rental markets is preventing families from paying for other necessities like medicine and food, stunting homeownership as families can not save for a downpayment, and contributing to the labor shortage as people are often unable to move to areas of high job growth because of housing costs.⁴²

Recognizing a renters' Right to Organize would not only provide renters with the power to push back against predatory landlords, but increase the political power of renters broadly, allowing them to advocate for social housing and other policies that benefit their communities.



Reining in Corporate Landlords and Real Estate Speculation

Corporate landlords are distorting the housing market in communities across the country, driving out first time home buyers⁴³ and gouging renters.⁴⁴ Regulating their behavior will protect renters while allowing us to rebuild a healthy, sustainable housing system. At minimum Congress should:

- **Enact federal anti-speculation taxes** on income from properties sold after a brief hold in areas experiencing displacement and gentrification.
- **Repeal Trump's Wasteful Opportunity Zones Policy** At the time it was enacted, analysts projected this Republican giveaway to real estate investors would cost the federal government over \$1 billion⁴⁵ in revenue in the first decade (and billions more after that) in addition to reducing state tax revenue.⁴⁶ By repealing this wasteful policy, we can invest in programs that will create real opportunity for communities on the margins.
- **Tighten regulations over real estate speculation in financial markets.** End rent securitization, limit mortgage securitization, and restore strong divides between investment and commercial banking.

- **Institute transparency requirements for large corporate landlords as well as LLCs**, such as a national landlord registry for multi-state actors.
- **Penalize predatory landlords who seek exorbitant returns from speculative activities at residents' expense, or have a pattern of abusive activities.** Bar the FHA from selling assets to, and issuing securities or guaranteeing mortgages for, these landlords. Additionally, the Federal Housing Administration, Freddie Mac, and Fannie Mae must curtail their support of private equity and Wall Street landlords.⁴⁷
- **Decrease our reliance on for-profit financial markets by promoting and strengthening public and cooperative banking.**⁴⁸



A National Plan to Expand Quality Social, Public Housing

Social housing is housing that is owned by public entities or non-profits and is kept permanently affordable, protected from the private market, and under democratic community control.⁴⁹ Public housing is a form of social housing that government entities own, develop, and manage specifically to serve very low income families. An effective plan to create affordable housing must include the full range of social housing ownership and governance models including public housing, community land trusts, cooperatives, and land banks.

At the same time, federal funding must come with airtight protections to ensure that public dollars are not funneled into for-profit ventures. **The core strength of the social housing model is the commitment to both permanent, deep affordability and accountability to residents.** Implemented correctly, social housing programs can provide safe, sustainable homes for the lowest-income and most marginalized residents, as well as affordable options for low- and moderate-income households all while avoiding the waste and abuse endemic to the private housing market.

To ensure that the programs described below are implemented in a way that is effective and meets the criteria of social housing, Congress should create a Social Housing Development Authority or Office that

could develop specialized capacity for the oversight and development of new social housing programs.

Building Safe, Sustainable, Green Public Housing

Without public housing designed to serve those with low and very low incomes, those families face a series of moves between units of privately owned and operated substandard housing and the negative impact of housing instability on families.⁵⁰ This impact is compounded when very low income families who have spent years on the brink fall into periods of homelessness.⁵¹

While public housing can and must be the solution to the affordable housing crisis for low income families, Congress has consistently failed to invest in existing public housing units, imposing substandard⁵² conditions on public housing residents through massive underfunding. The 1.2 million⁵³ families living in public housing deserve safe, quality homes. Yet Congress has allowed the Public Housing Capital Fund to remain well below maintenance levels for over a decade.⁵⁴

In 2010, the Department of Housing and Urban Development estimated that maintaining public housing in good repair would require \$89 billion over the following twenty years (with a maintenance rate of roughly \$4.4 billion per year in 2022 dollars).⁵⁵ In the decade or so since, Congress has allocated about half that amount to the Capital Fund.⁵⁶ The New York City Housing Authority alone currently needs \$40 billion in repairs.⁵⁷ At a minimum, Congress should catch up on the approximately \$4.4 billion per year in maintenance and repair costs called for in the 2010 federal study.⁵⁸ This plus maintaining the current stock would mean **providing \$100 billion over ten years to repair and maintain our public housing stock.**

In addition to failing to provide for basic maintenance of public housing units, Congress has failed to update those units with modern features like solar panels and full electrification. The result is the loss of millions of dollars per year⁵⁹ due to outdated appliances and inefficient energy use. To address this failure, **Congress should pass the Green New Deal for Public Housing Act**⁶⁰ proposed by Senator Bernie Sanders (I-VT) and Congressmember Alexandria Ocasio-Cortez in 2019, providing **\$172 billion over 10 years to perform deep retrofits of public housing units.**⁶¹ This plan would improve the lives of public housing residents, save millions in spending on public housing, create 240,000 jobs per year and reduce carbon emissions equivalent to taking over a million cars off the road.⁶² All savings realized as a result of these retrofits should be allocated to the capital fund for continued maintenance and modernization.

Finally, Congress must increase the number of public housing units available to the most vulnerable. This requires **repeal of the Faircloth amendment**, which outlawed new construction of a vital piece of our nation's infrastructure by blocking the development of public housing. To this end, **Congress should appropriate \$1 trillion over ten years to the capital fund for new construction of public and social housing.**

Expanding Social Housing

In addition to investing in federally owned and operated public housing, Congress should provide federal funds to support a range of other social housing models. Such models already exist in some form in communities across the country, however, without federal funding, their potential to transform the US housing market remains unrealized.

Nonprofit organizations, state and local governments, and low or moderate income households often lack the resources to develop and sustain these models at scale. As a result, these entities either develop small, one off projects that have little impact on the broader market; turn to for-profit developers whose practices undermine the effort to build permanently affordable housing; or are unable to utilize these models at all.

Congress should allocate **\$10 billion per year for ten years to support alternative ownership models like Community Land Trusts and an additional \$5 billion per year over ten years should be allocated to fund a land bank grant program designed to finance local and state land bank projects which channel land for the creation of permanently affordable housing.** This funding should be available both for operating costs and for property acquisition through state and local policies like tenant or community opportunity-to-purchase legislation.

Both CLT and Land Bank grants must come with restrictions that ensure they do not become a driver of displacement or a cover for the same predatory practices that are so pervasive in the private market. Grantees under these programs must be required to:

- sell or lease only to nonprofits (including community land trusts or limited equity cooperatives), government entities, or owner-occupiers for the creation of permanently or long-term affordable housing;
- maintain sale prices and rents at levels accessible to very low income households; and
- structure any sales, contracts or financing deals in a way that ensures units remain permanently affordable

Additionally, land banks must be required to prioritize sales to public housing authorities, owner-occupants, social housing nonprofits such as community land trusts or cooperatives, and mission-driven nonprofits whenever feasible, as well as make public the lists of any for-profit developers who purchase properties through the bank, as well as the terms of the sale.

Providing Job Opportunities for Low Income Residents

The public investment of more than \$1 trillion into the rehabilitation and construction of affordable housing will create hundreds of thousands of jobs in some of the most economically distressed communities. Grantees for any federally-funded housing development, their contractors and subcontractors must be required to prioritize local residents in hiring (with added incentives for public housing residents, people who have been incarcerated, and other marginalized community members) and to only employ unionized workers.

Additionally, public funding will increase the need for skilled construction workers, who are already in short supply.⁶³ An apprenticeship program created in partnership with labor unions, targeted at residents of distressed areas, and subsidizing wages for projects completed for public housing authorities, CLTs, cooperatives, or nonprofits or low-income owner-occupiers would address several challenges at once: the need to increase the number of available unionized construction workers; the need for jobs that pay a living wage; and the need to keep construction costs affordable for mission-driven development of deeply affordable housing. Wages for unionized apprenticeship graduates should be subsidized for the first three years after successful comple-

tion of the program.

Making Social Housing Accessible

Funding for social housing, including public housing development, will not be effective if entire categories of people are denied access. In order to maximize the impact of social housing programs as well as existing housing assistance programs, Congress must repeal laws and block regulations that impose punitive and/or counterproductive policies that do nothing but increase housing instability for the most vulnerable.

This means:

- eliminating public housing discrimination based on legal system involvement by rescinding draconian ‘one-strike’ policies which exclude people with records and those they are in contact with from HUD housing;⁶⁴
- ensuring affordable housing is well-targeted at extremely low-income households, by reforming affordability guidelines for subsidized housing production to be based on the neighborhood median income of low-income areas rather than AMI;⁶⁵
- ensuring access to subsidized housing regardless of immigration status by repealing the 1980 Housing and Community Development Act⁶⁶, which blocks “financial assistance” for housing—including access to public housing—for people who are undocumented. Additionally, HUD should be instructed to eliminate any rules penalizing mixed-status families.

Other Supports for Low Income Families

Facilitating Land Bank Sales to Working Families

For many low income families, the purchase of deeply discounted properties from a land bank or other nonprofit would still be out of reach because of the steep cost of making an abandoned property habitable. In order to facilitate the purchase of homes by low-income families in cities with large numbers of vacant or dilapidated properties, **\$2 billion per year over ten years should be allocated for grants to be provided directly to owner-occupants or social housing nonprofits (for example a community land trust or nonprofit) pur-**

chasing foreclosed or abandoned properties to defray the costs of bringing the homes up to code.

Increase Affordable Housing for Seniors

Section 202 of the Housing Act of 1959 provides low interest loans to nonprofits developing housing for low income seniors.⁶⁷ However the program has not been adequately funded to meet the housing needs of our elders. This is especially vital as our population ages and people are increasingly living for decades after retirement. \$16 billion over ten years should be allocated to this program to support affordable senior housing.

Strengthening and Expanding the Asset Control Area Program

The Department of Housing and Urban Development's Asset Control Area (ACA) program is another promising way of making vacant and dilapidated housing habitable and available for low income families. The federal government designates areas with high rates of foreclosure as Revitalization Areas, making foreclosed properties held by the Federal Housing Administration available for sale at a steep discount to state or local entities or qualified nonprofits.⁶⁸ Those homes are then rehabilitated and sold to low-income and middle-income buyers (those below 115 percent of area median income).

However, in the wake of the housing crisis, anemic economic recovery, and a global pandemic, many areas have seen property values fall below the cost of acquiring and rehabilitating foreclosed properties, making states reluctant to take advantage of this program. Increasing the effectiveness of the ACA program will require funding to make up the gap between costs and sale value. **\$2 billion per year over ten years should be allocated for grants to ACA participants to defray the costs of acquiring and rehabilitating housing in revitalization areas.**

CPD Federal Housing Agenda, 2022 - Federal Housing Legislation:

- Bills introduced in 2019—expected to be reintroduced this year:

[A Place to Prosper Act](#) - Rep Ocasio-Cortez

[Green New Deal for Public Housing](#) - Rep Ocasio-Cortez

- Introduced this year:

[Homes for All](#) - Rep Omar

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