

NAHMAanalysis

NATIONAL AFFORDABLE HOUSING MANAGEMENT ASSOCIATION

Ensuring NAHMA Members Receive the Latest News and Analysis of Breaking Issues in Affordable Housing

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Affordable Housing and Community Development Programs: Appropriations for Fiscal Year 2022 and VAWA Reauthorization

Background

In early March, Congress passed an omnibus funding bill, including a \$1.5 trillion omnibus fiscal year 2022 (FY22) funding bill, \$13.6 billion in aid to support Ukraine, and a reauthorization of the Violence Against Women Act. President Biden has signed the bill, which will fund the federal government through the end of September. Overall, the funding levels for both HUD and USDA are positive and maintain funding increases from FY21. For HUD, the FY22 bill provides \$53.7 billion, a \$4 billion increase from last fiscal year. For USDA Rural Development, the FY22 bill provides some increases to preserve rural housing and support rental assistance.

Funding for HUD's Affordable Housing Programs

The FY22 omnibus provides increased funding levels for nearly all of HUD's affordable housing and community development programs. NAHMA welcomes the much-needed funding for Project-based Rental Assistance (PBRA) and other programs outlined in the following sections:

Project-Based Rental Assistance (PBRA)

The omnibus bill provides \$13.9 billion for project-based rental assistance (PBRA), a more than \$400 million increase over last year's funding level. The bill provides \$355 million for PBCA oversight. NAHMA continues to monitor the PBCA process closely. The Committee Report continues directing HUD "to ensure that any solicitation for PBCA does not impede housing finance agencies from bidding on State-based contracts." In regard to HUD's management of troubled properties, the Committee Report also directs HUD "to submit a report to the House and Senate Committees on Appropriations within 90 days of enactment of this act regarding the status, results, and enforcement actions, if any, of all physical inspections over the last five years of properties that received funding under this heading. If a property had not been inspected under the inspection timeline set by 24 C.F.R. 200.857(b), the report shall include a detailed explanation for why uniform physical condition standards were not applied."

HUD Programs (\$ in millions)	Last Year (FY21)	FY22 Enacted (Current)
Tenant-Based Rental Assistance	25,777	27,369
<i>Contract Renewals</i>	23,080	24,095
Project-Based Rental Assistance	13,465	13,940
Housing for the Elderly (Section 202)	855	1033
<i>Capital Advance</i>	52	199
<i>Service Coordinators</i>	125	125
<i>Intergenerational dwelling units</i>	5	10
Supportive Housing for Persons with Disabilities (Section 811)	227	352
<i>Capital Advance</i>	54	160
Community Development Block Grant	3,475	3,300
HOME	1,350	1,500

Tenant-Based Rental Assistance – Housing Choice Vouchers (HCV)

The omnibus spending bill provides \$27.369 billion for tenant-based rental assistance (or Housing Choice Vouchers, HCV), an increase over FY21 enacted levels. The increased funding provides \$24.095 billion for voucher renewals.

Housing for the Elderly, Section 202

HUD Section 202, Housing for the Elderly, received over one billion dollars in funding, an increase over FY21 enacted levels. The bill provides \$199 million for new capital advances and project-based rental assistance contracts, up to \$125 million for service coordinators, and \$10 million for intergenerational dwelling units. NAHMA and industry partners continue to advocate for each of these improvements to the 202 program and applauds the much-needed support for elderly housing. The Committee Report also directed HUD to “make all remaining funding provided in fiscal years 2019, 2020, and 2021 available within 60 days of enactment of this act, and to award that funding within 180 days of enactment of this act.” Regarding Service coordinators, Congress directed HUD to “implement the following recommendations from the GAO report entitled "Elderly Housing: HUD Should Do More to Oversee Efforts to Link Residents to Services" (GA0-16-758): (1) continue to improve the accuracy of the Department's

data on section 202 properties with service coordination; (2) develop and make available written guidance on assessing compliance with supportive services requirements; and (3) develop and implement procedures for verifying and analyzing performance data. The agreement directs the Department to report to the House and Senate Committees on Appropriations within 60 days of enactment of this act on an action plan to implement these outstanding GAO recommendations.”

Housing for Persons with Disabilities, Section 811

Similar to the Section 202 program, the Section 811 programs received new capital advance funding (\$160 million) under the omnibus bill. Overall, the program funding is increased to \$352 million in FY22 from \$227 million for last year.

The bill also extends eligibility of RAD conversions to Section 202 and Section 811 properties, including language “to ensure the ongoing provision and coordination of services or to avoid a reduction in project subsidy.”

HOME Investment Partnerships Program and the Community Development Block Grant

The HOME and Community Development Block Grant (CDBG) programs received an increase under the omnibus spending bill: Funding for HOME rose to \$1.5 billion, and the funding for the Community Development Fund rose to \$3.300 billion.

Funding for USDA Rural Housing Programs

RHS Programs (\$ in millions)	Last Year (FY21)	FY22 Enacted (Current Year)
Section 521 Rental Assistance	1,410	1,450
Section 515 Rental Housing Direct Loans	40	50
Multifamily Housing Revitalization	28	34
Section 542 Rural Housing Vouchers	40	45
Section 538 Loan Guarantee	230	250

In the FY22 omnibus, some of USDA’s rural housing programs also see an increase over Fiscal Year 2021 enacted levels. The funding levels are sufficient to renew existing affordable housing contracts.

Section 521 Rental Assistance (RA)

The omnibus bill provides \$1.450 billion for the Section 521 Rental Assistance (RA) program, which represents a slight increase from the previous year.

Section 515 Rental Housing Direct Loans

Lawmakers continue to pay more attention to the impending number of Section 515 properties that are reaching their mortgage maturity dates. The omnibus provides \$50 million, a slight increase in the funding level from last year's enacted level.

Multifamily Revitalization and Rural Housing Vouchers

The omnibus bill provides a slight increase to the Multifamily Revitalization Program. A funding level of \$34 million was provided for the Preservation Demonstration. The Rural Housing Vouchers program is increased to \$45 million.

Lastly, the Section 538 Loan Guarantee is at \$250 million.

Violence Against Women Act (VAWA) Reauthorization

The omnibus bill included the bipartisan Violence Against Women Act Reauthorization Act of 2022. According to a White House [press release](#) on the bill, the 2022 reauthorization of VAWA provides key changes and expanded protections, including:

- Reauthorizing all current VAWA grant programs until 2027 and, in many cases, increasing authorization levels.
- Expanding special criminal jurisdiction of Tribal courts to cover non-Native perpetrators of sexual assault, child abuse, stalking, sex trafficking, and assaults on tribal law enforcement officers on tribal lands; and supporting the development of a pilot project to enhance access to safety for survivors in Alaska Native villages.
- Increasing services and support for survivors from underserved and marginalized communities—including for LGBTQ+ survivors of domestic violence, dating violence, sexual assault and stalking; funding survivor-centered, community-based restorative practice services; and increasing support for culturally specific services and services in rural communities.
- Establishing a federal civil cause of action for individuals whose intimate visual images are disclosed without their consent, allowing a victim to recover damages and legal fees; creating a new National Resource Center on Cybercrimes Against Individuals; and supporting State, Tribal, and local government efforts to prevent and prosecute cybercrimes, including cyberstalking and the nonconsensual distribution of intimate images.
- Improving prevention and response to sexual violence, including through increased support for the Rape Prevention and Education Program and Sexual Assault Services Program; expansion of prevention education for students in institutions of higher education; and enactment of the Fairness for Rape Kit Backlog Survivors Act, which

requires state victim compensation programs to allow sexual assault survivors to file for compensation without being unfairly penalized due to rape kit backlogs.

- Strengthening the application of evidence-based practices by law enforcement in responding to gender-based violence, including by promoting the use of trauma-informed, victim-centered training and improving homicide reduction initiatives.
- Improving the healthcare system's response to domestic violence and sexual assault, including through enhanced training for sexual assault forensic examiners.
- Updating the SMART Prevention Program and the CHOOSE Youth Program to reduce dating violence, help children who have been exposed to domestic violence, and engage men in preventing violence.
- Enacting the National Instant Criminal Background Check System (NICS) Denial Notification Act to help state law enforcement investigate and prosecute cases against individuals legally prohibited from purchasing firearms who try to do so.

A [section-by-section analysis](#) of the VAWA reauthorization bill highlights key housing-related reforms, under Title VI "Safe Homes for Victims". The highlights include:

- **Sec. 601** updates the definition of "covered housing program" for additional housing and homelessness programs.
- **Sec. 602** requires the HUD Secretary to establish a Gender-based Violence Prevention Office with a Violence Against Women Act Director and authorizes appropriations of such sums as may be necessary to carry out these duties. This section also requires appropriate agencies to establish a process to review compliance with VAWA requirements. This section also prohibits retaliation against persons exercising their rights or participating in processes related to VAWA housing protections.
- **Sec. 603** protects the right of landlords, homeowners, tenants, residents, occupants, guests, and applicants to report crimes and emergencies and prohibits covered governmental entities receiving federal community development grants from imposing penalties based on requests for assistance or based on criminal activity of which they are a victim or not at fault. This section requires covered governmental entities to report any laws or policies that involve prohibited penalties and certify compliance or describe compliance efforts as part of their HUD annual grant plans. The section also authorizes additional grant activities to support development and implementation of effective, alternative crime reduction methods to supplant punitive programs and policies for victims.
- **Sec. 604** reauthorizes funding for fiscal years 2023 through 2027 for transitional housing grants for victims of domestic violence, dating violence, sexual assault, or stalking. It also makes such funds available to population-specific organizations and makes technical assistance funding consistent with other VAWA programs.
- **Sec. 605** amends the definition of homelessness under the McKinney-Vento Homeless Assistance Act to better address the needs of sexual assault survivors and permits additional VAWA-related activities under McKinney-Vento Homeless Assistance Grants. The bill reauthorizes funding for fiscal years 2023 through 2027 for collaborative grants to increase the long-term stability of victims who are homeless or at risk of becoming

homeless and grants to combat violence against women in public and assisted housing. This section also authorizes such sums as may be necessary for fiscal years 2023 through 2027 for training and technical assistance to support implementation of this chapter.

- **Sec. 606** requires the HUD Secretary to conduct a study assessing the availability and accessibility of housing and services for individuals experiencing homelessness or housing instability who are survivors of trafficking or at risk of being trafficked.

Conclusion

After a lengthy delay, this year's funding represents a significant achievement for the affordable housing industry, including VAWA reauthorization. NAHMA has strongly advocated for program funding increases included in this bill. We ask that NAHMA members continue to advocate for increased funding for affordable housing, rental assistance, and community development. The Biden Administration and Congress are set to begin negotiations for FY2023 funding levels this summer. NAHMA will keep members updated as future negotiations unfold.