

# NAHMA News

PROTECTING THE INTERESTS OF AFFORDABLE HOUSING PROPERTY MANAGERS AND OWNERS

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## American Rescue Plan Act Becomes Law

On March 11, President Joe Biden signed into law the \$1.9 trillion coronavirus relief package known as the American Rescue Plan Act.

Among the many provisions aimed at helping those whom the pandemic has economically impacted, the recovery package includes billions in housing and rental assistance funding, including:

- \$21.5 billion for state and local governments to help low-income households pay missed rent, as well as funding for rent assistance and utility bill payments
- \$10 billion to help homeowners pay their mortgages, utility bills, and property taxes
- \$5 billion to assist people at risk of homelessness
- \$5 billion in emergency housing vouchers for those who are currently experiencing homelessness

Guidance on how to apply for these forms of aid has not been released as of press time.

**Among the many provisions aimed at helping those whom the pandemic has economically impacted, the recovery package includes billions in housing and rental assistance funding.**

The relief bill also provides another round of economic impact payments to qualifying Americans. This is the third round of direct payments provided by the federal government in the past year—with this round of checks being more targeted than previous rounds. Qualified individuals will receive \$1,400, including single tax filers making up to \$75,000 per year, married couples filing jointly making up to \$160,000, or heads of households making up to \$112,500. Individuals making \$80,000 or more, married couples filing jointly making \$160,000 or more, and heads of households earning \$120,000 or more will not receive an economic impact payment check.

The American Rescue Plan Act also extends a \$300-per-week federal unemployment supplement through Sept. 6. The first \$10,200 of unemployment

*continued on page 4*

# What would you do with your time back?

Netflix  
& chill

Go to  
spin class

Date  
night

Do  
Some  
Yoga

Catch up  
with Sam

Book club -  
Tuesday  
at 7pm

Family  
dinner  
night

Watch  
the  
sunset

Train  
for a half  
marathon

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## Focusing on All Things Affordable Housing

NAHMA WRAPPED UP A VIRTUAL winter meeting. The multiday event, March 8-11, focused on panels concentrating on the top issues facing affordable housing, including a Communities of Quality Awards panel and the Industry and AHMA Awards ceremony.

Attendees got to hear the best practices utilized by this year's COQ Awards winners during a virtual panel discussion led by NAHMA President Michael Simmons that featured Sue McElhatton, vice president of property management for PRD Management Inc., representing Eggerts Crossing Village, which won Exemplary Family Development; Anita Darnall, director of housing for Wesley Living, on behalf of St. Peter Manor, the winner of Exemplary Development for the Elderly; and Eric C. Fulmer, senior vice president of property management for Beacon Communities, representing Moorhead Tower Apartments, the Outstanding Turnaround of a Troubled Property honoree. To learn more about these fantastic properties, visit the COQ Awards Program webpage under the Awards & Contest tab at nahma.org.

Of course, the meeting allowed members to hear the latest from representatives of the departments of Housing and Urban Development, Agriculture, and other experts.

One of the meeting highlights was the interactive virtual celebration to honor this year's Industry and AHMA Awards winners. Annually NAHMA shines a spotlight on the individuals and organizations whose professionalism, dedication, and accomplishments in assuring quality housing for low-income Americans raise the multifamily affordable housing industry standards.

The highest honor we bestow, the NAHMA Industry Statesman Award,

given to affordable housing leaders and mentors and long-time association supporters, was presented to Karen Steinbaum.

For more on the night's winners, visit page 17.

Additionally, I'd like to announce that George Caruso and Past President Timothy Zaleski have been named emeritus members by the NAHMA Board of Directors.

Our next meeting is in October and will feature the Vanguard Awards honorees. The October meeting also includes the annual Educational Foundation fundraiser and poster auction. So mark your calendar now and plan to be in Washington, D.C., Oct. 20-22 (with the hope that meeting in person will be possible by that date).

Speaking of the Vanguard Awards, there is still time to finalize your award application before the June 4 deadline.

The Vanguard Awards recognize new, quality multifamily affordable housing development. The awards pay tribute to developers of high-quality affordable housing; demonstrate that exceptional new affordable housing is available across the country; illustrate the creativity and innovation that must be present to create excellent properties given the financing and other challenges to development; highlights results of private-public partnerships required to develop today's affordable housing; and share ideas for unique design and financing mechanisms with industry practitioners to further stimulate creative development in the affordable multifamily industry. Details about the awards and a downloadable application can be found in the Awards & Contests section of nahma.org. **NN**  
Kris Cook, CAE, is executive director of NAHMA.

benefits received in 2020 will be tax-free for individuals with adjusted gross incomes below \$150,000.

In addition, the bill extends pandemic unemployment assistance for self-employed people and gig workers—-independent contractors, online platform workers, contract firm workers, on-call workers, and temporary workers—and extends the length of time people can claim unemployment benefits. Individuals who have exhausted their state unemployment benefits will get an extension through Sept. 6.

### **OTHER EMERGENCY RENTAL ASSISTANCE UPDATES**

■ The Department of Treasury has updated Frequently Asked Questions (FAQs) for the Emergency Rental Assistance Program (ERAP) created by the Consolidated Appropriations Act at the end of 2020. The revised FAQs supersede the FAQs issued on Feb. 22. For questions about the FAQs or on other ERAP-specific matters that might need clarity in guidance, members should email [emergency-rentalassistance@treasury.gov](mailto:emergency-rentalassistance@treasury.gov). The Revised Emergency Rental

Assistance Program FAQs are available by visiting [https://home.treasury.gov/system/files/136/ERA-Frequently-Asked-Questions\\_Pub-3-16-21.pdf](https://home.treasury.gov/system/files/136/ERA-Frequently-Asked-Questions_Pub-3-16-21.pdf).

Of particular interest to the affordable housing industry are the following questions.

**QUESTION 15:** The statute requires that Emergency Rental Assistance (ERA) payments not be duplicative of any other federally funded rental assistance provided to an eligible household. Are tenants of federally subsidized housing, e.g., Low-Income Housing Credit, public housing, or Indian Housing Block Grant-assisted properties, eligible for ERA?

According to the FAQs, an eligible household that occupies a federally subsidized residential or mixed-use property may receive ERA assistance, provided that ERA funds are not applied to costs that have been or will be reimbursed under any other federal assistance.

If an eligible household receives a monthly federal subsidy (e.g., a Housing Choice Voucher, public housing, or Project-Based Rental Assistance) and the tenant rent is adjusted according to changes in income, the renter household may receive ERA assistance for the tenant-owned portion of rent or utilities that is not subsidized.

Under section 501(k)(3)(B) of Subdivision N of the Act and 2 CFR 200.403, when providing ERA assistance, the grantee must review the household's income and sources of assistance to confirm that the ERA assistance does not duplicate any other aid, including federal, state, or local assistance provided for the same costs. Grantees may rely on an attes-

eligible, a household must be obligated to pay rent on a residential dwelling, and the grantee must determine that:

- i. one or more individuals within the household has qualified for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak;
- ii. one or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability; and
- iii. the household has a household income at or below 80% of area median income.

Documentation requirements for each of these conditions of eligibility are spelled out within the FAQs.

The requirements provide for various means of documentation so that grantees may extend the emergency assistance to vulnerable populations without imposing undue documentation burdens.

**In addition, the bill extends pandemic unemployment assistance for self-employed people and gig workers—-independent contractors, online platform workers, contract firm workers, on-call workers, and temporary workers—and extends the length of time people can claim unemployment benefits.**

tation from the applicant regarding non-duplication with other government assistance in assisting a household. Grantees with overlapping or contiguous jurisdictions are particularly encouraged to coordinate and participate in joint administrative solutions to meet this requirement.

**QUESTION 1:** Who is eligible to receive assistance under the Consolidated Appropriations Act, 2021 (Act), and how should a grantee document the eligibility of a household?

According to the FAQs, a grantee may only use the ERA's funds to provide financial assistance and housing stabilization services to eligible households. To be

Given the challenges presented by the COVID-19 pandemic, grantees may be flexible regarding the particular form of documentation they require, including by permitting photocopies or digital photographs of documents, emails, or attestations from employers, landlords, caseworkers, or others with knowledge of the household's circumstances. Grantees must require all applications for assistance to include an attestation from the applicant that all information included is correct and complete.

In all cases, grantees must document their policies and procedures for determining a household's eligibility

to include policies and procedures for determining the prioritization of households in compliance with the statute and maintain records of their determinations. Grantees must also have controls in place to ensure compliance with their policies and procedures and prevent fraud. Grantees must specify in their policies and procedures under what circumstances they will accept written attestations from the applicant without further documentation to determine any aspect of eligibility or the amount of assistance. In such cases, grantees must have in place reasonable validation or fraud prevention procedures to prevent abuse.

**QUESTION 4:** The Act limits eligibility to households with income that does not exceed 80% of the median income for the area in which the household is located, as determined by the Department of Housing and Urban Development (HUD), but does not define household income. How is household income defined for purposes of the ERA program? How will income be documented and verified?

According to the FAQs, for the **Definition of Income:** with respect to each household applying for assistance, grantees may choose between using HUD's definition of "annual income" in 24 CFR 5.6091 and using adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 series for individual federal annual income tax purposes.

**For Methods for Income Determination:** the Act provides that grantees may determine income eligibility based on either (i) the household's total income for the calendar year 2020, or (ii) sufficient confirmation of the household's monthly income at the time of application, as determined by the secretary of the Treasury.

Suppose a grantee uses a household's monthly income to determine eligibility. In that case, the grantee should

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## CDC Eviction Moratorium Tested in Courts

IN FEBRUARY, NAHMA AND SEVERAL REAL ESTATE INDUSTRY associations had discussions with representatives within the White House, including members of the Interagency Council, the Domestic Policy Council, the National Economic Council and the Office of Public Engagement, and several federal agencies, including the Centers for Disease Control and Prevention, the departments of Housing and Urban Development, Agriculture, Treasury, Justice, and the Consumer Financial Protection Bureau, regarding the impact and potential further extension of the current federal eviction moratorium.

The discussion focused on the eviction moratorium, its failure to address the housing sector's scope of damage, and why extending it would fail to meet renters' and housing providers' needs. Concerns, such as how and why the current federal eviction moratorium is not aligning with the scale and structure of rental assistance programs that are emerging at the state and local level, were echoed by several participating groups.

Industry recommendations for implementing the \$25 billion Emergency Rental Assistance program were also discussed, including providing greater application flexibility and ensuring that the funding is distributed swiftly and efficiently to those in need.

Additional items including providing further funding for rental assistance to protect renters from losing their homes, ensuring the owners' ability to maintain the rental housing stock's viability, and providing clear guidance on eviction processes for measures other than non-payment of rent were also highlighted during the meeting.

Separately, NAHMA staff emphasized similar concerns during a discussion with the U.S. Department of Agriculture Rural Development's senior staff regarding the eviction moratorium and its impact on rural housing providers and managers.

On March 29, the eviction moratorium was extended until June 30. For more information about the eviction moratorium or other COVID-19-related issues, visit NAHMA's Coronavirus Information and Resources webpage <https://www.nahma.org/coronavirus-information-and-resources/>.

In the meantime, in late February, a federal judge in Texas ruled the eviction moratorium was unconstitutional; however, he failed to issue a preliminary injunction, essentially keeping the moratorium in place.

"The federal government cannot say that it has ever before invoked its power over interstate commerce to impose a residential eviction moratorium. It did not do so during the deadly Spanish Flu pandemic. Nor did it invoke such a power during the exigencies of the Great Depression. The federal government has not claimed such a power at any point during our nation's history until last year. And the government's claim of constitutional authority is broad. The government admits that nothing about its constitutional argument turns on the current pandemic," U.S. District Judge John Barker wrote in his ruling.

Within days, the Department of Justice (DOJ) indicated it would appeal the judge's ruling.

The DOJ said in a statement: "The CDC's eviction moratorium, which Congress extended last December, protects many renters who cannot make their monthly payments due to job loss or health care expenses. By preventing people from becoming homeless or having to move into more-crowded housing, the moratorium helps to slow the spread of COVID-19."

The Department of Justice respectfully disagrees with the Feb. 25 decision of the district court in *Terkel v. CDC* that the CDC's eviction moratorium exceeds Congress' powers under the Commerce Clause and the Necessary and Proper Clause, and the department has appealed that decision. The decision, however, does not extend beyond the particular plaintiffs in that case, and it does not prohibit the application of the CDC's eviction moratorium to other parties. For other landlords who rent to covered persons, the CDC's eviction moratorium remains in effect."

review the monthly income information provided at the time of application and extrapolate over 12 months to determine whether household income exceeds 80% of area median income. For example, if the applicant provides income information for two months, the grantee should multiply it by six to determine the annual amount. If a household qualifies based on monthly income, the grantee must redetermine the household income eligibility every three months for the duration of assistance.

**For Documentation of Income**

**Determination:** grantees must have a reasonable basis under the circumstances for determining income.

Except as discussed below, this generally requires a written attestation from the applicant as to household income

and also documentation available to the applicant to support the determination of income, such as pay stubs, W-2s or other wage statements, tax filings, bank statements demonstrating regular income, or attestation from an employer. As discussed below, under limited circumstances, a grantee may rely on a written attestation from the applicant without further documentation of household income. Grantees have the discretion to provide waivers or exceptions to this documentation requirement to accommodate disabilities, extenuating circumstances related to the pandemic, or a lack of technological access. In these cases, the grantee is still responsible for making the required determination regarding the applicant's household income and documenting that determination.

**For Categorical Eligibility:** If an applicant's household income has been verified to be at or below 80% of the

area median income in connection with another local, state, or federal government assistance program, grantees are permitted to rely on a determination letter from the government agency that verified the applicant's household income, provided that the determination for such program was made on or after Jan. 1, 2020.

**For Written Attestation Without Further Documentation:** to the extent that a household's income, or a portion thereof, is not verifiable due to the impact of COVID-19—for example, because a place of employment has closed—or has been received in cash, or if the household has no qualifying

**“The lessor of a covered dwelling unit may not require the tenant to vacate the covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate.” This protection is not time-limited by the CARES Act and does not expire.**

income, grantees may accept a written attestation from the applicant regarding household income. If such a written attestation without further documentation is relied on, the grantee must reassess household income for such a household every three months. In appropriate cases, grantees may depend on an attestation from a caseworker or other professional with knowledge of a household's circumstances to certify that an applicant's household income qualifies for assistance.

**For Definition of Area Median**

**Income:** The area median income for a household is the same as the income limits for families published per 42 USC 1437a(b)(2), available under the heading for “Access Individual Median Family Income Areas” at <https://www.huduser.gov/portal/datasets/il.html>.

**QUESTION 22:** The Act requires prioritization of assistance for households with incomes less than 50% of

area median income or households with one or more individuals who have not been employed for the 90-day period preceding the application date. How should grantees prioritize assistance?

According to the FAQs, grantees should establish a preference system for assistance that prioritizes assistance to households with incomes less than 50% area median income and to households with one or more members that have been unemployed for at least 90 days. Grantees should document the preference system they plan to use and should inform all applicants about available preferences.

■ As states begin to open 2021 emer-

gency rental assistance programs to applicants, two organizations, the National Low Income Housing Council (NLIHC) and the National Council of State Housing Agencies (NCSHA), have created separate data dashboards tracking COVID-19 emergency rental assistance programs. The data can be accessed by clicking on the state to get the latest information about emergency rental assistance available to landlords and residents. Both platforms are updated continuously, and interested members can access them in the links provided below.

The NLIHC data dashboard for emergency rental assistance programs is available <https://nlihc.org/rental-assistance>.

The NCSHA data dashboard for emergency rental assistance programs is available <https://www.ncsha.org/emergency-housing-assistance/>.

■ Rural Development (RD) has issued

recent updates to eviction requirements under the CARES Act and existing leasing policies and notifies borrowers and management agents of letters sent to Section 515 and Section 514 tenants.

#### *Leasing and Eviction Policies*

1. Section 4024(c)1 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) states, “The lessor of a covered dwelling unit may not require the tenant to vacate the covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate.” This protection is not time limited by the CARES Act and does not expire.

Many states already require a 30-day notice for evictions; however, if a property is in a state without that restriction, this change must be implemented immediately. The agency is in the process of updating the handbooks to include this requirement.

2. Under current RD guidance, borrowers and management agents cannot refuse to renew a tenant’s lease as an alternative to removing a tenant. Under 7 CFR 3560.159(a), borrowers may terminate or refuse to renew a tenant’s lease only for material noncompliance with the lease provisions, material noncompliance with the occupancy rules, or other good causes. (b) Lease expiration or tenant eligibility. A tenant’s occu-

pancy in an agency-financed housing project may not be terminated by a borrower when the lease agreement expires unless the tenant’s actions meet the conditions described in paragraph (a) of this section, or the tenant is no longer eligible for occupancy in the housing.

3. The Center for Disease Control (CDC) extension of the temporary halt in residential evictions is still in effect through March 31, 2021.

#### *Letters to Tenants*

During March, the agency will be sending letters to Section 515 and Section 514 tenants, with different formats for subsidized tenants and nonsubsidized tenants. Each letter will inform tenants of protections and programs available to help them maintain housing during the COVID-19 pandemic. The below information will be included for nonsubsidized tenants:

1. Emergency Rental Assistance (ERA) is available through the Department of Treasury. These funds are administered through state and local grantees. They are available to assist households unable to pay rent and utilities due to the COVID-19 pandemic.

a. Eligible households may receive up to 12 months of rent assistance, plus an additional three months if the state or local grantee determines the extra months are needed to ensure housing stability and funds are available.

b. The program allows for landlords to apply on behalf of an eligible household; therefore, tenants are advised to notify their landlord and work jointly with their landlord to gather the information necessary to apply for the ERA.

c. In general, funds will be paid directly to landlords and/or utility service providers.

d. Click on ERA State List to view a list of contacts for each state, including its website and phone number.

2. A link to the Consumer Financial Protection Bureau, which has additional resources available for renters. **NN**



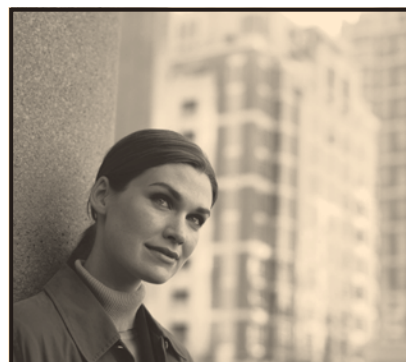
For additional information on the Emergency Rental Assistance program, including a list of Frequently Asked Questions (FAQs), visit:

<https://home.treasury.gov/policy-issues/cares/emergency-rental-assistance-program>

The National Council of State Housing Agencies (NCSHA) also has a resource page to help find the Emergency Rental Assistance contact in each state—<https://www.ncsha.org/emergency-housing-assistance>.

The CDC has published a factsheet on their eviction moratorium with additional information here—<https://www.cdc.gov/coronavirus/2019-ncov/downloads/eviction-moratoria-order-faqs.pdf>.

The Consumer Financial Protection Bureau also has resources for renters available <https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/renter-protections>.



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# Early Days of the 117th Congress

AFFORDABLE HOUSING HAS BEEN a focus of the early days of the 117th Congress.

## MARCIA FUDGE SWORN IN AS HUD SECRETARY

On March 10, Congresswoman Marcia Fudge was sworn as the secretary of the Department of Housing and Urban Development (HUD). NAHMA looks forward to working with HUD's new leadership and Congress on affordable housing issues. In the coming months, NAHMA will be advocating for emergency rental assistance to individuals and families adversely impacted by the pandemic; operational assistance to property owners adversely affected by the pandemic's downstream effects on the federally assisted portfolio, including rapidly rising insurance costs, depletion of replacement reserves, the backlog of delayed maintenance and renovation, and misalignment between rents and operating expenses; funding for HUD's rental assistance programs; preserving and developing new affordable housing units while ensuring residents can access economic opportunity; and reducing regulatory burden in affordable housing policies.

## NEW CONGRESS FOCUSES ON HOUSING

In the early months of the 117th Congress, members have started to gather focus on the housing needs of providers and the residents they serve. Rep. Antonio Delgado (D-NY) introduced H.R.199, the Direct Support for Communities Act, which would provide funding for cities, counties, and other units of general local government to prevent, prepare for, and respond to COVID-19, regardless of size. The bill

would create a funding mechanism that allows smaller communities direct access to federal funding and would allow distressed communities to avoid layoffs, ensure timely vaccine distribution, grow the availability of testing, and continue meeting their residents' housing needs. H.R.199 was referred to the House Committee on Appropriations and the House Committee on the Budget for further consideration.

H.R.152, Ensuring Homeowner and Occupant Monetary Encouragement and Stability Act, also known as the Ensuring HOMES Act, introduced by House Financial Services Committee member Rep. Bobbie Rush (D-IL), would establish a Tenant Protection Program that would provide loans to landlords who waive rent during the COVID-19 emergency pandemic period. The bill will provide for forgiveness of these loans if the landlord provides lease extensions and agrees not to evict residents. The Ensuring HOMES Act also includes additional housing protections such as prohibiting mortgage holders and lenders from requiring payment on a mortgage deferred during the COVID-19 emergency period until the later of (1) the last day of the loan term or (2) the end of the deferral period. The bill would apply retroactively to the beginning of the COVID-19 emergency pandemic and would also apply to any future COVID-19 emergency declaration. H.R.152 has been referred to the House Financial Services Committee for further consideration.

Rep. Al Green (D-TX), also a member of the House Financial Services Committee, introduced H.R.165, Improving Access to Homes for Heroes Act of 2021. This bill would require public housing agencies to consider veterans' housing needs when

creating their annual plans and housing strategies in consultation with agencies that serve veterans. Similarly, the bill would instruct HUD to revise its regulations to require jurisdictions that receive HUD funding to include information relating to veterans in their consolidated plans. HUD would also be required to conduct an assessment of the housing needs of very low-income veteran families and report annually on its activities relating to veterans. H.R.165 was referred to the House Financial Service Committee for further consideration.

In March, the House Financial Services Committee (HFSC) hosted a virtual hearing titled "Justice for All: Achieving Racial Equity Through Fair Access to Housing and Financial Services." In her remarks, committee chair Rep. Maxine Waters (D-CA) stated, "It is an unfortunate truth that such injustices persist today, including in the form of barriers that systematically exclude people and communities of color from fair access to housing and homeownership; from access to credit, capital and other financial services; and from opportunities to lead and direct economic policy at the highest levels of the United States government and major corporations .... All of these barriers have drastically curtailed opportunities for communities of color to build wealth and thrive in our society."

In conclusion, the passage of the American Rescue Plan Act of 2021, the \$1.9 trillion economic stimulus bill, dominated Congress and the Biden administration's early months. We also expect President Joe Biden to introduce his first budget request for the fiscal year 2022. **NN**

*Larry Keys Jr. is director of government affairs for NAHMA.*

# Pandemic, Racial Tensions Amplify Rental Affordability Crisis

**T**he Harvard Joint Center for Housing Studies released its 2020 State of the Nation's Housing report.

According to the executive summary, "For most of 2020, the country has been beset by the COVID-19 pandemic, social unrest sparked by longstanding racial injustice, and the devastating impacts of climate change. Although low-interest rates and continued growth in some sectors have bolstered home buying and the broader economy, conditions have worsened for many households. Indeed, the nation's failure to live up to its long-stated goal of a decent home in a suitable environment for all has never been clearer—particularly in the lack of affordable rental housing and unequal access to homeownership. Today's crisis conditions call for a comprehensive re-envisioning of national housing policy."

According to the report, the economic fallout from the COVID-19 pandemic has amplified the rental affordability crisis. Citing the Census Bureau's Household Pulse Survey for late September, the report said, renters earning less than \$25,000 a year were much more likely to report lost employment income since the March 2020 shutdown. More than half—52%—of lowest-income renters lost wages during the shutdown, compared with 41% of all households. About one in five renters earning less than \$25,000 also said they were behind on rent, compared with 15% of all renters and just 7% of renters earning more than \$75,000. Those earning \$25,000 to \$49,999 also struggled, with 53% losing income and 16% behind on rent.

Renter households of color have also

suffered disproportionately from the pandemic's impacts, concluded the report. "Even before the COVID-19 outbreak, the cost-burdened shares of Black and Hispanic renters, at 54% and 52%, were already more than 10 percentage points higher than that of white renters. The disparity between white and Asian renters, however, was just 0.3 percentage point. But with the shutdown of the economy, many of these households experienced income losses. As a result, 23% of Black, 20% of Hispanic, and 19% of Asian renters were behind on their rents by late September or about twice the 10% share of white renters," according to the report.

Renter households have been hit particularly hard by the economic fallout caused by the pandemic, said the report. Despite job losses and limited income support, most residents have continued making their rent payments. After a sharp spike in the summer, rental construction resumed at a moderate pace in September, but sales of multifamily properties fell amid rising vacancy rates and continued uncertainty. Meanwhile, with most new units intended for the high end of the market and continued losses of low-cost units, rental affordability continues to erode. The concentrated location of affordable units reinforces inequities, said the report.

With rent increases continuing to compete with income gains, some 20.4 million renter households paid more than 30% of their incomes for housing in 2019. The report found more than four-fifths of households with incomes under \$25,000 were at least moderately cost-burdened in 2019, including 62% paying more than half their incomes for housing.

Once again, citing the Household Pulse Survey from late September, the report found that 28% of renters used their federal stimulus checks to cover basic needs, including rent, and 17% used unemployment insurance benefits. However, many

households also had to turn to alternative financial supports. The report said nearly a quarter of renters borrowed money from friends or family to cover costs, and 27% relied on savings. Nearly half of renter households have savings of less than \$1,000 and their rents typically exceed that amount, and as a result, many have likely depleted their emergency funds.

Even before the onset of the health crisis, the affordable housing crisis fueled an increase in homelessness. The report highlights HUD's latest point-in-time estimates that show an increase of 15,000 more people experiencing homelessness last year compared to the previous year, totaling nearly 568,000. The report attributes the significant increase in the number of people experiencing homelessness to growth in the unsheltered population, whose numbers rose by almost 17,000 to 211,000. Homelessness rose in both high- and low-cost states across the country in 2019, with increases of more than 10% in six states.

"The COVID-19 pandemic has laid bare the connections between racial and income inequality and the nation's longstanding housing policy challenges. Even before the pandemic, housing affordability was at crisis levels, especially among low-income renters of color. The current economic meltdown has revealed just how many millions of vulnerable households could be one rent payment away from eviction and homelessness. Short-term federal aid has helped some households weather the storm. Still, much more housing assistance—and housing supply—is necessary to counter the combined effects of the affordability crisis and the pandemic," said the report.

The report urges policymakers to seize the moment by framing a new, comprehensive housing strategy that will reduce inequalities and advance the longstanding goal of a decent, affordable home in a suitable living environment for all. **NN**



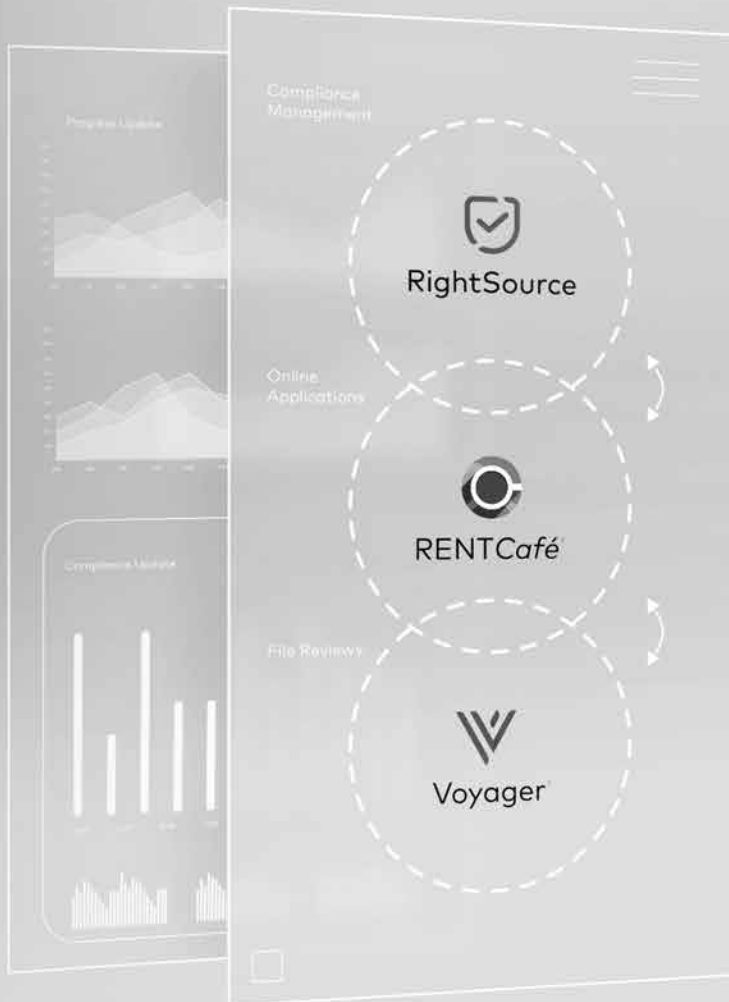
The report urges policymakers to seize the moment by framing a new, comprehensive housing strategy that will reduce inequalities and advance the longstanding goal of a decent, affordable home in a suitable living environment for all.

To read the 2020 State of the Nation's Housing report, visit <https://www.jchs.harvard.edu/state-nations-housing-2020>.



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# NAHMA Submits Comments on NSPIRE Method Rule

In mid-March, NAHMA provided comments to the Department of Housing and Urban Development (HUD) on the proposed National Standards for the Physical Inspection of Real Estate (NSPIRE) implementation method rule.

The proposed rule would revise how HUD-assisted housing is inspected and evaluated using NSPIRE, which seeks to reduce the regulatory burden and improve HUD oversight through alignment and consolidation of inspection regulations used to evaluate HUD housing across multiple programs, creating a unified assessment of housing quality.

The proposed rule would establish the implementation method for specific NSPIRE standards, scoring, and processes through *Federal Register* notices. The proposed rule also would apply a “safe, habitable dwellings” standard; reduce from five to three the categories of current inspectable areas for physical condition standards for covered housing programs; implement a new annual self-inspection and reporting requirement for certain HUD housing; establish an administrative process for the treatment of health and safety deficiencies; and incorporate provisions of the Economic Growth and Recovery, Regulatory Relief, and Consumer Protection Act that will reduce the administrative burden on small rural public housing agencies.

HUD was seeking comment on a series of questions covering a variety of definitions and the inspection process.

## NAHMA'S RESPONSE

“NAHMA appreciates HUD’s continued efforts to improve the Real Estate Assessment Center (REAC) physical inspection process and protocols. NAHMA members take great pride in providing quality housing that offers a safe, healthy environment for their residents. NAHMA members look forward

to participating in the NSPIRE demonstration to ensure its success and fairness,” NAHMA’s response said.

Additionally, NAHMA urged REAC to waive the shortened physical inspection 14-day notification timeframe for assisted housing properties, announced on Feb. 22, 2019, through PIH Notice 2019-02. Instead, the comments said, to ensure the maximum safety of residents, management staff, and inspectors, it was calling for a return to scheduling a physical property inspection in a 30- to 60-day timeframe.

As to the definition of “safe and potable water,” NAHMA said, members recommend water safety be monitored and tested by someone trained in this capacity, rather than REAC inspectors.

“There are federal, state, and local authorities with oversight over water safety, specifically the Environmental Protection Agency (EPA) at the federal level. The EPA is responsible for ensuring that public water supplies are safe and in compliance with the Safe Drinking Water Act, along with localities and water suppliers who implement the standards,” according to the comments.

The association went on to say HUD should not attempt to define or change what is meant by safe or potable water. Furthermore, REAC inspectors should not be required to verify that a municipal water supply authority complies with the EPA’s Safe Drinking Water Act.

“If HUD seeks to verify the availability of safe and potable water for residents, the department should communicate with local water systems administrators rather than with property owners and agents,” according to the comments.

When asked whether the site and neighborhood standards as found in 24 CFR 982.401(l), should be included in the regulation or only in the inspection standards, NAHMA responded that mem-

bers recommend the inspection standards might be the best place to include these standards. Additionally, NAHMA noted that members report that site and neighborhood standards are hard to judge unless the area represents a serious health hazard or safety concern.

Regarding the proposed inspection requirements, NAHMA said its members recommended electrical requirements should match the code when the building was built. Given electrical codes are constantly changing, buildings constructed on a certain date are and should remain “grandfathered,” meaning they do not need to be brought up to the current code until a major renovation is planned, according to the comments.

“Unless the building is undergoing rehab or renovations, a requirement for electrical upgrades to the existing building would be a financial hardship on building owners. During significant building renovations, the building owners would be required to obtain permits, at which time the local jurisdiction would require electrical upgrades,” noted the comments.

NAHMA said members recommended that the proposed Ground Fault Circuit Interrupter requirement be limited to areas within six feet of water sources and that other areas, such as exteriors, garages, and unfinished basements, be excluded from the requirement.

Members shared that in certain instances in the current Housing Quality Standards protocol, the resident can use a portable heater as their heat source but must be approved by the HUD field office on a case-by-case basis. Generally, they are only approved in rural areas with warm climates. Members recommend a proposed requirement related to permanently installed heating sources.

Additionally, NAHMA recommended that HUD collect data to evaluate the

costs associated with the proposed guardrail requirement.

"This requirement could impose significant financial burdens on certain properties, and HUD should perform a comprehensive assessment of the potential impacts of this proposal before implementation," the comments said. "Members also recommend a guardrail adjacent to a 'walking surface,' but do not want it to apply to an area of raised grass (for example, single-family home with a front yard) where there is a low retaining wall by the sidewalk."

NAHMA members supported a requirement related to permanently mounted light fixtures in kitchens and bathrooms, as these areas need some form of a permanent light fixture.

As to the question regarding expanded inspection frequencies, NAHMA said its members supported the alteration to inspection frequencies under the NSPIRE model and that the extended timeframe between inspections is appropriate for well-performing properties.

As to the question about involving tenants in the inspection process, NAHMA said, "Members strongly recommend that HUD not adopt the proposed measures for including tenants in property inspections. Members recommend no resident survey be required. The resident questionnaire was deleted a few years back due to it not being representative of the property. Residents should not be involved in the scoring process. The inspectors are trained to inspect the property; they are third-party disinterested entities, and their reports should govern."

Furthermore, in regard to a Tenant Rating System, the comments said a rating system would not provide HUD with reliable, objective data on a property.

NAHMA said its members are concerned that tenant ratings are likely to be superficial and highly subjective.

"Disgruntled tenants could take the opportunity to enter exaggerated or misleading ratings with the intention of producing negative results for the property. It could lead to incomplete, inaccurate, or misleading information, and which the inspector might accept at face value without fully knowing the entire story," the comments said.

**"NAHMA appreciates HUD's continued efforts to improve the Real Estate Assessment Center (REAC) physical inspection process and protocols. NAHMA members take great pride in providing quality housing that offers a safe, healthy environment for their residents. NAHMA members look forward to participating in the NSPIRE demonstration to ensure its success and fairness," NAHMA's response said.**

Concerning self-nominations for unit inspections, the comments noted that tenants should not nominate their units for inspection and should not skew the random unit sample. NAHMA is concerned that self-nominations could incentivize disgruntled tenants to place their units in a state of disrepair to produce negative results for the property.

NAHMA said its members requested that HUD specify the intended scope of NSPIRE's annual self-inspection and electronic reporting requirements when it came to the yearly self-inspection requirements question.

According to the comments, "Feasibility of these requirements will depend on the specifics of the information HUD is requiring from properties and how that information is to be submitted. An expansive scope for annual self-inspections will result in an increased workload for maintenance staff, and the associated reporting requirement will demand a significant time commitment for data input

into the HUD system."

Also, NAHMA recommended HUD limit any reporting requirement so that properties will only report on the health and safety risks identified and corrected at a property within a given year, saying the narrow scope will ensure that the NSPIRE requirements are practicable while providing HUD with data on each property's most critical maintenance activities.

NAHMA likewise said its members were concerned that there was no

approved inspection software. The comments pointed out that the proposed rule does not address the inspection software.

"If the software program is difficult, then it will be very frustrating and costly for all stakeholders. REAC needs to develop or approve a scoring system and software program that is user-friendly, inexpensive, and intuitive," according to the comments.

When asked about defining kitchens and sanitary facilities, NAHMA recommended HUD define what constitutes a kitchen and its required components. The association said its members recommended a kitchen must include a sink, a mechanical refrigerator, and cooking appliances. Furthermore, the comments said HUD should identify a variety of cooking appliances that would be acceptable (e.g., ovens, ranges, heating plates, etc.) within a kitchen.

According to the comments, NAHMA recommended HUD define what constitutes sanitary facilities, saying its mem-

*continued on page 14*

# President Biden Issues Two Executive Orders Impacting Housing

**O**n Jan. 26, President Joe Biden signed two executive orders to address racial equity and climate change. The first executive order directs the Department of Housing and Urban Development (HUD) to mitigate racial bias in affordable housing while also ensuring the advancement of fair housing laws.

The order highlights the prominent role the government has played in implementing housing policies that have had racially discriminatory impacts. It directs HUD to examine the effects of the previous administration's regulatory actions on fair housing policies and regulations, such as repealing the Affirmatively Furthering Fair Housing

rule. The order further directs the HUD secretary to take any necessary steps based on that analysis's outcome to implement the Fair Housing Act's requirements fully.

Based on the memorandum, HUD will reassess its interpretation of the Fair Housing Act's disparate impact standard, with a new proposed rule expected to be published soon. The Trump administration changed the rule last year after then-HUD Secretary Ben Carson issued updated guidelines that imposed a specific, five-step approach that required regulators to prove intentional discrimination on the lender's behalf.

To view President Biden's Memorandum on Redressing Our Nation's and the Federal Government's History of Discriminatory Housing Practices and Policies, visit the Briefing Room on the White House website at <https://www.whitehouse.gov>.

The second executive order, issued Jan. 27, seeks, in part, to secure environmental justice and spur economic opportunity for disadvantaged communities that have been historically mar-

ginalized and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, and health care. The order creates a White House Environmental Justice Interagency Council. The HUD secretary will be a member of the council, which will develop clear performance metrics to ensure accountability and publish an annual public performance scorecard on its implementation.

President Biden mentioned that starting with this executive order on climate change, environmental justice will be at the center of all that his administration does to address the disproportionate health and environmental and economic impacts on communities of color. President Biden also mentioned that he intends "to build 1.5 million new energy-efficient homes and public housing units that are going to benefit communities three times over: 1) by alleviating the affordable housing crisis; 2) by increasing energy efficiency; and, 3) by reducing the racial wealth gap linked to homeownership." **NN**



To view President Biden's executive order on Tackling the Climate Crisis at Home and Abroad, visit the Briefing Room on the White House website at <https://www.whitehouse.gov>.

To view then-acting HUD Secretary Matthew E. Ammon's statement following the signing of President Biden's Executive Order on Tackling the Climate Crisis at Home and Abroad, click [https://www.hud.gov/press/press\\_releases\\_media\\_advisories/HUD\\_No\\_21\\_014](https://www.hud.gov/press/press_releases_media_advisories/HUD_No_21_014).

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## NAHMA SUBMITS COMMENTS ON NSPIRE METHOD RULE, *continued from page 13*

bers suggested that a sanitary facility must include a sink, a bathtub or shower, a toilet, and ventilation. The comments noted that a sanitary facility should also provide privacy to those using the facility.

Overall, these new requirements should not go above local code.

Finally, NAHMA addressed the questions regarding assessing tenant-induced damages by saying its members were concerned with the increased weight of the score placed on in-unit damages that are outside the control of managers.

"REAC should consider if it is possible for tenant-induced damage to be an advisory portion of the score. Members recommend that HUD apply no point deduction or the minimum deduction

for tenant-induced damages discovered during an inspection. If tenant-induced damages are noted in the inspection report but did not result in point deductions except where health and safety were involved, this would have a significant positive impact on HUD-assisted properties," according to the comments.

NAHMA said that to incentivize residents not to damage the property, members recommended residents be held financially accountable for tenant-caused damages. Furthermore, damages that jeopardize the occupants' health and safety of a unit and/or neighbor's units should result in termination of tenancy and, if needed, eviction from the premises. Also, the comments said,

resident-incurred damages that don't rise to the health and safety standard but result in the repeated expense of time and materials should be entirely borne by the resident and memorialized in a formal repayment agreement.

"Accordingly, the HUD lease would need to be modified to include language such that the lease is more enforceable on matters of this nature. These expenses, most of which go unreimbursed by the resident, greatly increase the operating costs at properties because residents have no real or perceived consequences in most cases, and the HUD lease as crafted does not provide sufficient language affirming what those consequences should be," the comments concluded. **NN**



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# NAHMA Members Gather Online

THE NAHMA BIENNIAL TOP ISSUES IN AFFORDABLE HOUSING virtual winter conference, March 8-11, drew 185 members and affordable housing insiders. The multiday event featured virtual panels focused on the top issues facing affordable housing, a Communities of Quality Awards winners panel and a virtual Industry and AHMA Awards ceremony.

Featured speakers included Ethan Handelman, deputy assistant secretary of Multifamily Housing for the Department of Housing and Urban Development (HUD); Toby Halliday, director of the Office of Asset Management and Portfolio Oversight for HUD; David A. Vargas, MSA, CPA, deputy assistant secretary, Real Estate Assessment Center; Dan Williams, program manager, NSPIRE; Nancie-Ann Bodell, assistant deputy administrator, Multifamily Housing Programs, Rural Development, Department of Agriculture, and other senior staff from HUD and Rural Development. The association's next event is the Biennial Top Issues in Affordable Housing Fall Conference, Oct. 20-22, in Washington, D.C. **NN**



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Wesley Living (formerly Wesley Housing Corporation of Memphis, Inc.)\*

Westminster Company

WinnResidential

*\*Housing Management Resources Inc., PRD Management and Wesley Living have achieved COQ Recognition status for 100% of their portfolios.*

# Spotlighting the Difference-Makers

NAHMA members and guests gathered virtually March 9 to honor the annual AHMA and Industry Awards winners as part of the NAHMA Biannual Top Issues in Affordable Housing Winter Conference. Gianna Richards, president, Solari Enterprises Inc., served as the master of ceremonies.

## NAHMA INDUSTRY STATESMAN AWARD

*The award is given to a NAHMA member either in or nearing retirement in recognition of many years of outstanding leadership and service to NAHMA and the affordable housing industry.*



During her career, **Karen Steinbaum** embodied the spirit of the Industry Statesman. She began her career when a woman in business was uncommon, but she overcame all obstacles to lead her company and become a leader in our industry. Through her tireless efforts, Steinbaum became a mentor to many in the affordable housing field and led others

to excellence. Many of her mentees became leaders in the industry in their own rights, a progression which she always championed.

But her greatest contribution to the industry is her vigorous advocacy for the affordable housing industry with legislators. During her many trips to the Hill, she advocated relentlessly for fairness, clarity, and much-needed funding.

Steinbaum was a significant contributor to the final version of the Assistance to Non-Citizens rule. The resulting rule has stood as originally written to this day. She demanded fair treatment from oversight agencies with strong research and knowledge of the regulations.

Steinbaum is one of the founding members of AHMA-PSW. She remained an active board member as a Director Emeritus until the day of her retirement. In this position, Steinbaum shared her knowledge with seasoned and younger board members, leading to a vibrant organization that continues to be well-positioned to weather any storm.

## NAHMA PRESIDENT'S AWARD

*This elite award is given each year to an individual or organization selected by NAHMA's president.*

While **Timothy Zaleski** was attending the University of Pittsburgh—where he would earn a dual major in economics and business administration—he began working for a developer doing budgets to help pay for tuition.



The company needed help and was walking distance to campus, so he took what hours they could give them. After graduation, it was either go to law school or stay where he was already employed.

So began Zaleski's 30-plus-year career in the housing industry, first with National Development Corporation and later National Church Residences. Since 2011, Zaleski had been leading operations at McCormack Baron Management, where he was president until his retirement last year.

Even though Zaleski recently wrapped up his two-year term as NAHMA president, he believes the association can continue to be a leading voice in affordable housing. Despite the pandemic, under Zaleski's leadership, NAHMA continued to be a vocal advocate for the industry by strengthening existing relationships with elected officials and like-minded organizations, all while continuing to serve members through all available virtual means, which included assisting the AHMAs in shifting to online certification classes, holding NAHMA's first-ever virtual meeting in October, and keeping members up-to-date with the latest regulatory, legislative, and financial impacts of the pandemic on the affordable housing industry through a weekly COVID-19 conference call.

While Zaleski is enjoying his well-deserved retirement and spending more time with his family, he will continue to be a guiding force in NAHMA as an Emeritus Member.

## NAHMA INDUSTRY PARTNER AWARD

*The Industry Partner Award is given to a government agency, non-profit, business or other partner that has made a significant contribution to the cause of affordable housing in the previous year.*



This year's award recipient is **Michael Cummings**, the vice president of Southwest Housing Compliance Corporation, an Austin Housing Authority division in Austin, Texas.

*continued on page 18*

In his leadership role with Southwest Housing, the Performance-Based Contract Administration for Texas and Arkansas, Cummings has made the agency a true partner to the owners and managers of the properties in the Southwest Housing portfolio, always willing to listen and give careful consideration to the industry's concerns and work towards a fair and equitable solution. During the pandemic, Cummings has put the concern for the health and safety of property staff and residents first in postponing all Management and Occupancy Reviews and working with owners and agents to find ways to meet their regulatory obligations during this difficult time.

### NAHMA INDUSTRY ACHIEVEMENT AWARD

*The Industry Achievement Award is given to a NAHMA member who has exhibited significant or noteworthy leadership in recent activities.*



Much of the virtual training offered by the AHMAs started with **Debbie Piltch**, and her efforts, ideas, and support have been instrumental in finding a way to allow the AHMAs to continue to train throughout the pandemic. She taught the first virtual Fair Housing Compliance course in April. She is also a member of the Blended Compliance Designation (BCD)

Task Force, including being involved in the course rewrite process and volunteering weeks of her time to give a careful review of changes to the manual from the BCD task force.

### AHMA OF THE YEAR AWARD

*This award is presented to AHMAs using criteria such as size, number of members, success in membership recruitment, membership retention, education and training course attendance, financial stability and other factors. There were three winners this year.*



#### Large AHMAs: SAHMA

SAHMA made updates to its membership model to reflect the number of units owned and managed in the southeast, all while the association

maintains an 84% retention rate. SAHMA, which covers eight southeastern states and the Caribbean, continued to grow its SAHMA-U webinar opportunities, resulting in 52 live webinars throughout the year while adding 10 additional on-demand webinars to its expanding library. Due to the COVID-19 pandemic, SAHMA was only able to hold two state conferences before travel and large group gatherings came to a halt. As a result, SAHMA canceled its remain-

ing state conferences and hosted its annual Leadership Affordable Housing Conference virtually rather than in-person. The COVID-19 pandemic challenged the association to evaluate and reimagine many of its in-person events, but most member services continued uninterrupted.



#### Medium AHMAs: JAHMA

JAHMA—serving property managers and owners of New Jersey—canceled its Spring Management Event and replaced it

with weekly virtual meetings to share information, strategies, and COVID-19 safety tips. Additionally, a COVID-19 page was created for the JAHMA website, which shared coronavirus updates from NAHMA, from the Department of Housing and Urban Development, the New Jersey Housing and Mortgage Finance Agency, and local vendors. Going virtual was brand new for JAHMA. It was necessary to jump into the virtual training world with both feet. This started with a series of COVID webinars with topics ranging from Communication Challenges to Income Calculations. JAHMA was also able to offer multiple NAHMA credential trainings. Restructuring the JAHMA membership categories and nonmember outreach has allowed the association to maintain membership and increase numbers in some areas.



#### Small AHMAs: AHMA-NCH

AHMA-NCH, serving Northern California and Hawaii, maintained a 93% retention rate for total properties and units while also picking up three new management companies as members. AHMA-NCH pivoted to online training in early March

and partnered with NAHMA to transition the certification classes' conversion to online status. Additionally, to serve its Associate members, AHMA-NCH created webinar opportunities for educating its members while offering a chance to display their products. As the pandemic continued and in-person access to state representatives was eliminated, AHMA-NCH employed grassroots tactics to notify members of important issues taking place within the state and utilized their strength in continuing to advocate for affordable housing.

## AHMA COMMUNITIES OF QUALITY AWARDS

*This award honors AHMAs with superior numbers of Communities of Quality (COQ) properties and active COQ recruitment and recognition programs.*



**The winner is SAHMA.** SAHMA has 599 COQ National Recognition Program participants, with six new communities since the previous year. Also, 10 SAHMA member companies have received the Communities of Quality Corporate Partner Designation.

## AHMA INNOVATION AWARD

*This award is given in recognition, by AHMA size, of a new program, service or activity that an AHMA began sometime in late 2019 or in 2020. There were three winners this year.*



### Large AHMAs: SAHMA

Due to the pandemic, SAHMA quickly pivoted its focus for education and training from in-person conferences and

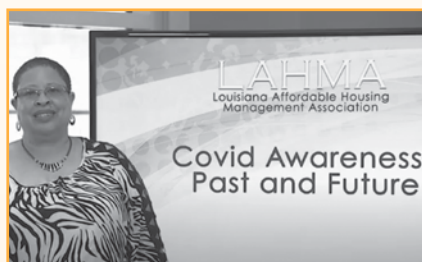
events to online educational opportunities with the cancellation of many of its state-level conferences. They bolstered their on-demand SAHMA-U Learning Library and increasing the opportunities for live webinars. Additionally, SAHMA decided to utilize live and on-demand features during its three-day virtual leadership conference to maximize attendees' educational benefit by offering live sessions and providing access to all content until the end of the week. As a result, SAHMA was able to give the participants 17 hours of continuing education. SAHMA was also able to retain about 90% of its registrations with the decision to move the leadership conference from in-person to virtual.



### Small AHMAs: AHMA-PSW

AHMA-PSW, representing management agents and owners of over 85,000 housing units in Arizona, Nevada, and Southern California,

launched the AHMA-PSW Foundation's 5K Virtual Run as a way to have members and nonmembers participate, share their experience, and have fun while raising money for the AHMA's scholarship program during the pandemic. The virtual event was held over six weeks to allow members time to join at their own pace, understand the ground rules, share their experience and participate in a fun and healthy activity. Additionally, the association released the AHMA-PSW in Action 2020 publication. This project captured the essence of the voluminous work accomplished by the AHMA while working remotely and building community with members in a different way.



### Very small AHMAs: LAHMA

LAHMA, serving Louisiana, created a webinar for its members that was also broadcast on public television for the com-

munity at large, called COVID Awareness: Past and Present. The program was moderated by Norman Robinson, a former local news personality. It featured a panel of experts consisting of Sarah Babcock, director of Healthy Environments and Communications at the New Orleans Health Department; Dr. Julio E. Figueroa, professor of medicine, chief of infectious diseases for Louisiana State University School of Medicine; and Kris Cook, executive director of NAHMA. The panel provided insights on dealing with issues related to the pandemic and its effects on affordable housing staff and residents.

## NAHMA COMMUNITIES OF QUALITY AWARD

*This award is given annually to a NAHMA member who has the most newly listed properties in the NAHMA COQ National Recognition Program—based on data maintained by NAHMA staff.*



The award for most new in 2020 was awarded to **GK Management Co.**, headquartered in Culver City, Calif.

# NAHMA Comments on Emergency Broadband Benefit Program

**N**AHMA submitted comments to the Federal Communications Commission (FCC) on the Emergency Broadband Benefit Program (EBBP) as established by the Consolidated Appropriations Act of 2021. NAHMA strongly supports this newly created program, which would be funded through the Emergency Broadband Connectivity Fund, which would ensure that families and households have internet access and a connected device during the COVID-19 pandemic. NAHMA members manage multifamily affordable rental housing, and they have observed that many of their residents lack high-speed internet connections compared to the general population.

Unfortunately, the digital divide has only widened during the pandemic. NAHMA said it strongly supports the comments

submitted by its industry colleague, Stewards of Affordable Housing for the Future (SAHF).

In its comments, NAHMA urges FCC to lower entry barriers for eligible households to ensure that EBBP can be used by those most in need.

“NAHMA greatly appreciates that the statute makes clear that households with any past or present debt with an Internet Service Provider (ISP) can qualify for the program. This is an important aspect of the law since past debt has been a barrier for far too many households in participating in past and current low-cost programs,” the comments said.

The comments said the FCC should consider the following additional ways

to lower barriers to participation:

**1. Blanket Eligibility for Multifamily Assisted Housing:** According to the statute, qualifying households include any household with at least one member that 1) meets the requirements for participation in the Lifeline program, 2) has been approved for free or reduced-price lunch or school breakfast programs, 3) has experienced a substantial loss of income since Feb. 29, 2020, 4) has received a Pell Grant in the current award year, or 5) meets the criteria for the broadband provider's existing low-income or COVID-19 subsidy program, as approved by the FCC. The Lifeline program already provides automatic eligibility for residents of federal public housing. Still, that eligibility

Agriculture (USDA), HUD—or databases located at state housing finance agencies.

**2. Inter-Agency Collaboration:** Further, FCC should work with HUD, USDA, and state housing finance agencies to publish a list of all assisted multifamily properties where all or substantially all units are assisted, where residents can be presumed income-eligible based on eligibility requirements for the housing program. FCC should clarify that owners of listed properties should be eligible to connect all units at EBBP pricing and service levels. At the same time, residents would retain the option to enhance service if they desired. This would facilitate the rapid connection of residents with fewer

**“NAHMA greatly appreciates that the statute makes clear that households with any past or present debt with an Internet Service Provider (ISP) can qualify for the program. This is an important aspect of the law since past debt has been a barrier for far too many households in participating in past and current low-cost programs,” the comments said.**

has not extended to residents of other HUD affordable housing programs with comparable income limitations, income targeting, and tenant populations. This results in inequitable access among residents of affordable housing. The FCC should further streamline eligibility by providing blanket eligibility for participants in other federally assisted multifamily housing properties, such as those assisted under Project-Based Section 8, Section 202, Housing Choice Voucher, Low-Income Housing Tax Credit, or Section 521, where residents can be presumed income-eligible based on eligibility requirements for the housing program. This could be verified through connections to federal tenant characteristic databases—Department of

barriers. This type of blanket eligibility has precedent with expanding the Weatherization Assistance Program to multifamily housing through the American Recovery and Reinvestment Act. It offers a helpful way to facilitate the connection of more residents of affordable housing quickly. Moreover, the ability to batch eligibility this way could help affordable housing providers leverage the EBBP to gain stronger service provisions for residents, such as higher speeds and additional equipment.

**3. Blanket Eligibility for USDA Community Eligibility Provision Schools:** The USDA Community Eligibility Provision allows the nation's highest poverty schools and districts to

provide no-cost breakfast and lunch without providing household data. For the FCC to facilitate timely approval of households with students in these schools, who can be presumed income-eligible based on living in these high poverty areas, the FCC should automatically approve participation in EBBP and not require any additional steps. NAHMA also encourages FCC to consider incentives for ISPs that provide an additional device to be used by students from Community Eligibility Provision Schools to facilitate the schools' ability to connect with students for remote learning.

**4. Strategic Partnerships to Encourage Participation:** Uptake of this program, especially among target populations, will require strategic partnerships and robust communication. To support affordable housing residents, NAHMA recommends that the FCC develop a comprehensive public outreach campaign that includes partnerships with public housing authorities, state housing finance agencies, affordable housing providers, and affordable housing associations. FCC should also

partner with managed care organizations to help reach Medicaid-enrolled households and other eligible households. Because the FCC proposes to require eligible households to directly interact with the National Verifier to apply for the Emergency Broadband Benefit Program, robust communication measures must be in place to ensure current Lifeline users and especially first-time users can navigate the National Verifier platform.

**5. Technical Corrections and Clarifications:** FCC should clarify the definition of address to include unit/apartment. In the case of multifamily housing properties, there is no limit on the number of beneficiaries at one address. The FCC should also expand the data fields used for identification under Lifeline's National Verifier system to allow sources beyond a Social Security number. The current limitation creates unnecessary barriers to participation. It may disproportionately impact seniors living in some affordable housing programs that may not have Social Security numbers or have difficulty accessing this data.

**6. Outreach and Communications to Ensure Goals of Program:** The Emergency Broadband Benefit Program is the first of its kind, and its success or failure depends mainly on outreach and communications. At a minimum, FCC should take the following actions:

- Launch a public outreach campaign to encourage ISP participation;
- Require participating ISPs to inform current customers of EBBP;
- Establish strategic partnerships with local governments, affordable housing providers, and others to encourage household participation;
- Update and publically share a list of participating ISPs for individuals and partners to use in connecting eligible households;
- Require ISPs to communicate terms of EBBP to participating household at the start and on a monthly basis;
- Track EBBP spend down to ensure advanced notice can be provided before the end of the program—the earlier of six months after the public health emergency or when funds are exhausted;
- Require ISPs to provide a 60- to 90-day notice of the program's termination to participating households; this notice should include information on billing after the conclusion of the program when the first bill at a higher rate is due, an explanation of any partial month charges and information on any additional resources; and
- Use the same distribution channels during the start of the program to communicate about the end of the program: This robust communication is needed to ensure that beneficiaries fully understand that costs will increase at the end of the program, have the opportunity to consider terminating their account before those emergency funds are depleted, and are not saddled with unnecessary debt and fees. **NN**

## FCC Approves \$50 Monthly High-Speed Internet Subsidy

**THE FEDERAL COMMUNICATIONS COMMISSION (FCC) APPROVED an emergency subsidy for low-income households to bring internet service to families for distance learning, work and digital health care during the pandemic in March. The Emergency Broadband Benefit will provide a discount of up to \$50 per month toward broadband service for eligible households and up to \$75 per month for households on tribal lands. Eligible households can also receive a one-time discount of up to \$100 to purchase a laptop, desktop computer, or tablet from participating providers if they contribute \$10-\$50 toward the purchase price. The Emergency Broadband Benefit is limited to one monthly service discount and one device discount per household. The program will use \$3.2 billion allocated late last year by Congress as part of its COVID-19 relief bill. To learn more about the Emergency Broadband Benefit or to check for program updates, visit <https://www.fcc.gov/broadbandbenefit>.**

# 117th Congress: Who to Contact for Affordable Housing Policy

**T**he 117th Congress convenes from Jan. 3, 2021 to Jan. 3, 2023. The House of Representatives consists of 221 Democrats and 211 Republicans, plus three currently seats vacant, while the Senate has 50 Republicans and 50 Democratic members, as well as two Independents who caucus with Democrats. Vice President Kamala Harris will be the deciding vote in case of a tie vote in the Senate.

As NAHMA reaches out to the 117th Congress on affordable housing issues, it recommends its members do the same. Here is a simple primer on the key Congressional members and committees that will likely impact affordable housing policies.

## POLICY OUTLOOK

**Pandemic Relief:** The mounting economic hardship resulting from the COVID-19 pandemic continues with millions of Americans still struggling to pay their rent. The 117th Congress will undoubtedly consider additional legislative actions to provide much needed economic relief and support.

As Congress debates how to further respond to the pandemic, NAHMA will continue to underscore the link between health and housing, and advocate for additional rental assistance to ensure the continued stability and financial viability of affordable housing providers and the families they serve.

**Funding:** The 117th Congress will have many opportunities to shape the legislative and regulatory landscape, but challenges for affordable housing funding remain a primary obstacle. The previous Congress rejected drastic funding cuts and provided investments in affordable housing programs. NAHMA and our industry partners will continue to oppose any similar proposed cuts and the potential of harsh caps on domestic spending. Additionally, there is real potential for the Biden admin-

istration and Congress to make significant increases in funding for the Department of Housing and Urban Development (HUD), the U.S. Department of Agriculture (USDA) and toward infrastructure investments, as an essential part of the Democrats' broader strategy is to ensure families have access to housing that is affordable, stable, safe, healthy, accessible, energy-efficient and resilient, and located near good schools and with a reasonable commute to their jobs.

Democratic leaders in the new Congress will focus on:

- Fully funding federal affordable housing assistance programs
- Ending redlining and other discriminatory and unfair practices in the housing market
- Improving the quality of housing, including through investments in energy efficiency, addressing lead hazards and advancing environmental justice
- Expanding the use of tax credits to encourage opportunity and investment in neighborhoods that are often home to vulnerable populations and marked by stagnant housing markets, foreclosures, and blighted or vacant homes
- Providing financial assistance to help individuals and families buy or rent safe, quality housing, especially in communities of color
- Promoting greater economic mobility, and providing greater household stability and improved wellness outcomes
- Pursuing a comprehensive approach to ending homelessness
- Incorporating significant affordable housing investments in infrastructure reform, including increasing the construction and preservation of the nation's affordable housing stock

**Legislation:** NAHMA expects the House Financial Services Committee and the Senate Banking and Housing Committee to focus heavily on housing programs and funding, fair housing, and oversight.

**Tax:** NAHMA believes the House

Ways and Means Committee and the Senate Finance Committee will focus on infrastructure investments, including key affordable housing provisions. While 2020 ended with the enactment of a permanent minimum 4% Housing Credit rate, NAHMA expects further legislation to expand and strengthen the Low-Income Housing Tax Credit (LIHTC) will be introduced. Key provisions from the Moving Forward Act, an infrastructure bill passed in the House last year, could potentially be incorporated into infrastructure or stimulus legislation in the 117th Congress, including expanding LIHTC production, increasing LIHTC credits for projects that target deeper affordability, extending key compliance deadlines that help LIHTC developers and operators stay afloat, and a significant expansion of Private Activity Bonds.

## HOUSE LEADERSHIP

**Speaker of the House:** Nancy Pelosi (D-CA): The speaker of the House is third in the line of succession for the presidency, behind the vice president. The speaker controls the House of Representatives agenda.

**Majority Leader:** Steny Hoyer (D-MD): The majority leader schedules votes on the House floor, and is charged with making sure the proverbial "trains run on time." He will likely oversee the day-to-day operations of the legislative agenda.

**Minority Leader:** Kevin McCarthy (R-CA): The minority leader is the recognized leader of the party with fewer members.

## SENATE LEADERSHIP

The Senate is functioning under a power-sharing agreement due to the 50-50 split in seats held by each party. The power-sharing agreement includes equal party representation on all Senate committees; equal division of committee staffs between the parties; eligibility of sena-

tors from both parties to preside over the Senate; and general provisions seeking to reiterate the equal interest of both parties in the scheduling of Senate chamber business. Democrats chair the committees, but legislation and nominations that get a tie vote in committee would still be sent to the floor for a vote by the full Senate. Vice President Harris would cast the tie-breaking vote in case of a 50-50 tie vote.

**Majority Leader:** Chuck Schumer (D-NY): In the Senate, an individual becomes majority leader if he is the elected leader of his party and has the most Senators caucusing, or aligning themselves, with his party. The Senate majority leader's job is to set the agenda for each chamber; he decides what business comes to the Senate floor, and when it gets a vote.

**Minority Leader:** Mitch McConnell (R-KY): The Senate minority leader is the recognized head of his or her party. He is generally the person who tries to ensure that his party members get an opportunity to vote on desired amendments, and negotiates time agreements on debate and amendments with the majority leader.

## HOUSE COMMITTEES

Each political party has its own rules for choosing committee chairmen. Committee chairs control the legislative agenda, schedule and enjoy subpoena power. They are members of the majority party. Ranking members of the committees represent the minority party. They do not control the agenda nor schedule of the committees, but they can be influential in crafting legislation and choosing witnesses at hearings.

**House Financial Services Committee:** The House Financial Services Committee and its subcommittees have oversight responsibility of HUD and the Rural Housing Service (RHS). As the appropriate "authorizing committee" for housing issues, consideration of most new housing-related legislation in the House begins here.

Maxine Waters (D-CA) is the chair of the House Financial Services Committee, while Patrick McHenry (R-NC) serves as the ranking member in the 117th Congress.

Emanuel Cleaver (D-MO) is the Housing, Community Development, and Insurance Subcommittee chairman, while Steven Stivers (R-OH) is the ranking member on the subcommittee.

**House Appropriations Committee:** The Appropriations Committee decides how much money federal programs will receive each year and how the agencies will use that money. Their jurisdiction is limited to funding discretionary programs. They do not fund entitlements such as Social Security, Medicare, and Medicaid. The Transportation, Housing and Urban Development (T-HUD) Subcommittee is responsible for funding HUD programs. The Subcommittee on Agriculture funds USDA-RHS programs.

The Appropriations Committee chairwoman is Nita Lowey (D-NY), and Kay Granger (R-TX) is the committee ranking member.

David Price (D-NC) becomes the T-HUD subcommittee chairman, while Mario Diaz-Balart (R-FL) serves as the subcommittee ranking member.

Sanford Bishop (D-GA) serves as the Agriculture Subcommittee chairman. Jeff Fortenberry (R-NE) is the subcommittee ranking member.

**House Ways and Means Committee:** This is the tax-writing committee and the authorizing committee for entitlement programs such as Social Security, Medicare, etc. Legislation to amend the LIHTC program falls under the jurisdiction of this committee.

Richard Neal (D-MA) is the committee chairman, while Kevin Brady (R-TX) is the ranking member.

## SENATE COMMITTEES

While there are specific procedures followed by the Republican and Democratic caucuses in selecting committee chairmen, the tradition of the Senate generally recognizes that the member of the majority party having the most seniority on the committee becomes chairman. Likewise, the member of the minority party who has the most seniority on the committee becomes the ranking member.

There will be a power-sharing agree-

ment in Senate committee leadership positions due to the 50-50 split in the Senate.

**Senate Banking, Housing, & Urban Affairs Committee:** The Banking Committee is the Senate counterpart to the House Financial Services Committee. The Subcommittee on Housing, Transportation, and Community Development is the counterpart to the House Subcommittee Housing, Community Development, and Insurance.

Sherrod Brown (D-OH) is the chairman and Pat Toomey (R-PA) is the vice chair of the Banking, Housing and Urban Affairs Committee.

Robert Menendez (D-NJ) is the chairman of the Housing, Transportation, and Community Development Subcommittee, and the vice chair has yet to be determined.

The leaders of the Banking Committee traditionally have strong bipartisan interests in affordable housing programs.

Freshmen Sens. John Ossoff (D-GA) and Raphael Warnock (D-GA) are the newest members to the Banking Committee.

**Senate Appropriations Committee:** Like its House counterpart, the Senate Appropriations Committee decides how much money federal programs receive, and how it should be spent. The subcommittees fund HUD and USDA-RHS programs.

Patrick Leahy (D-VT) is the chairman and Richard Shelby (R-AL) is the vice chair of the Appropriations Committee.

Brian Schatz (D-HI) is the chairman and Susan Collins (R-ME) is the vice chair of the Transportation, Housing and Urban Development, and Related Agencies (T-HUD) Subcommittee.

Jeff Merkley (D-OR) is the chairman and John Hoeven (R-ND) is the vice chair of the Agriculture Subcommittee.

**Senate Finance Committee:** This is the Senate counterpart to the House Ways and Means Committee. The Finance Committee has jurisdiction for LIHTC bills.

Ron Wyden (D-OR) is the chairman and Mike Crapo (R-ID) is the vice chair of the Finance Committee. **NN**

# Report Raises Concerns Over Crime Scores in Insurance

**V**irginia Tech's Center for Real Estate Excellence has published a report on "How Insurance Carriers Use Crime Scores to Assess Risk in the Affordable Housing Industry." Supported by Scott Insurance, Stewards of Affordable Housing for the Future, and Virginia Community Capital, the report raises concerns about the accuracy and effectiveness of using crime scores in insurance underwriting for affordable housing properties.

The report notes that a high property-level crime score "may preclude the owner of a multifamily housing complex from obtaining insurance coverage, and at best, a high crime score may result in higher premium costs." The study also explains that these scores may not accurately depict the risk associated with insuring a specific property for many factors. This includes estimating property-level crime scores from larger census blocks and failing to take into consideration "heightened general liability risk associated with certain types of crime."

According to the report's executive summary, many insurance carriers use third-party crime scores to evaluate their exposure to criminal risk when underwriting general liability insurance policies. "At worst, a high crime score may preclude the owner of a multifamily housing complex from obtaining insurance coverage, and at best, a high crime score may result in higher premium costs," according to the report. These underwriting practices are especially impactful to the affordable housing community because affordable housing may be in areas with higher crime scores than traditional multifamily properties. Thus, affordable housing providers are more likely to experience a loss of coverage or relatively high insurance premi-

ums. According to the report, if a housing provider was enrolled in any of the following programs, they were considered an affordable housing provider: Low-Income Housing Tax Credits, Tenant-Based Rental Assistance programs, Project-Based Rental Assistance programs, Choice Neighborhoods, HOME Investment Partnership Program, National Housing Trust Fund, and Capital Magnet Fund.

The research addresses one main question: Does the crime score accurately predict property-specific crime risk? It identifies 10 reasons why crime scores may not accurately depict the risk associated with criminal activity for a specific property:

1. Property-level crime scores are estimates from larger census block geographies.
2. The FBI database, which serves as the primary dataset for crime scores, may have data entry, coding techniques, or crime assignment imperfections.
3. Crime scores may misrepresent crime risk near census block group boundaries.
4. Crime scores treat all crimes as equal, thereby failing to consider heightened general liability risk associated with certain types of crime.
5. Affordable housing providers are subject to more regulations than traditional multifamily housing owners, and these regulations may reduce property-specific crime rates.
6. Affordable housing complexes often have programming in place that reduces the risk of crime on-site.
7. Affordable housing improves neighborhoods and serves to reduce local crime rates.
8. A crime score may capture a concentration of crime in the block group and inaccurately attribute that concentration to neighboring properties.
9. Crime scores do not account for geographic characteristics associated with surveillance and crime prevention.
10. Crime scores do not account for

property-specific characteristics such as architectural designs or management practices.

The paper outlines concerns across research fields related to the use of crime scores in property-level crime risk modeling. According to the report, "From a statistical standpoint, larger census blocks may not adequately model individual property crime risk. While the FBI database is a large depository of crime information, some of its data may not be accurate, which calls into question the resulting crime score value. The equal treatment of all crime scores represents a glaring problem for insurance companies as they model the potential cost of crime at the property level. Moreover, the uniqueness of the affordable housing sector further reduces the reliability of crime scores for property specific crime risk modeling. Affordable housing regulations, missions, and programming may result in a lower property-specific crime rate compared to traditional multifamily housing."

There is evidence that affordable housing improves safety in the neighborhood. Without accounting for that improvement, the use of an aggregate block group crime score may not correctly model property level crime risk, concludes the report.

"From a criminal justice standpoint, the concentration of crime and the geographic characteristics associated with surveillance and crime prevention may overstate the crime risk of an affordable housing property. An aggregate block group crime score does not credit property traits, such as architectural designs or management practices. For all of these reasons, this paper cautions the sole use of crime scores in property-level crime risk modeling," concludes the report.

The report says there is some value to crime scores, concluding, they may reduce some of the overall uncertainty of crime in a regional context. **NN**



To read the report in its entirety, visit [https://www.scottins.com/wp-content/uploads/2020/10/Crime-Score-Report\\_Scott-Affordable-Housing-Practice.pdf](https://www.scottins.com/wp-content/uploads/2020/10/Crime-Score-Report_Scott-Affordable-Housing-Practice.pdf).

# NAHMA Rolls Out 2021 Membership Initiative

NAHMA IS LOOKING FOR SOME NEW FACES for the new year and rolling out its Buy Some, Get Some (BSGS) membership initiative aimed at attracting the next generation of company leaders.

To encourage owners/agents to get more of their staff involved in direct participation in NAHMA, the Buy Some, Get Some plan allows companies to receive free associate memberships based on the number of current NAHMA executive memberships they maintain and the number of affordable units they manage.

Companies with more than 20,000 units that have and/or purchase five executive-level memberships at the existing discount rates receive four free associate memberships under the plan. Companies with 6,000-20,000 units and four executive memberships receive three free associate memberships, while companies with less than 6,000 units and two executive memberships receive one free associate membership.

The free associate memberships provide an opportunity for management companies to enroll the next generation of leaders in their company in NAHMA. The association believes the up-and-comers would benefit significantly from a NAHMA membership through such opportunities as leadership development, networking, committee participation, etc.

With an associate membership, these future leaders would have access to a range of mentors in NAHMA's executive members, who have vast industry knowledge and diverse real-world experience.

Associate members also receive the latest news concerning the affordable housing industry thanks to timely legislative NAHMA analysis updates, email blasts for breaking Department of Housing and Urban Development (HUD) and Rural Development regulatory updates, and bimonthly issues of *NAHMA News* highlighting the issues facing the industry.

Additional benefits for associate members include access to the Members Only content on the NAHMA website and discounted registration to future meetings.

Other NAHMA 2021 membership initiatives include a small-tier associate membership for companies with less than a 1,000 units and a BSGS program for Affordable Housing Management Associations (AHMAs).

To learn more about NAHMA membership opportunities or to take advantage of the BSGS program, contact Brenda Moser, director of membership and meetings, by calling 703-683-8630, ext. 114, or emailing [brenda.moser@nahma.org](mailto:brenda.moser@nahma.org).

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# Realize Your Leadership Potential

**T**he National Affordable Housing Management Association (NAHMA), in cooperation with Brenda Harrington, founder of Adaptive Leadership Strategies LLC, is offering a fully virtual program that combines small group learning with one-to-one coaching called NAHMA Emerging Leaders Learning Series (NELLS), beginning Aug. 5. It is designed to accelerate professional growth for the next generation of leaders in the affordable housing industry. Register for the program through the NAHMA Online Store at [nahma.org](http://nahma.org); space is limited.

The NELLS program is intended to help affordable housing property managers realize their leadership potential while developing the skills necessary for success in an ever-changing business environment. The program is limited to a maximum of 15 participants and the deadline to register is July 7.

The series will be delivered using three group sessions and two one-to-one coaching sessions, all of which will be conducted using Zoom video conferencing software. Each session is designed to be interactive, engaging participants in discussions, questions and answers. Zoom software is free of charge to participants and is activated with a quick and straightforward

download; a smartphone, tablet, or computer with a camera and microphone is required.

"This is a different type of learning experience. It is participant-centered blended learning," Harrington said. "It requires a high level of interaction among participants during group sessions when the full learning cohort is convened. When we get to one-on-one coaching sessions, each participant will learn how to apply what he or she is learning to their unique and specific circumstances."

Each NELLS group session will address a leadership-related topic relevant to day-to-day business and operational challenges. Topics will be

discussed based on three foundational pillars: managing yourself, managing others, and managing the business.

ronment helps create a safe space for participants to develop trust. "It gives them a way to explore different approaches than the ones they have been using," Harrington said. "The participants also get to learn from each other by doing some problem-solving exercises."

This type of interactive learning environment is one of the most effective methodologies for adult learning, leading to a higher retention level for participants developing non-technical skills than conventional training or seminar format, Harrington said.

The first group session, Cultivating a Management Mindset, Aug. 5, from 2-4:15 p.m. EDT, includes

**"This is a different type of learning experience. It is participant-centered blended learning. It requires a high level of interaction among participants during group sessions when the full learning cohort is convened. When we get to one-on-one coaching sessions, each participant will learn how to apply what he or she is learning to their unique and specific circumstances."**

discussed based on three foundational pillars: managing yourself, managing others, and managing the business.

This is the third year NAHMA and Harrington are teaming up for the NELLS training. Harrington said past participants have come to the course with varying degrees of participation readiness, but by session two, everyone embraces the concept.

"The program was organized and presented in a way that was helpful for grasping new concepts," one participant wrote in an end of program survey last year.

The interactive, small group envi-

a program orientation. The second session is Communicating Effectively as Managers and Leaders and takes place Aug. 26, from 2-3:30 p.m. EDT. The final session, Achieving Important Goals, is Sept. 16, from 2-3:30 p.m. EDT. The two 60-minute one-to-one coaching sessions will be scheduled individually with participants between Aug. 6-Sept. 17.

A key component of adult learning is to be able to apply new knowledge in context. The one-to-one coaching sessions enable each participant to apply content discussed during group sessions to his/



Register for the program through the NAHMA Online Store at [nahma.org](http://nahma.org); space is limited.

her specific work environment and circumstances.

"Through the one-on-one coaching, we are able to apply the lessons to the participant's specific situation. It makes the lessons considerably more effective," Harrington said.

Although there are no formal assignments, NELLs participants are expected to begin applying what they learn during group and one-to-one sessions, then be willing to speak in general terms about the impact of what they learn during subsequent sessions.

"The individual coaching sessions helped to enhance my knowledge of how I could incorporate concepts discussed during group sessions into my day to day activities," a participant commented in the survey.

Class size is limited to five to 15 participants, and registration is on a first-come, first-served basis. Tuition is \$1,250 per person; NAHMA must receive full payment of tuition by July 7.

Brenda Harrington, PCC, is a Certified Executive Coach and former property management executive. The founder of Adaptive Leadership Strategies LLC, she works with leaders in private, public, nonprofit, government, intergovernmental and international humanitarian aid organizations to develop the competencies required for them to have an impact as leaders in the 21st century. Harrington was also a moderator for Harvard Business School Publishing (HBP), where she has facilitated leadership development courses for HBP corporate clients worldwide. **NN**

*Jennifer Jones is director of communications and public relations for NAHMA.*

## Scholarship Application Deadline Is May 15

**Time remains for your resident students to submit a 2021 NAHMA scholarship application before the May 15 deadline. The application can be found at [nahma.communityforce.com](http://nahma.communityforce.com) and must be filed online. Only completed applications will be considered. There are no changes to the application requirements this year. Those requirements include a completed application form, an essay, two references, a Certificate of Residency In Good Standing form, and due to continuing COVID considerations, a current unofficial grade transcript. All necessary forms are within the software; hence, no hard copies of forms are needed. The grade transcript is the only required component that is submitted in hard copy via U.S. mail. The mailing address is included in the application information section.**

**"There is more than enough time remaining before the deadline for resident students to file a 2021 application. Again this year, all scholarships to worthy residents will be for \$2,500 as we strive to assist as many applicants as possible. The foundation would like to urge all management companies to bring the NAHMA Scholarship Program to the attention of their residents and encourage them to take advantage of this outstanding resident benefit program," said Alice Fletcher, NAHMA Educational Foundation chairperson.**

**Residents must be matriculated students at a community college, college, university, or trade/technical school. High school seniors may apply and then verify their acceptance at one of the aforementioned types of institutions. They must also be a resident in good standing at an AHMA/NAHMA member apartment community.**

**Anyone seeking more information regarding the scholarship program can contact Dr. Bruce W. Johnson, NAHMA scholarship program administrator, at 215-262-4230 or at [bjohnson@tmo.com](mailto:bjohnson@tmo.com). Again, the deadline for completed applications is 10 p.m. Eastern time on May 15. Please be sure to alert your residents today! **NN****

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# REGULATORY WRAP-UP

TO READ THE NOTICES below in their entirety, visit the issuing agency's webpage under the Agencies tab at [nahma.org](https://www.nahma.org). For all updates related to the COVID-19 coronavirus, visit the Coronavirus Information and Resources webpage at <https://www.nahma.org/coronavirus-information-and-resources/>.

## USDA NEWS

**THE U.S. DEPARTMENT OF AGRICULTURE (USDA) RURAL DEVELOPMENT'S NATIONAL ENVIRONMENTAL POLICY ACTS** environmental regulations require every funding proposal to undergo a review for extraordinary circumstances, including adverse effects on historic properties. Accordingly, Section 538 GRRHP applications must meet the requirements of Section 106 of the National Historic Preservation Act (NHPA). Before obligating funds for an application, Rural Development must comply with requirements of Section 106 of the NHPA and the Advisory Council on Historic Preservation's implementing regulations, "Protection of Historic Properties" (36 CFR Part 800). Under this federal statutory and regulatory requirement, known as "Section 106 review," Rural Development must take into account the effect of its undertaking on historic properties; i.e., buildings, structures, sites, objects, and districts, which are listed in or eligible for listing in the National Register of Historic Places.

**USDA CLARIFIES GUIDELINES FOR RURAL HOUSING SERVICE MULTIFAMILY PROPERTIES** and tenants affected by the Texas storms or other disasters in the future. Letters of Priority Engagement (LOPE) are issued to tenants of Rural Development properties whose units become uninhabitable due to a localized or widespread natural disaster,

including Presidentially Declared Disasters. For Presidentially Declared Disasters, FEMA issues registration letters certifying displacement to both tenants of Rural Housing Multifamily and non-Rural Housing households. Either a FEMA registration letter or a LOPE letter grants the applicant priority access at a Rural Development Multifamily building. A displaced applicant can go immediately to the top of the waiting list for occupancy. Also, property owners and management agents may request special actions and waivers that the agency can provide through their assigned servicing representative, including waivers to allow for temporary housing of displaced persons who do not otherwise fit the occupancy criteria; for example, a family may temporarily move into a building with an elderly designation. For questions about how RD's policy applies to your property, contact your assigned servicing representative.

## LIHTC NEWS

**THE INTERNAL REVENUE SERVICE (IRS) ISSUED REVENUE RULING 2021-07**, which provides various prescribed rates for federal income tax purposes, including applicable federal interest rates, adjusted applicable federal interest rates, and adjusted long-term and tax-exempt rates for April 2021. The appropriate percentage for the 70% present value low-income housing credit is 7.33%. The appropriate percentage for the 30% present value low-income housing credit is 3.14%. Under section 42(b)(2), the applicable percentage for non-federally subsidized new

buildings placed in service after July 30, 2008, shall not be less than 9%. To view the attached revenue ruling from the IRS online, please click <https://www.nahma.org/wp-content/uploads/2021/03/Revenue-Ruling-21-07.pdf>.

**THE IRS PUBLISHED THE 2021 CALENDAR YEAR RESIDENT POPULATION FIGURES** used by state and local housing credit agencies that allocate low-income housing tax credits and housing bonds to calculate population-based credit ceilings, volume caps, and volume limits. For the calendar year 2021, the amount for calculating the credit ceiling is the greater of \$2.8125 multiplied by the state population, or \$3,245,625. The amount for calculating the volume cap is the greater of \$110 multiplied by the state population, or \$324,995,000. The calendar year 2021 population figures are available in the IRS Bulletin (page 920-921) and can be found Under the Agencies tab on the NAHMA website.

## CDC NEWS

**THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) ISSUED** its first set of recommendations on activities that people fully vaccinated against COVID-19 can safely resume. The new guidance, which is based on the latest science, includes recommendations for how and when a fully vaccinated individual can visit with other fully vaccinated people and with other people who are not vaccinated. This guidance represents a first step toward returning to everyday activities in your communities. The CDC will update these recommendations as more people are vaccinated, rates of COVID-19 in the community change and additional scientific evidence becomes available. To view the CDC Set of Guidelines on How Fully Vaccinated People Can Visit Safely with Others, visit <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html#print.NN>

## IRS FAQs PUBLISHED

**THE INTERNAL REVENUE SERVICE RECENTLY PUBLISHED** Frequently Asked Questions (FAQs) on the Emergency Rental Assistance (ERA) Program. Specifically the FAQs address questions on ERA Payments and if they are includable in Gross Income. Based on the answers provided, renters do not include ERA payments in their gross income, while landlords and utility companies do.

The FAQs can be accessed by visiting, <https://www.irs.gov/newsroom/emergency-rental-assistance-frequently-asked-questions>.

## A Positive Outlook On the Future

NINETTE PATRICK LOVES HER JOB.

"I'm one of those people where the cup is not half empty or half full. It's always running over with positivity," Patrick said. "When you love what you do, you do more of it. One of my goals is taking time every day to be my best me, so my future self can be healthy and happy with my current choices."

Patrick, vice president of learning and development at Habitat America, has the soul of an educator manifested in the career of an affordable housing

Management, and C4P from Spectrum to name a few. Additionally, she has a master's in business administration from Columbia Union College.

Patrick has been with Habitat America since 2013 and vice president since 2017. Before that, Patrick held positions with The Housing Opportunities Commission, The Bozzuto Group, and Southern Management.

In her current role, she co-devel-



she is also the NAHMA liaison. Outside of work, she spends time with her husband of 23 years, James, and son, Nicolas, who is currently attending college. She also taught the nine-week

Financial Peace University course by Dave Ramsey recently. She joined and won the first fitness challenge offered by local IREM chapter 16. Intentionally Well, by author Jerry Frentsos, has given her the confidence

to make permanent and sustainable healthy choices. She is committed to helping others, as well as her personal

and professional growth, for years to come. **NN**

*Jennifer Jones is director of communications and public relations for NAHMA.*

**"The thing that brings me the most joy is watching someone progress through the stages of their professional development, and I was able to give them a nugget or opportunity to continue their training."**

professional. She is a life-long learner who spends her days overseeing educational opportunities for the Annapolis, Md.-based company and maintaining a regional management portfolio. This year, she launched Habitat's Sensitivity, Inclusion, Diversity, Equity program, and Habitat Healthy Habits focused on healthy resources.

"I enjoy developing and growing the next generation in this industry," Patrick said.

And she isn't exaggerating her love of learning, besides earning her NAHP-e from NAHMA, Patrick has earned numerous credentials, among them the ARM and CPM designations from the Institute of Real Estate Management (IREM), the PHM from the National Association of Housing and Redevelopment Officials, the TCS and the COS from the National Center for Housing

opened Habitat America University, the educational platform where employees can take compliance and "soft skill" courses. She oversees the employee appreciation, orientation, and onboarding programs.

"The thing that brings me the most joy is watching someone progress through the stages of their professional development, and I was able to give them a nugget or opportunity to continue their training," she said. "On the management side, I love the residents, seeing people happy in their homes. There is something beautifully attractive about supporting affordable housing."

"If I couldn't help someone grow in this industry, I don't think I'd be in this industry," Patrick said.

The Baltimore native serves as vice president of Mid-Atlantic AHMA, where

### Welcome New Members

**NAHMA welcomes the following new members as of March 15, 2021.**

#### EXECUTIVE

Richard Rhodes, Ambling Management, Greenwood, S.C.

#### ASSOCIATES

Marcia E. Lewis, Memphis Housing Authority, Memphis, Tenn.

Dennis McWilliams, Miami Jewish Health, Pembroke Pines, Fla.

# EDUCATION CALENDAR

For information on specific classes, contact the AHMA or organization directly. All dates and locations are subject to change. For the most up-to-date listings, visit the NAHMA Education & Event Calendar at <http://www.nahma.org/education/education-event-calendar/>.

**EDITOR'S NOTE:** Due to the evolving health recommendations due to the COVID-19 coronavirus, please contact the AHMA directly for the most up-to-date status of all in-person and virtual events and educational offerings.

## MAY

- 4**  
**Personal Protective Equipment**  
Webinar  
AHMA-PSW  
866-698-2462  
[www.ahma-psw.org](http://www.ahma-psw.org)
- 5**  
**Maintenance Workshop**  
Webinar  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)
- 6**  
**Fair Housing and Racial Justice in the 21st Century**  
Webinar  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)
- 10**  
**Qualifying Households—Workshop**  
Webinar  
AHMA of Washington  
360-561-3480  
[www.ahma-wa.org](http://www.ahma-wa.org)
- 11**  
**Unique Behaviors**  
Webinar  
MAHMA  
614-481-6949  
<http://mahma.com>
- Connecticut Agency Meeting**  
Webinar  
NEAHMA  
781-380-4344  
[www.neahma.org](http://www.neahma.org)
- Interviewing Applicants for Move-In: It's an Art and a Science**  
Webinar  
Oregon AHMA  
503-357-7140  
[www.oregonaffordablehousingmanagement.com](http://www.oregonaffordablehousingmanagement.com)
- 12**  
**Basic LIHTC Compliance**  
Webinar  
Mid-Atlantic AHMA  
804-564-7898  
[www.mid-atlanticaahma.org](http://www.mid-atlanticaahma.org)
- SHCM Exam Prep: Recertification, Documentation & Record Keeping**  
Webinar  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)
- 13**  
**Management & Best Practices for Section 8 Properties**  
Webinar  
Mid-Atlantic AHMA  
804-564-7898  
[www.mid-atlanticaahma.org](http://www.mid-atlanticaahma.org)
- Importance of Water Conservation and Efficiency**  
Webinar  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)
- Fair Housing Compliance**  
Webinar  
Oregon AHMA  
503-357-7140  
[www.oregonaffordablehousingmanagement.com](http://www.oregonaffordablehousingmanagement.com)
- 18**  
**Rural Housing**  
Webinar  
Mid-Atlantic AHMA  
804-564-7898  
[www.mid-atlanticaahma.org](http://www.mid-atlanticaahma.org)
- Gillette Seminar**  
NEAHMA  
781-380-4344  
[www.neahma.org](http://www.neahma.org)
- Rural Housing Webinar**  
Mid-Atlantic AHMA  
804-564-7898  
[www.mid-atlanticaahma.org](http://www.mid-atlanticaahma.org)
- 18**  
**Fair Housing Compliance (FHC) Certification**  
Virtual  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)
- 19–21**  
**Three-Day CPO Virtual**  
NEAHMA  
781-380-4344  
[www.neahma.org](http://www.neahma.org)
- 20**  
**Electrical Safety & Lockout Tagout**  
Webinar  
AHMA-PSW  
866-698-2462  
[www.ahma-psw.org](http://www.ahma-psw.org)
- Individuals Living with Dementia in Affordable Housing: What You Need to Know**  
Webinar  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)
- 25**  
**Half-Day Interviewing Skills for Property Managers**  
Webinar  
Mid-Atlantic AHMA  
804-564-7898  
[www.mid-atlanticaahma.org](http://www.mid-atlanticaahma.org)
- Financial Management/Budgeting**  
Webinar  
NEAHMA  
781-380-4344  
[www.neahma.org](http://www.neahma.org)
- 9**  
**Fair Housing Basics for Maintenance Personnel: English Edition**  
Virtual  
JAHMA  
856-786-9590  
[www.jahma.org](http://www.jahma.org)
- 10**  
**Resolution Secrets for EIV Income Discrepancies (Multifamily Systems)**  
Webinar  
Mid-Atlantic AHMA  
804-564-7898  
[www.mid-atlanticaahma.org](http://www.mid-atlanticaahma.org)
- 15**  
**Average Income Set Aside**  
Webinar  
MAHMA  
614-481-6949  
<http://mahma.com>
- Tax Credit Compliance Course**  
Virtual  
Mid-Atlantic AHMA  
804-564-7898  
[www.mid-atlanticaahma.org](http://www.mid-atlanticaahma.org)
- FHC Course Virtual**  
NEAHMA  
781-380-4344  
[www.neahma.org](http://www.neahma.org)
- How to Write an (Approvable) Affirmative Fair Housing Marketing Plan**  
Webinar  
Oregon AHMA  
503-357-7140  
[www.oregonaffordablehousingmanagement.com](http://www.oregonaffordablehousingmanagement.com)
- How to Detect Residents & Applicant Fraud**  
Webinar  
AHMA-PSW  
866-698-2462  
[www.ahma-psw.org](http://www.ahma-psw.org)

## JUNE

- 8**  
**EIV Fundamentals—Master Reports/Existing Tenant Search (Multifamily Systems)**  
Webinar  
Mid-Atlantic AHMA  
804-564-7898  
[www.mid-atlanticaahma.org](http://www.mid-atlanticaahma.org)

PROTECTING THE INTERESTS OF AFFORDABLE HOUSING PROPERTY MANAGERS AND OWNERS

## thelastword

# Be an Affordable Housing Advocate



A PRIMARY PURPOSE OF NAHMA is to advocate on behalf of multifamily property managers and owners whose mission is to provide quality affordable housing. It is a duty NAHMA staff takes seriously, and as a result, the association has become a leading voice in the industry.

However, it is also a mission the staff cannot fulfill alone. The old saying states there is strength in numbers, and when it comes to Congress, the idiom could not be more accurate.

What does that mean for NAHMA members?

It means only you know what is in your communities' best interest, and therefore, only you are in a position to know what will work best in your communities. As a national organization, NAHMA can advocate on behalf of the industry as a whole but cannot provide the personal accounts that illustrate the real-life impacts a Congress member's vote can have back home. And with daunting cuts facing housing programs, providing personal perspectives have never been more critical.

That is where our members come in. After the winter meeting, members typically meet with their representative or his/her staff on the Hill. COVID-19 prevented this tradition from taking place this year.

Hopefully, in October, our members will be able to restart our Hill visits.

In the meantime, NAHMA encourages members to visit the Grassroots Advocacy section on its website, [www.nahma.org](http://www.nahma.org). The Advocacy Toolkit page provides easy-to-use tools for participating in grassroots advocacy, including frequently asked questions, best practices, tips for congressional visits, legislative priorities and talking points, and short how-to videos ranging from building relationships to strategies for influencing undecided lawmakers. And don't forget that the NAHMA staff is available to help you plan Congressional visits.

Grassroots advocacy does not have to take place on the Hill. NAHMA members are encouraged to attend a town hall meeting in the lawmaker's district, follow the member on social media, or bet-

ter yet, invite the representative to your property to see for himself/herself how important it is to fully support affordable housing programs.

Additionally, one of the best ways for your message to reach your representative is by getting to know the congressional staff. They act as gatekeepers—they communicate with constituents daily, set the lawmaker's appointments, and serve as the representative's boots on the ground back home. They are the ones who monitor the pulse of their district and who have the lawmaker's ear.

It is essential for NAHMA members to be involved, whether that is by simply replying to a lawmaker's social media post or by hosting a congressional representative's site visit. So take advantage of the grassroots advocacy tools NAHMA provides and lend your voice to the cause of advocating for multifamily affordable housing. **NN**

*Michael Simmons, NAHP-e, is senior advisor, business development officer & broker of record for Community Realty Management Inc., and serves as NAHMA president.*