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## KEY LEGISLATIVE ISSUES: Federal Budget and Appropriations

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## President FY25 Budget Request

- **In March 2024, President Biden Proposes New Spending for Affordable Housing Programs as part of the FY25 Budget:**
- proposes **\$72.6 billion for HUD**, which is about \$4.9 billion (7%) more than the \$67.7 billion in funding provided in the FY24.
- In addition, **requests \$185 billion over ten years for new *mandatory* affordable housing investments** – including \$81.3 billion for HUD programs
- majority of the proposed Budget provides funding for **rental assistance, community development, and homelessness programs**
  - For 2025, 87% of HUD's total Budget is needed solely to renew assistance to over 4.5 million households in HUD-subsidized rental assistance and 1.2 million people in HUD homeless assistance programs.
  - For the 4.5 million households served under HUD's rental assistance programs in 2023, an estimated: 60% had a head of household who was elderly or disabled; 78% were extremely low-income (below 30 percent of area median income); and an additional 18% were very low-income (below 50 percent of area median income).

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## FY25 Budget Request - HUD Highlights

**Table 1. FY2024 Enacted Funding and FY2025 Request: Select HUD Accounts**  
(in billions of dollars)

Accounts	FY2024 Enacted	FY2025 Request	% Change, FY2024-FY2025 Request
Tenant-Based Rental Assistance (Section 8 Housing Choice Vouchers)	32.387 <sup>a</sup>	32.756	1%
Public Housing Fund	8.811	8.540	-3%
Choice Neighborhoods	0.075	0.140	87%
Self-Sufficiency Programs	0.196	0.175	-11%
Native American Programs	1.344	1.053	-22%
Native Hawaiian block grant	0.022	0.022	0%
Housing, persons with AIDS (HOPWA)	0.505	0.505	0%
Community Development Fund (Including CDBG) <sup>b</sup>	6.720	2.930	-56%
HOME Investment Partnerships	1.250	1.250	0%
Self-Help Homeownership (SHOP)	0.060	0.055	-8%
Homeless Assistance Grants	4.051	4.060	0%
Project-Based Rental Assistance (Project-Based Section 8)	16.010 <sup>c</sup>	16.686	4%
Housing for the Elderly	0.913	0.931	2%
Housing for Persons with Disabilities	0.208	0.257	24%
Housing Counseling Assistance	0.058	0.058	0%
Research and technology	0.139	0.156	12%
Fair housing activities	0.086	0.086	0%
Lead Hazard Reduction	0.296	0.350 <sup>d</sup>	18%

Source: Table prepared by CRS. FY2024 and FY2025 figures taken from FY2025 President's budget documents, HUD Congressional Budget Justifications, and the Consolidated Appropriations Act, 2024 (P.L. 118-42).

■ Several HUD program accounts are proposed for funding increases in the FY2025 request relative to FY2024 enacted appropriations. Those with the largest proposed dollar increases include the following:

- **Project-Based Rental Assistance (Project-Based Section 8)**, proposed for a \$676 million (4%) increase.
- **Tenant-Based Rental Assistance (Section 8 Housing Choice Vouchers)**, proposed for a \$369 million (1%) increase.
- **Choice Neighborhoods grants**, proposed for a \$65 million (87%) increase.

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## FY25 Budget Request - HUD Highlights

- Requests new **mandatory** appropriations to address affordable housing supply, expand access to homeownership and affordable rental housing, and improve eviction and homelessness prevention policies, including:
  - 7.5 billion for new Project-Based Rental Assistance (PBRA) contracts
  - \$7.5 billion for Public Housing
  - \$20 billion for an Innovation Fund for Housing Expansion
  - \$22.3 billion for Housing Vouchers for Vulnerable Low-Income Populations, to assist two populations that are particularly vulnerable to homelessness. This funding would provide \$13.1 billion to make housing vouchers available to all veterans with extremely low incomes and \$9.2 billion to provide guaranteed housing voucher assistance for all youth aging out of foster care beginning in 2026
  - \$3 billion for Sustainable Eviction Prevention Reform
  - \$3 billion for Emergency Rental Assistance for Older Adults at Risk of Homelessness

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## FY25 Budget Request - USDA-RHS Highlights

- The Budget provides \$2.1 billion for USDA's housing programs, an increase of \$191 million over the 2023 enacted level, including:
  - \$70 million for the Section 515 Direct Rental Housing Program
  - \$1.728 billion for Section 521 Rural Rental Assistance
  - \$400 million for the Section 538 Multifamily Loan Guarantee Program
  - \$38 million for the Section 542 Rural Development Voucher Program
- "The Budget also continues the proposal, known as decoupling, that incentivizes property owners to maintain property for low-income tenants in exchange for the continued federal rental assistance after the USDA loan is paid off."

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## FY25 Budget Request – Tax Highlights

- **Expand and Enhance LIHTC** - \$37 billion in expanding LIHTC, by permanently increases the allocation of tax credit states receive.
  - Reduces the private activity bond financing requirement from 50 percent to 25 percent
  - And it repeals the qualified contract provision and right of first refusal provision
- These proposals would build or preserve 1.2 million affordable rental units.

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## Govt. Funding/Fiscal Responsibility Act

- Signed into law in **June 2023**, the **Fiscal Responsibility Act (FRA)** increased the country's borrowing limit through 2025 and averted a national default.
  - The law establishes new spending limits for FY24 and FY25 that are enforced with automatic spending cuts, including for affordable housing programs at HUD and USDA.
  - To incentivize timely enactment of federal spending bills, discretionary spending levels would be reduced 1 percent below current FY 2023 levels if FY 2024 and 2025 bills are not enacted by January 1 of the respective fiscal year.
- **Sep. 2023 – March 2024:** Congress passed several Continuing Resolution (CR), to keep the federal government operating.

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## FY24 HUD Budget Chart

Programs(\$ in millions)	FY23 (Previous Year)	FY24 (Current Year)
Tenant-Based Rental Assistance	30,253	32,387
Project-Based Rental Assistance	14,907	16,010
Section 202	1,075	913
Section 811	360	208
Public Housing Capital Fund	3,380	3,200
Public Housing Operating Fund	5,134	5,476
Community Development Block Grant (CDBG)	3,300	3,300
HOME	1,500	1,250

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## FY24 Funding for HUD Programs (Current Year)

- **March 2024:** Congress passed omnibus funding bill, providing \$1.2 trillion for federal government operation for fiscal year 2024 (FY24). Funding levels for FY24 provide increases for the majority of HUD and RHS affordable housing, rental assistance, and community development programs.
  - **Tenant-Based Rental Assistance (HCVs)** - \$32.4 billion, including \$6 billion in emergency spending for renewals, a \$2.1 billion increase over FY23 levels
  - **Project-Based Rental Assistance (PBRA)** - \$16 billion, including \$2 billion in emergency spending for renewals, which is a \$1.1 billion increase from FY23.
    - \$468 million is for performance-based contract administrators (PBCAs). "The agreement prohibits HUD from issuing a solicitation or accepting bids on any solicitation that is substantially equivalent to the draft solicitation entitled "Housing Assistance Payments (HAP) Contract Support Services (HAPSS)" issued by HUD on July 27, 2022. The agreement directs HUD to ensure that any future funding arrangements for PBCAs do not impede housing finance agencies or PHAs from competing on a state-basis."
  - **Section 202 Housing for the Elderly** - \$913 million, \$162 million decrease from FY23
    - Includes, \$112 million for service coordinators and the continuation of existing congregate service grants.
  - **Section 811 Housing for People with Disabilities** - \$208 million, a \$152 million decrease from FY23
  - **Public Housing** - \$8.8 billion, a \$379 million increase from FY23 enacted. This total includes \$5.48 billion for the Operating Fund, a \$366 million increase from FY23. The Capital Fund received \$3.2 billion, same as FY23.
  - **Community Development Block Grant (CDBG)** - \$3.3 billion, same as FY23.
    - Also \$100 million was included for the **Yes in My Backyard Grant (YIMBY) grant program**, which is \$15 million increase from FY23.
  - **HOME program** - \$1.25 billion, \$250 million decrease from FY23
  - **Family Self-Sufficiency (FSS)** - \$140.5 million , a \$15.5 million increase from FY23

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## FY24 USDA-RHS Budget Chart

Programs (\$ in millions)	FY23 (Previous Year)	FY24 (Current Year)
Section 521 Rental Assistance	1,488	1,608
Section 515 Rental Housing Direct Loans	70	60
Multifamily Housing Revitalization	36	34
Rural Housing Vouchers	48	48
Section 538 Loan Guarantee	400	400

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## FY24 Funding for USDA-RHS Programs (Current Year)

- **March 2024:** Congress passed omnibus funding bill, providing \$1.2 trillion for federal government operation for fiscal year 2024 (FY24). Funding levels for FY24 provide increases for the majority of HUD and RHS affordable housing, rental assistance, and community development programs.
- **Section 521 Rental Assistance** - \$1.608 billion, \$120 million increase from FY23.
  - **Decoupling:** includes language to provide USDA authority to allow mortgage decoupling, beginning with a pilot for 1,000 units. Specifically, it states, “The agreement accepts the Department’s proposal to decouple the Rental Assistance Program from Section 515 direct loans. This strategy should only be used when all other methods of preservation are exhausted and should prioritize properties that are near maturity. In implementing this policy, the agreement directs the Department to have strong stakeholder engagement and to provide the Committees with monthly updates on the implementation of this policy.”
- **Section 515 Rural Rental Housing** - \$60 million, \$10 million decrease from FY23.
- **Multi-family Housing Preservation and Revitalization (MPR)** - \$34 million, \$2 million decrease from FY23
- **Section 538 Multifamily Loan Guarantee Program** - \$400 million, same as FY23.
- **Section 542 Rural Voucher Account** - \$48 million, same as FY23

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### KEY LEGISLATIVE ISSUES:

Key Legislation in the Previous (117<sup>th</sup>)  
Congress

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## Bi-partisan Infrastructure Bill

- **November 2021**: President Biden signed the Bipartisan Infrastructure Bill into law after House passage
- \$65 billion in broadband appropriations with the primary goal of moving closer towards digital equity and bridge digital divide:
  - **\$14 billion** for the Affordable Connectivity Benefit program (a.k.a. Emergency Broadband Benefit) reducing monthly broadband service costs from \$50/month to \$30/month
  - **\$42.45 billion** for the creation of a Broadband Equity, Access, and Deployment program designed to make grants available to underserved or unserved communities for broadband access projects and includes \$2 billion for a rural telemedicine and distance learning
  - NAHMA provided comments to the FCC and to the National Telecommunications and Information Administration highlighting costs of installation/ multifamily eligibility for funding
- HUD [Announces Expansion of the ConnectHomeUSA Initiative](#) to Bridge the Digital Divide for HUD-Assisted Families
- [HUD and FCC Partner to Promote Affordable Internet Access for Low-Income Communities](#)

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## Inflation Reduction Act (IRA)

- Introduced by Sen. Chuck Schumer (D-NY) and Sen. Joe Manchin (D-WV) in July 2022, **signed into law in August 2022**. The bill includes climate, prescription drug, and anti-inflation legislation, including new tax provisions:
- \$300 billion in federal investments in energy and climate reform; notable housing provisions:
  - \$1 billion for Improving Energy Efficiency or Water Efficiency or Climate Resilience of Affordable Housing
    - Through loans, grants and technical assistance to "fund projects that improve energy or water efficiency, enhance indoor air quality or sustainability, implement the use of zero-emission electricity generation, low emission building materials or processes, energy storage, or building electrification strategies, or address climate resilience, of an eligible property"
    - Eligible Properties: PBRA, Section 202, Section 811, Section 236

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## Inflation Reduction Act (IRA)

- \$300 billion in federal investments in energy and climate reform -- more notable housing provisions:
  - \$9 billion in consumer home energy rebate programs, focused on low-income consumers, to electrify home appliances and for energy efficient retrofits
  - 10 years of consumer tax credits to make homes energy efficient and run on clean energy, making heat pumps, rooftop solar, electric HVAC and water heaters more affordable
  - \$4,000 consumer tax credit for lower/middle income individuals to buy used clean vehicles, and up to \$7,500 tax credit to buy new clean vehicles
- Tax Reform: 15% Alternative Minimum Tax for Large Corporations; 1% excise tax on stock buybacks

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## IRA Resource Hub

- [Invest.gov](#): Interactive map showing the historic public and private sector investments President Biden's Investing in America agenda is bringing to states and territories across America.
- [Open Funding Opportunities | Clean Energy | The White House](#): Find Inflation Reduction Act funding opportunities that are open for application for state, local, territorial, and Tribal governments; nonprofit organizations; agricultural producers; manufacturers; and more.
- [Updated Fact Sheets Highlighting Bipartisan Infrastructure Law Investments in all 50 States, D.C. and Territories](#): State by state fact sheets that highlight how across the country, the Biden-Harris Administration is rebuilding our roads and bridges, replacing lead pipes to provide clean water, cleaning up legacy pollution, expanding access to affordable, high-speed internet, and ushering in a new era of clean energy.
- [Bipartisan Infrastructure Law Maps](#): Maps reflecting the more than 20,000 projects and funding announced in communities across the United States.
- [Inflation Reduction Act Guidebook](#): This guidebook provides an overview of the clean energy, climate mitigation and resilience, agriculture, and conservation-related tax incentives and investment programs in President Biden's Inflation Reduction Act, including who is eligible to apply for funding and for what activities.
- [Inflation Reduction Act Tribal Guidebook](#): Guidebook to the Inflation Reduction Act's Clean Energy and Climate Investments in Indian Country, which provides clear descriptions of the law's tax incentives and funding programs for which Tribes are eligible.
- [Grants.gov](#): Learn about current federal grant opportunities.
- [Cleanenergy.gov](#): A one-stop shop for Inflation Reduction Act policy updates.
- [Energy Savings Hub | Department of Energy](#): Access resources made possible by President Biden's Investing in America agenda, which will help lower your energy costs, make your home safer and more comfortable, and help the planet.
- [Environmental Justice Scorecard](#): Find information about what federal agencies are doing to advance environmental justice in communities across America.

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## KEY LEGISLATIVE ISSUES:

### Key Legislation in the Current (118<sup>th</sup>) Congress

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## Tax Relief for American Families and Workers Act

- **LIHTC Expansion:** Allows for financing of more than 200,000 new rental homes with LIHTC and multifamily Housing Bonds
  - State Housing Credit Ceiling Increase for Low-Income Housing Credit - restores the 12.5 percent increase for calendar years 2023 - 2025
  - Tax-Exempt Bond Financing Requirement —This provision lowers the bond-financing threshold to 30% for projects financed by bonds with an issue date before 2026. This section provides a transition rule for buildings that already have bonds issued by requiring that a building must have 5 percent or more of its aggregate basis financed by bonds with an issue date in 2024 or 2025. This provision is effective for buildings placed in service after December 31, 2023. In the case of rehabilitation expenditures, which are treated as a separate new building by the IRS, the building is considered placed in service at the end of the rehabilitation expenditures period. The 30 percent requirement is applied to the aggregate basis of both the existing building and the rehabilitation expenditures.
- **Status:** House passed, just awaiting Senate consideration and passage; Senate Negotiations ongoing

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## Affordable Housing Credit Improvement Act (AHCIA)

- Introduced in May by Darin LaHood (R-IL) and Suzan DelBene (D-WA), and Senators Maria Cantwell (D-WA) and Todd Young (R-IN) introduced [H.R. 3238](#) and [S.1557](#). The bill would:
  - **Increase the number of credits allocated to each state** by 50 percent for the next two years and make the temporary 12.5 percent increase secured in 2018 permanent.
  - **Simplify the Student Rule** by replacing the current Housing Credit student rule with a simplified rule that would better achieve the intended purpose. The new rule would better align the Housing Credit student rule with the HUD student rule while ensuring that households composed entirely of adult students

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## Affordable Housing Credit Improvement Act (AHCIA)

- Continued:
  - **Increase the number of affordable housing projects that can be built using private activity bonds** by stabilizing financing for workforce housing projects built using private activity bonds by decreasing the amount of private activity bonds needed to secure funding. Projects would have to carry less debt and be more eligible to receive funding.
  - **Improve the Housing Credit program to better serve at-risk and underserved communities**, veterans, victims of domestic violence, formerly homeless students, Native American communities, and rural Americans.
  - **The ACTION Campaign** has [educational resources](#) to help members share their support of the AHCIA with elected officials.

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## Choice in Affordable Housing Act

- Introduced by Sens. Chris Coons (D-DE), Kevin Cramer (R-ND):
  - Provide \$500 million to create the Herschel Lashkowitz Housing Partnership Fund, which would distribute money for encouraging landlords to participate in rental assistance programs and lower affordability hurdles facing potential tenants
  - Use neighborhood-specific data to set rents fairly by requiring HUD to expand its 2016 rule requiring the use of Small Area Fair Market Rents to calculate fair rents in certain metro areas
  - Reduce inspection delays by allowing units in buildings financed by other federal housing programs to meet the voucher inspection if the unit has been inspected in the past year; new landlords could also request a pre-inspection from a PHA prior to selecting a voucher-holding tenant that would be good for 60 days
  - Refocus HUD's evaluation of housing agencies by encouraging HUD to reform its annual evaluation of PHAs to promote an increase in the diversity of neighborhoods where vouchers are used

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## The DEPOSIT Act

- **June 2023**, Senator Martin Heinrich (D-NM) introduced the Delivering Essential Protection, Opportunity, and Security for Tenants (DEPOSIT) Act to address the housing crisis. Representative Barbara Lee (D-CA) has introduced companion legislation in the House.
  - Seeks to help low-income renters overcome the barrier of security deposit payments when moving into new housing.
  - Would expand federal support for essential moving costs, like security deposits, for Section 8 voucher holders and other low-income renters.
  - NAHMA has endorsed the DEPOSIT Act and will continue to monitor its progress.

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## Rural Housing Service Reform Act

- Introduced in May by Senators Tina Smith (D-MN) and Mike Rounds (R-SD) the Rural Housing Service Reform Act of 2023 ([S.1389](#)) is the direct result of several hearings and public input from stakeholders closest to the issue. The bill seeks to improve federal rural housing programs, cut red tape, and strengthen the supply of affordable housing by:
  - Authorizing the Multifamily Preservation and Revitalization (MPR) program and Multifamily Preservation Technical Assistance Program;
  - Allowing for the decoupling of a Section 515 mortgage and Section 521 Rental Assistance and allowing Section 542 rural vouchers to be adjusted based on changes in tenant income;
  - Streamlining the process for Section 515 nonprofit transfers and increasing the Section 515 nonprofit set aside and authorizing the Rural Community Development Initiative (RCDI) and waiving the matching funds requirement for groups working in areas of persistent poverty;
  - Requiring RHS to publish more data on their housing programs and authorizing funding for much needed technology upgrades at RHS.

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## Bill to End Cares Act Notice to Vacate

- Introduced in Feb. 2023 by Rep. Barry Loudermilk (R-GA), H.R. 802 would end the CARES Act notice to vacate requirement.
  - In March 2020, Congress passed the CARES Act, which included a temporary 120-day moratorium on evictions and late fees for federally-backed and federally-assisted housing.
  - The moratorium featured what should have been a temporary notice to vacate requirement. Due to a drafting error in the legislation, however, this provision – which many believe intrudes upon state and local notice periods – has remained in place long past the moratorium’s expiration and remains a disputed issue in courts.
  - H.R. 802 was referred to the House Financial Services Committee for further consideration. NAHMA monitors this legislation closely as we continue to hear members experience the negative consequences of this policy. NAHMA is also monitoring when HUD will introduce a regulation to adopt a notice to vacate.

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## Public and Federally Assisted Housing Fire Safety Act (H.R. 7981)

- **Included in the FY23 Government Funding Bill:** Requires each unit of federally assisted housing to contain hardwired or tamper-resistant battery-powered smoke alarms. The bill also requires HUD to complete a national campaign to educate the general public about health and safety requirements and how to properly use safety features in housing.
- **The bill applies to all federally assisted programs.** Specifically, the bill states: “Each public housing agency (or owner) shall ensure that a qualifying smoke alarm is installed in accordance with applicable codes and standards published by the International Code Council or the National Fire Protection Association and the requirements of the National Fire Protection Association Standard 72, or any successor standard, in each level and in or near each sleeping area in any dwelling unit in public housing owned or operated by the public housing agency, including in basements but excepting crawl spaces and unfinished attics, and in each common area in a project containing such a dwelling unit.”
- NAHMA expressed concerns with the limitations of 10-year sealed battery smoke detectors and their inability to comply with NFPA 72 standard. However, our concerns were not addressed, and we continue our advocacy with the new Congress in 2023.

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## Recent Senate Hearings

### Senate Hearing Focuses on Property Insurance

- U.S. Senate Committee on Banking, Housing, and Urban Affairs held a hearing titled “[Perspectives on Challenges in the Property Insurance Market and the Impact on Consumers](#).” The witnesses testifying included: Douglas Heller, Director of Insurance of the Consumer Federation of America (CFA); Michelle Norris, EVP of External Affairs and Strategic Partnerships for National Church Residences (NAHMA Federal Affairs Chair); and Jerry Theodorou, Policy Director, Finance, Insurance and Trade for the R Street Institute

### Senate Banking Subcommittee Examines Housing Supply Challenges

- Senate Banking Subcommittee on Housing, Transportation, and Community Development, held a hearing titled, “[Housing Supply and Innovation](#)”. The witnesses testifying included Dr. Jenny Schuetz, Senior Fellow, Brookings Institution; Ms. Janne Flisrand, Co-Founder and Board Member, Neighbors for More Neighbors; Mr. Gregory Good, Chief Real Estate Officer and Director of Asset Management, Invest Newark; and Mr. Eric Schaefer, Chief Business Development Officer, Fading West Development.

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## KEY REGULATORY ISSUES: Impacting All Agencies

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## Insurance Premiums Survey

- **April 2021:** NAHMA and several colleague industry groups contract with NDP Analytics to conduct a survey on significant increases in the cost of insurance
- **May 2021:** NDP Analytics provides survey results:
  - Higher premiums are a problem across the board, with both conventional and affordable housing providers citing higher premiums across a variety of lines of insurance;
  - Limited markets the most common reasons for increased insurance premiums for conventional and affordable housing.
  - However, housing providers with policies covering affordable housing units more frequently identified renter population and risk characteristics such as crime statistics as drivers of increased premiums.

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## Insurance Premiums Survey

- **August 2023:** NAHMA joins broad industry coalition to identify possible solutions to the high cost of insurance
- As part of this coalition, one of our industry colleagues (NLHA) has set up a survey to update the data we collected from NAHMA and other industry members in 2021.
- NAHMA sent out the survey link to members on Aug. 17, with a deadline of Sept. 15 for completion.
- The data collected will be important for the industry coalition's advocacy efforts

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## HUD Addresses Insurance Costs in 2023 OCAFs; Forms Task Force

- **January 2023: HUD published the 2023 OCAF Notice:**
  - HUD made technical changes to its OCAF calculation method, one of which includes:

**Insurance Component Date Source:** To calculate the inflation factor for the insurance component, HUD has used the Bureau of Labor Statistics Consumer Price Index, Tenants and Household Insurance Price Index. Beginning with the 2023 OCAFs, HUD instead uses the industry data for Direct property and casualty insurers-Commercial multiple peril insurance series from the Bureau of Labor Statistics, Producer Price Index, as it is the best metric for insurance costs for properties of leased rental housing.
- **Mid-2023: HUD has launched a department-wide task force** to identify potential policy solutions that might help address the high cost of insurance

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HUD Actions on Insurance Costs in 2024:  
Wind or Named Storm Insurance Coverage - Maximum Insurance  
Deductibles

- **April 2024:** HUD's Office of Multifamily Housing published a [Mortgagee Letter](#) & [Housing Notice](#), revising our Federal Housing Administration (FHA) Multifamily **property insurance requirements for wind and named storm coverage by increasing the maximum casualty insurance deductible amount for wind or named storm coverage to the greater of \$50,000 or 5% of the insurable value per location, up to a maximum amount of \$475,000 per occurrence**, for new mortgage insurance transactions that have not achieved final endorsement. For additional detail, see the press release [here](#).
- **April 2024:** OAMPO publishes *Memo Requests for Waivers of Wind and Named Storm Deductible*

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## White House Blueprint for a Renters Bill of Rights

- **January 2023:** The Biden Administration released the Blueprint for a Renters Bill of Rights, and a call to action through the Resident Centered Housing Challenge:
  - **The Renters Bill of Rights has five principles:**
    - Safe, Quality, Accessible, and Affordable Housing
    - Clear and Fair Leases
    - Education, Enforcement, and Enhancement of Renter Rights
    - The Right to Organize
    - Eviction Prevention, Diversion, and Relief: Renters should be able to access resources that help them avoid eviction, ensure the legal process during an eviction proceeding is fair, and avoid future housing instability.

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## White House Resident-Centered Housing Challenge

### ■ Resident-Centered Housing Challenge:

- A call to action to housing providers and other stakeholders to strengthen practices and to enhance existing policies and develop new ones that promote fairness and transparency in the rental market, such as:
- Developing a code of ethics or membership standards that align with the Blueprint principles.
- Providing access to safe, decent, affordable housing – such as adopting higher standards than are required by state or local law.
- Advancing education, enforcement, and enhancement of renter rights – such as creating new benefits and/or services for residents that enhance their economic mobility, build credit, and/or prepare them for homeownership.
- Providing access to clear and fair leases – such as reducing or eliminating rental “junk fees,” which are the hidden fees, charges, and add-ons.

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## White House Blueprint for a Renters Bill of Rights

### ■ 2023-2024: Agencies Publish Guidance on Ensuring Fair Tenant Screening Practices:

- HUD MFH and HUD PIH, and USDA-RD (Rural Housing)
- Several agencies released guidance or best practices to landlords, operators, and stakeholders who rely on tenant screening reports when evaluating applications from renters: [Consumer Financial Protection Bureau \(CFPB\)](#), [Federal Trade Commission \(FTC\)](#) and [Federal Housing Financing Agency \(FHFA\)](#)
- CFPB Addresses [Inaccurate Background Check Reports and Sloppy Credit File Sharing Practices](#)
- HUD [Proposed “30-Day Notice” Rule](#) for Nonpayment of Rent
- 2024 [Income Limits Published](#) with new cap on how much income limits can increase annually
- Request for [Feedback on Existing Policy on Non-Rent Fees for Subsidized Multifamily Housing Programs](#)
- 30-Day Notification of [Nonpayment of Rent](#) in Multi-Family Housing Direct Loan Programs
- USDA to Host Community Roundtable on May 2 to Ensure Rural Housing Tenants Know Their Rights and Protections , [stakeholder announcement](#)
- FCC Ban on Bulk Internet in Rental Housing - [Proposal](#) Seeks to Eliminate Arrangements Imposed on Tenants That Force Them to Stick to a Specific Service Provider [NAA/NMHC Background Information on Bulk Internet in Rental Housing](#)
- Managing HUD Multifamily Properties: [Back-to-Basics Video Series](#)

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## Actions to Preserve and Increase Housing Supply

- **May 2022:** White House launches Housing Supply Action Plan to close the housing supply shortfall in five years, with the creation and preservation of hundreds of thousands of affordable housing units in the next three years:
  - Using federal transportation funds to incentivize jurisdictions to reduce restrictive local zoning laws;
  - Supporting manufactured housing, accessory dwelling units, and small-scale developments; and
  - Streamlining federal financing and funding sources to help lower costs and speed development, including financing close to 1 million affordable homes through the expansion of LIHTC and the Neighborhood Homes Tax Credit.

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## Actions to Preserve and Increase Housing Supply

- **October 2022:** White Houses provides update on Housing Supply Action Plan and efforts to improve federal financing for affordable housing production and preservation:
  - Finalized LIHTC Average Income Test Final Rule and Extended Deadlines for Placed-in-Service Rules for LIHTC Projects
  - Utilizing the Federal Financing Bank's Risk Sharing Program to Build More Affordable Rental Housing
    - HUD has committed more than \$1.6 billion to create and preserve more than 9,000 rental homes
  - Providing \$30 million for Thriving Communities Program
  - HUD announced a \$5 million Notice of Funding Opportunity for Thriving Communities program

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## Actions to Preserve and Increase Housing Supply

- **July 2023:** White Houses announces Pathways to Removing Obstacles to Housing (PRO Housing) to support communities who are actively taking steps to remove barriers to affordable housing
  - \$85 million for competitive grant funding for the identification and removal of barriers to affordable housing production and preservation
  - Grantees may use the grants to further develop, evaluate, and implement housing policy plans, improve housing strategies, and facilitate affordable housing production and preservation.
  - Eligible applicants are local and state governments, metropolitan planning organizations (MPOs), and multijurisdictional entities
- **October 2023:** White House Releases Guide To Create More Affordable Housing by Converting Commercial Properties to Residential Use
  - Please find the White House [Fact Sheet](#) and [Guidebook](#), and HUD [press release](#) available.
- **Feb. 2024:** HUD and Treasury Extend Section 542 Housing Finance Agency Risk-Sharing Initiative; See the [Press Release here](#).

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## KEY REGULATORY ISSUES:

HUD – Key recent, proposed, pending activities

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## Green and Resilient Retrofit Program (GRRP)

- **May 2023:** HUD [announces](#) notice of funding opportunity to invest in utility efficiency, renewable energy generation, and climate resilience strategies and issues [implementation guidance](#).
  - The Inflation Reduction Act (IRA) provided HUD with **\$837.5 million in grant funding** and **\$4 billion in loan authority** for this new program. It also included **\$42.5 million** for a new HUD initiative which will launch later this summer to collect and assess energy and water usage data from assisted multifamily housing properties.
  - HUD has designed the GRRP to implement three IRA goals:
    - To reduce energy and water use in HUD-assisted multifamily properties,
    - To make HUD-assisted multifamily properties more resilient to extreme weather events and natural disasters, and
    - To reduce greenhouse gas emissions from HUD-assisted multifamily properties, both directly and by using materials with less Embodied Carbon.

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## Green and Resilient Retrofit Program (GRRP)

- **Three different applications** available for PBRA, Section 202, and Section 811:
  - **Elements Awards** targets properties that are already advanced in a rehabilitation transaction and need gap financing to fund specific utility-efficient or resilient elements.
  - **Leading Edge Awards** target properties that are in early stages of recapitalization planning. These awards fund projects that will achieve a high-level third-party green certification, such as Phius ZERO REVIVE.
  - **Comprehensive Awards** will target properties with high needs where HUD-procured Multifamily Assessment Contractors will support owners by commissioning third-party reports and assessments to develop a scope of work. The resulting plan will include whole-building retrofits to incorporate green retrofit and resilient design elements.
- HUD has also provided a [resources](#) webpage including pre-recorded training, fact sheets, application forms, and upcoming events.
- **2024 Application Due Dates:** Leading Edge – May 15th; Comprehensive – June 12th; Elements – July 31st

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## Green and Resilient Retrofit Program (GRRP); Free Energy and Water Benchmarking Initiative

- **Dec. 2023:** HUD Launches Free Energy and Water Benchmarking Service for HUD-Assisted Multifamily Properties (HUD rental assistance under PBRA, Section 202, and Section 811)
- The benchmarking service offers owners:
  - Specific information about a property's energy and water performance, comparisons of this usage with similar properties, and recommendations for savings;
  - Benchmarking analytics from the ENERGY STAR® Portfolio Manager®, a tool developed by the U.S. Environmental Protection Agency; and
  - Technical assistance, training, and other resources.
- HUD estimates up to 9,000 properties may choose to participate in this service. HUD's contractor, Leidos, will be contacting property owners throughout the coming months to discuss the program and solicit participation.
- Owners may also contact HUD at [mfbenchmarking@hud.gov](mailto:mfbenchmarking@hud.gov) to participate.

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## NSPIRE

- **May 2023:** HUD Publishes NSPIRE Final Rule. The [Final Rule](#) includes the following changes:
  - NSPIRE companion publications of the **final Standards Notice** on June 22, the **Administrative notice** on June 30, and the **final Scoring Notice** on July 7.
  - The rule has distinct effective dates for the start of physical inspections using the NSPIRE Standards:
    - **July 1, 2023** – Public Housing Inspections Began
    - **October 1, 2023** – Inspections Started for HUD Multifamily Programs
    - HUD extended the compliance date for Community Planning and Development programs (CDBG, HOME, HTF) and Housing Choice Vouchers(HCV) and Project-based Vouchers(PBV) until Oct. 1, 2024
  - Properties inspected by REAC will receive a 28-day notification before an inspection.
  - Inspectors working for Servicing Mortgagees and/or State Housing Finance Agencies should receive NSPIRE training before conducting the inspection.

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# NSPIRE

- **May 2023:** HUD Publishes NSPIRE Final Rule. The [Final Rule](#) includes the following changes:
  - **New Self-Inspection Requirement and Report.** PHAs and Owners will be required to conduct self-inspections of all units at least annually and correct all identified deficiencies. If the property scores under 60 on its HUD inspection, these self-inspection results must be provided to HUD. Records related to the self-inspection should be maintained for three years.
  - **Timeline for Deficiency Correction.** HUD clarifies the timeline for the correction of health or safety deficiencies. For life-threatening and severe deficiencies, the PHA or Owner must correct the deficiency within 24 hours after the inspection report is received, and upload evidence of that correction within 72 hours to HUD.
  - **New Affirmative Requirements.** HUD developed new “affirmative standards” for all units that participate in HUD’s rental assistance programs. These include basic requirements for habitability – like kitchens and flushable toilets – but also important safety concerns like Ground Fault Circuit Interrupter (GFCI) outlets, a permanent heating source, and safe drinking water.

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# NSPIRE

- **May 2023:** HUD Publishes NSPIRE Final Rule. The [Final Rule](#) includes the following changes:
  - **Tenant Involvement.** HUD will allow tenants to make recommendations regarding units to be inspected. HUD will require that the PHA or Owner correct all identified deficiencies within established timeframes and provide inspection results to residents.
  - The REAC team is also developing training that includes a combination of PowerPoint presentations, infographics and [instructional videos](#) that will be posted on the [NSPIRE website](#).
  - Other Additional changes include the following:
    - HUD Committing to Reviewing Standards at Least Every 3 Years
    - Retaining 3-2-1 Rule
    - Changes to Deficiency Categories: Life-threatening, Severe, Moderate, Low (New)

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# HOTMA

- July 2016: Signed into law by President Obama
  - Streamlines physical inspection protocols and income reviews
  - Increases the maximum contract term for PBV from 15 to 20 yrs
  - Authorizes HUD to collect utility data
- Oct. 2016: FR Notice outlined implementation strategy
  - Section 102 – changes in income and income review requirements
  - Section 104 – limitations on resident assets
- 2017-2019: HUD published HOTMA guidance for PHAs
- Sept. 2019: HUD published HOTMA request for comments
  - Sec. 102. Income reviews; Sec. 103. Limitation on public housing tenancy for over-income families; Sec. 104. Limitation on eligibility for assistance based on assets

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# HOTMA

- **In February 2023**, HUD published the HOTMA draft final rule. The agency provided links to dedicated HOTMA websites for both program offices: Multifamily Housing ([https://www.hud.gov/program\\_offices/housing/mfh/hotma](https://www.hud.gov/program_offices/housing/mfh/hotma)) and Public and Indian Housing ([https://www.hud.gov/program\\_offices/public\\_indian\\_housing/hotmaresources](https://www.hud.gov/program_offices/public_indian_housing/hotmaresources))
- This Final Rule covers Sections 102, 103, and 104 of HOTMA:
  - **Section 102:** Changes requirements related to income reviews for the Public Housing, HCV and Section 8 PBRA programs.
  - **Section 103:** Modifies the continued occupancy standards of Public Housing residents (does not apply to Multifamily Housing programs).
  - **Section 104:** Sets maximum asset limits for eligibility and continued assistance in the Public Housing, HCV, Section 8 PBRA programs.

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# HOTMA

- **October 2023** – HUD-MF and HUD-PIH, issued [Housing Notice 2023-10](#), *Implementation Guidance: Sections 102 and 104 of HOTMA*. Per HUD-MF transmission:
- **March 2024** - HUD-MF published a Housing Notice (Notice H 2024-04) extending the HOTMA compliance date in Section 6.2 of [Notice H 2023-10](#) for owners to update their Tenant Selection Plan (TSP) and Enterprise Income Verification (EIV) Policies and Procedures (P&P) from March 31, 2024, to May 31, 2024. To see this notice, please click [here](#).
  - An owner who implements HOTMA prior to the release of TRACS version 203A must utilize the “rent override” function in TRACS if a family’s HOTMA-calculated tenant rent differs from their pre-HOTMA calculated tenant rent. Additionally, owners who implement HOTMA prior to the release of TRACS version 203A must annotate tenant files according to the change that was implemented. For full information regarding the implementation of HOTMA before TRACS 203A releases, please click [here](#).
- [Visit Updated HOTMA Webpage](#)
- **Questions/Feedback** - any suggestions, questions, or comments, please do not hesitate to reach out to our team at [MFH\\_HOTMA@hud.gov](mailto:MFH_HOTMA@hud.gov).

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# Proposed Changes to PBRA Regulation and Contract

**March 2023:** HUD issued an advanced notice of proposed rulemaking to transition to a single Housing Assistance Payment (HAP) contract and a single regulatory framework for its project-based rental assistance programs:

- NAHMA and industry stakeholders submitted comments on the impact that consolidation would have on longstanding contractual relationships and the future of this scarce resource.
- Voiced concerns that HUD’s proposal would lead to the loss of thousands of low-income units by creating an incentive for owners to opt-out of the program, as well as with the proposals contained in the notice relating to distributions, reserve for replacement accounts, audit requirements, and periodic Capital Needs Assessments as well as the notion that the renewal process and other policy guidance be promulgated in a regulation.
- Urged HUD to abandon this proposal to consolidate the regulation and to create a single form of HAP contract.

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## PBCA Contract Status

- **All current PBCAs are operating under contract extensions**
- In December 2017, HUD requested comments on a draft Request for Proposal (RFP) for Housing Assistance Payments Contract National/Regional Support Services (HAPNSS/HAPRSS)
  - NAHMA and other industry groups opposed the proposal for split-level national/regional system to consolidate current PBCA program
- **March 2018: HUD cancelled this latest RFP solicitation;** FY18 omnibus appropriations bill directed HUD to report on state-by-state contract methodology
- **FY21 Funding Bill requests for adequate public comment and HFA participation.**
- **July 2022:** HUD requested comments on a draft Request for Proposal (RFP) for Housing Assistance Payments Contract Support Services (HAPSS);
  - HUD proposes awarding 15 single award contracts from this solicitation, 5 Regions consisting of 3 Sub-Regions.
  - 5 Regions are Northeast Region, Southeast Region, Midwest Region, Southwest Region, and Western Region
- **September 2022:** NAHMA provided member comments pushing back.
- Stakeholder [Listening Session](#) on HUD's [FY25 PBCA Proposal](#) (May 28, June 5 & 6)

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## Management and Occupancy Review (MORs)

- **June 2023:** NAHMA shared concerns with HUD regarding MOR reviews being conducted within 6 months on troubled properties where a new management company or owner has recently taken on the property.
- **Nov. 2023:** Required & Alternative MOR Procedures for Performance Based Contract Administrators (PBCAs) [Guidance Memo](#)
  - Memo supersedes prior guidance on remote Management and Occupancy Reviews (MORs) conducted by PBCAs during the COVID-19 pandemic and reinstates the practice of on-site MORs. This updated guidance is effective with MORs scheduled on or after January 1, 2024.

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## Budget-Based Rent Adjustments (BBRA) for Mark-to-Market Properties (M2M)

- **Feb 2024:** This [Notice](#) describes the framework HUD-MF Programs will use to process budget-based rent adjustments (BBRAs) for Section 8 project-based rental assistance (PBRA) housing assistance payment (HAP) contracts at properties subject to a Mark-to-Market program (M2M) use agreement.

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## Approval and Processing of Requests to Bifurcate Contracts

- **Jan 2024:** HUD MF issued a [Notice](#) to explain the standards and conditions a Project Owner must meet to obtain HUD approval for a HAP contract bifurcation. It also describes the processing of approved bifurcation requests.
  - Bifurcation entails the division of a project-based Section 8 Housing Assistance Payments (HAP) contract into two or more HAP contracts.

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## FY 2023 Section 202 NOFO

- **Feb 2024:** HUD Makes \$115 Million Available to Support Housing for Seniors
  - funds will help non-profit organizations create new, or rehabilitate existing homes that are resilient and energy efficient for low-income individuals 62 years of age or older. Funding is provided to support capital costs and ongoing project rental assistance.
  - up to \$35 million will be allocated to support the development of intergenerational units for households where seniors are raising children under the age of 18. The intergenerational housing projects will also include unique building design features and supportive services to assist these families.

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## Service Coordinator NOFO

- **2024: Service Coordinator NOFO**
- The funding amount available is \$40 million dollars and will be used to fund 3-year grants for both first-time applicants and those that are looking to expand their current service coordination programs. For more information on the Service Coordinator NOFO, webinar and slides visit [HUD webpage](#).
- **Due Date:** 05/23/2024

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## Violence Against Women Act (VAWA)

- **Reauthorization of the Violence Against Women Act (VAWA)** was included in the FY22 government funding bill approved by Congress in March 2022
- The bill reauthorizes VAWA through 2027, and --
  - Preserves advancements made in previous reauthorizations and includes several additional improvements to the current law
  - Expands prevention efforts and protections for survivors, including those from underserved communities, and provides increased resources and training for law enforcement and the judicial system
  - Strengthens rape prevention and education efforts, support rape crisis centers, improve the training of sexual assault forensic examiners, and broaden access to legal services for all survivors, among other things

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## Violence Against Women Act (VAWA)

- **December 2022:** HUD requests comments on plans to implement the key changes made by the VAWA Reauthorization Act of 2022. The request for comment includes information on relevant VAWA 2013 requirements and existing HUD regulations, relevant VAWA 2022 changes and requirements, and HUD's proposal for implementation. Comments due March 3, 2023.
- **January 2023:** HUD announced new resources to advance housing protections for survivors of domestic violence, dating violence, sexual assault, and stalking under VAWA. These resources include a new [VAWA website](#), and up to **\$5 million in funding** to provide VAWA training and technical assistance to HUD grantees and other stakeholders.
- **March 2023:** HUD provides notice on housing provisions under VAWA 2022
- **Status:** Awaiting Final VAWA Rule, Guidance, and Forms; *ETA summer 2024*

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## VAWA/FHEO Enforcement Authority

- **January 2023:** HUD issued a Notice on FHEO enforcement authority related to VAWA
- The notice describes in general how HUD's current Fair Housing Act regulations will be used to process VAWA complaints.
- HUD is implementing VAWA requirements by providing for the filing and processing of individual VAWA complaints with its Office of Fair Housing and Equal Opportunity (FHEO) and informing HUD's covered housing providers of its authority to investigate potential violations of the applicable requirements in the housing provisions of VAWA.

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## Disparate Impact

- **January 2021:** President Biden signs Executive Order seeking to address racial equity
  - Order directs HUD to both mitigate racial bias in affordable housing while also ensuring the advancement of fair housing laws
  - Also directs HUD to examine the effects that the previous administration's regulatory actions have had on fair housing policies and regulations
  - The order further directed the Secretary of HUD to take any necessary steps based on the outcome of that analysis to fully implement the Fair Housing Act's requirements
  - In response to President Biden's Executive Order, **HUD reinstated the original 2013 rule that codified disparate impact**

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## Disparate Impact

- **March 2023:** HUD publishes final rule, *Restoring HUD's Discriminatory Effects Standard*.
  - In the Final Rule, HUD emphasizes that the 2013 rule is more consistent with how the Fair Housing Act has been applied in the courts and in front of the agency for more than 50 years, and that it more effectively implements the Act's broad remedial purpose of eliminating unnecessary discriminatory practices from the housing market.
  - This Final Rule went into effect **April 17, 2023**

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## Criminal Background Screening

- **April 2023:** HUD announces new regulations to come regarding criminal background screening:
  - HUD said it will issue a Notice of Proposed Rulemaking through which it will change its regulations governing public housing agencies and HUD-subsidized housing providers "to prevent unnecessary denials of housing assistance to people with criminal history records."
  - HUD said it will issue new guidance and technical assistance to assist PHAs and HUD-affiliated owners in determining what convictions are relevant to health and safety and how to conduct an individualized assessment when reviewing criminal history records. HUD will also provide technical assistance to encourage grantees, PHAs, and housing owners to use HUD programs to provide housing and services that support people's successful reentry from prisons and jails to the community.
- **April 2024:** HUD published [Proposed Rule](#) to Reduce Barriers to HUD-Assisted Housing for Applicants with Criminal Records

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## Section 504 Advance Notice

- **April 2023:** HUD announces an Advance Notice of Proposed Rulemaking (ANPRM) to potentially revise its implementing regulation for Section 504 of the Rehabilitation Act of 1973:
  - Section 504 prohibits discrimination on the basis of disability in programs and activities receiving federal financial assistance
  - HUD's Section 504 ANPRM asks the public to respond to several questions that relate to HUD's existing Section 504 regulation which was originally published in 1988. The Department is seeking information on what it should consider relating to Recipients' obligations, including how to account for advances in accessible design, the use of websites and other technology, and auxiliary aids and services including assistive technologies. In addition, the Department is considering whether to adopt an updated Federal accessibility standard for purposes of compliance with HUD's Section 504 regulation.

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## Affirmatively Furthering Fair Housing Proposed Rule

- **January 2023:** HUD Announces New Proposed AFFH Rule
  - Program participants would be required to conduct and submit to HUD annual progress evaluations that describe progress toward and/or any needed modifications of each goal in the Equity Plan.
  - Both the Equity Plans and the annual progress evaluations would be posted online.
  - The proposed rule includes provisions that permit members of the public to file complaints with HUD if program participants are not living up to their AFFH commitments and various other provisions that enable HUD to ensure that program participants are held accountable for complying with this rule.

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## HUD Publishes RAD Supplemental Notice

- **July 2023:** HUD published a [Supplement to the RAD Notice](#), which makes changes to the RAD Notice. Among other changes, this Supplement implements:
  - Additional budget authority and additional flexibilities to augment initial contracts rents for Section 202 PRAC conversions; strengthens and expands resident engagement requirements;
  - Establishes new energy efficiency and climate resilience standards and requirements; and makes it easier for PHAs to use "RAD & Section 18 Blends" or the new "Faircloth-to-RAD" process to transform and expand their affordable housing stock.
  - HUD has also created a blackline version of the RAD Notice for users' convenience.
  - [RAD website](#) contains new training Available on Resident Engagement Updates
- **March 2024:** Congress Approves Changes to the RAD Statute
  - Extending the September 30, 2024, sunset date, by which public housing authorities (PHAs) can apply for RAD through September 30, 2029.
  - Allowing for the continued availability of services for residents following a public housing conversion to project based rental assistance (PBRA) or project based vouchers (PBV) under RAD.
  - Authorizing the budget-neutral conversion for properties assisted under Senior Preservation Rental Assistance Contracts (SPRACs).
  - Simplifying the execution of RAD/Section 18 Blends and ensuring that all units are fully covered under the RAD protections.

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## New Website for Post-Conversion RAD PBRA

- **June 2023,** HUD launched a new [website](#) that provides useful resources to PHAs and owners that are in the process or have recently converted public housing, Section 8 Moderate Rehabilitation, Rent Supplement, Rental Assistance Payment, and Section 202 PRAC assistance to PBRA.
  - Online information available to owners includes, but is not limited to, finding Tenant Rental Assistance Certification System (TRACS) compliant software and preparing TRACS submissions, Rent Adjustments and Utility Analysis requirements, Violence Against Women Act guidance, and more.
  - For RAD conversions to Project-Based Vouchers (PBV), please refer to HUD's RAD PBV [site](#). All RAD-PBV program administrators are encouraged to [sign up](#) for the RAD PBV quarterly newsletter (RADvisor).

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## DOL Updates Davis-Bacon Regulations

- **August 2023:** DOL published the [final rule](#) that updates regulations issued under the Davis-Bacon and Related Acts, first comprehensive regulatory review in nearly 40 years.
- Per HUD MFH, please note the following:
  - The final rule is effective on October 23, 2023.
  - Provisions of this final rule regarding wage determination methodology and related part 1 provisions prescribing the content of wage determinations may be applied only to wage determination revisions completed by the Department on or after October 23, 2023. Except with regard to § 1.6(c)(2)(iii), the provisions of this final rule are applicable only to contracts entered into after October 23, 2023.
  - Many of the amendments to part 5 of the regulations are regulatory changes that codify the Department of Labor's current practices and interpretations of existing regulations. As a result, such changes do not, in practical terms, impose new obligations on contractors or contracting agencies.
  - For contracts that lock-in on or after the final rule effective date, October 23, 2023, Contractors should consider the changes in the final rule when analyzing internal controls, developing their bids, and negotiating contract pricing.
  - Contract clauses and related matters section of the rule covers the required contract clauses inserted into contracts.
  - HUD MFH- Production is in the process of modifying the Form HUD-92554M, Supplement to Construction Contract, to incorporate the construction clauses.

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Department of the Treasury  
**Internal Revenue Service**

## **KEY REGULATORY ISSUES:** Low Income Housing Tax Credit Program

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## HUD Income Limits: “Cap on Cap”

- In April 2024, HUD published its annual income limits, which determine the top-most income level for households eligible to receive HUD rental assistance or to live in a property financed by any of these programs. In the case of the Housing Credit and Multifamily Bond programs, the income limits directly impact the rents owners may charge, as maximum rents are set at 30 percent of designated income limits by unit.
- Beginning in 2009, HUD restricted annual income limit growth by allowing increases only up to the greater of five percent or two times the percentage change in national median family income.
- In 2024, HUD instituted an overall 10 percent limit on increases, which it is calling a “cap-on-cap.” Specifically, the income limit in any given area can go up no more than 10 percent, even if the change in the national median family income would otherwise result in an increase above that amount.
- This means that for Housing Credit or Multifamily Bond-financed properties, rent increases also would be limited to no more than 10 percent. According to HUD, the new methodology impacts the income limits in 21 percent of areas across the nation.

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## Removing Cap on LIHTC Pilot Program Transactions

- **June 2023**, HUD’s Office of Multifamily Housing Programs announced it is removing the \$25 million cap for Low-Income Housing Tax Credit (LIHTC) Pilot Program transaction that fall under new construction and substantial rehabilitation (Section 221(d)(4) and Section 220 programs).
  - This change is in alignment with HUD’S Strategic Goal to increase the supply of affordable rental housing. Eliminating the cap will expedite processing for eligible applications. All other eligibility and processing requirements for the pilot program specified in HN 2019-03 remain the same.

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## Treasury/IRS, HUD, & DOE Updates: Clean Energy Investments in Underserved Communities and Affordable Housing

- **August 2023:** Treasury and the IRS issued [final rules](#) and [procedural guidance](#) for the Low-Income Communities Bonus Credit program under Section 48(e) of the Internal Revenue Code and announced the application process would open by early fall.
- **October 2023:**
- Treasury: [The Inflation Reduction Act: Benefits for Builders of Multifamily Housing](#)
  - Explains Incentives to Consider for Multifamily Residential Buildings
- [FACT SHEET](#): Biden-Harris Administration Takes Action to Cut Energy Bills, Housing Costs and Climate Pollution
- HUD [Funding Navigator Tool](#) (Find Funding Opportunities)
- [Climate Resources for Housing Supply Framework](#)
- HUD [Green and Resilient Retrofit Program](#)
- Better Climate Challenge - Multifamily ([Factsheet](#) and [Website](#));

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## NCSHA Releases New Recommended Practices in Housing Credit Administration

- **October 2023:** The National Council of State Housing Agencies (NCSHA) published the [2023 Update to Recommended Practices in Housing Credit Administration](#). According to NCSHA, the Recommended Practices are “consensus standards that guide each state’s administration of the federal LIHTC program.”
- Per NCSHA, the new edition of the Recommended Practices includes expanded guidance to inform state administration in the most critical issues impacting affordable housing today:
  - Skyrocketing development financing, insurance, and operating costs
  - Escalating pressures on the continued long-term affordability of existing properties
  - Siting considerations related to renter opportunity, community revitalization, and disaster risk
  - Guidance on how state Housing Credit administration can encourage and ensure meaningful renter protections that are also workable for landlords and developers

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## Community Reinvestment Act (CRA) Regulatory Reform – Impact on LIHTC?

- **December 2021:** The OCC issued a final rule, effective January 1, 2022, to rescind the CRA rule issued in June 2020
  - Though the OCC CRA rules now in effect are based on the rules adopted jointly by all three banking regulators in 1995, as amended, the repeal of the 2020 CRA rule further sets the stage for the OCC to join the FDIC and Federal Reserve in jointly issuing an updated CRA rule.
- **May 2022:** Regulators jointly issued a proposal to strengthen and modernize CRA regulations, with goals to:
  - Expand access to credit, investment, and basic banking services in low- and moderate-income communities; Adapt to changes in the banking industry, including internet and mobile banking; Provide greater clarity, consistency, and transparency; Tailor CRA evaluations and data collection to bank size and type; Maintain a unified approach from bank regulators.
- **August 2022:** NAHMA submits joint comments with industry colleagues.
  - Comments provide recommendations will reiterate the message that CRA must continue to strongly incentivize investment in the LIHTC and federal affordable development programs
- **October 2023:** Banking Regulators Publish Comprehensive CRA Overhaul
  - The new rule replaces this system with four new tests: the retail lending test, the retail services test, the community development financing test, and the community development services test. The community development financing test includes all activities, including lending and investment, that support activities with the primary purpose of supporting certain community development activities. Final rule supports affordable housing by clearly delineating it as one of the activities for which banks can receive CRA credit under the community development financing test.
- **April 2024:** Federal Court Blocks Enforcement of Revised CRA Rules

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## KEY REGULATORY ISSUES:

Rural Housing

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## RHS MFH Proposed Insurance Rule

- **October 2023:** RHS- Office of Multifamily Housing (MFH) published a [proposed rule](#) to update current regulation for MFH insurance coverage and deductible requirements.
- The MFH insurance coverage and deductible requirements were established in 2004. Updating insurance coverage and deductible requirements will align Rural Development MFH insurance coverages and deductible limits with current affordable housing industry standards.

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## New Physical MFH Inspection Protocol

- **October 2023: RHS Launches New Physical Inspection Process**
  - Physical inspections will still be conducted according to the inspection standard found at 7 CFR 3560.103. However, going forward, the majority of physical inspections will be conducted by professionally trained contract inspectors instead of RHS field staff.
  - New process will utilize the physical inspection report form developed by the Mortgage Bankers Association (MBA) that covers all elements of the USDA inspection standard
  - The other two segments of the Tri-Annual Supervisory Visit, the tenant file review and the compliance review, will continue to be conducted by Multifamily field staff either virtually, or in some cases in person.
  - In fiscal year 2024 Tribal 1 and Bisco will conduct approximately 3,000 physical inspections on RHS's behalf. Tribal1 will reach out to schedule inspections between November 2023 and September 2024.
  - Inspections are scheduled 28-days in advance and Tribal1 will provide detailed instructions on what you need to do to prepare for and complete the inspection
- **March 2024:** RHS publishes [notice](#) on Revisions to the Smoke Alarm Requirements in the Section 515 Rural Rental Housing
  - align the Agency's smoke alarm requirements with the new qualifying smoke alarm standards that requires each unit of federally assisted housing to contain hardwired or 10-year non-rechargeable, sealed, tamper-resistant, battery-powered smoke alarm devices.

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## Recent RHS Guidance

- **August 2023 [Notice](#)**: guidance on the treatment of financial benefits from solar programs participation realized by RD multifamily housing owners or tenants. These benefits are a result of participation in a community solar program or the presence of an on-site solar facility.
- **Dec. 2023 [UL](#)**: Set-Aside Unit Preferences at Properties with Other Funding Sources This Unnumbered Letter (UL) provides guidance for the allowance of set-aside unit preferences as they pertain to Section 514, 515, 516, and 521 housing programs, specifically those properties that have recapitalized with locally awarded funding sources and/or other third-party funding sources.
- **Multifamily Preservation and Revitalization Program** tentatively scheduled for release in Summer 2024
- **[Changes Related to Reserve Account Administration](#)** in Multifamily (MFH) Direct Loan Programs
- **[Final Rule](#)** - Multifamily Housing Section 538 Guaranteed Rural Rental Housing Prioritization Criteria
- **[Proposed Rule](#)** - Program Updates to the Credit Report Process for Multifamily Section 515 Rural Rental Housing Loans

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## Standardized Appraisal Assignment Guidance for Multifamily Housing Programs

- **June 2023**, RD announced standardized appraisal assignment guidance for Section 515 Direct Loans, Section 514/516 Farm Labor Housing and the Multifamily Housing Preservation & Revitalization (MPR). The guidance replaces the need for owners to request specific appraisal assignment guidance for each individual transaction.
  - [Multifamily Housing Direct Loans | Rural Development \(usda.gov\)](#) (“To Apply” tab)
  - [Off-Farm Labor Housing Direct Loans & Grants | Rural Development \(usda.gov\)](#) (“To Apply” tab)
  - [On-Farm Labor Housing Loans | Rural Development \(usda.gov\)](#) (“To Apply” tab)
  - [Multifamily Housing Programs | Rural Development \(usda.gov\)](#) (“Quick Links”)

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## RHS MFH Transfers Pilot Program

- **December 2022:** Multifamily Housing announced implementation of the Simple Transfer Pilot Program, providing three additional transfer options to encourage preservation and revitalizing:
  - **Option 1: Simple Transfer With Expedited Ownership Change Required**
  - **Option 2: Simple Transfer With Rehabilitation**
  - **Option 3: Simple Transfer With Future Rehabilitation/Recapitalization Plan**
- The duration of the pilot program is anticipated to continue until December 9, 2024, at which time RHS may extend the pilot program (with or without modifications) or terminate it depending on the workload and resources needed to administer the program, feedback from the public, and the effectiveness of the program.

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## RHS MFH Transfers Pilot Program

- The program goal is to increase rehabilitation and preservation activity in the RHS MFH portfolio by developing a pilot program with revised transfer application requirements (“simple transfer”) for properties that meet certain requirements:
  - Reduce undue burdens and eliminate unnecessary paperwork
  - Differentiate transfer submission requirements based on the type of transaction—move away from a “one size fits all” approach
  - Eliminate certain third-party reports to reduce upfront costs
  - Recognize timing challenges with obtaining rehab/preservation financing and provide more flexibility)
  - Outcomes will be tracked, and findings used to make handbook and regulatory changes to improve overall transfer processing

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## RD Maturing Mortgages

- NAHMA has been raising awareness of **Maturing Mortgages** with lawmakers and stakeholders: 75% of the portfolio could be lost in the next decade (11,500 properties = 333,845 units)
  - The GAO is also monitoring the situation
    - Congress requested that the GAO seek answers on the number of properties that could lose their affordability and RD's preservation strategies for the portfolio
    - **GAO report released in May 2018; NAHMA helped draft industry letter in response**
  - Lawmakers are also paid attention – for example, language to decouple RA from existence of mortgage was contained in the President's FY23 proposed budget
- **Register for upcoming Multifamily Housing [Decoupling Stakeholder Session](#)** on April 25, 2024, 2pm EST

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## KEY REGULATORY ISSUES: HUD/USDA Disaster Assistance

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## HUD Disaster Assistance

- Any displaced persons should register with FEMA in order to qualify for assistance offered by other agencies
- Key HUD Resources for HUD MF Owners and Agents:
  - Chapter 38 of HUD Handbook 4350.1
  - HUD Federal Disaster Assistance and Resources Webpage: (www.hud.gov/info/disasterresources)
  - HUD FHA RESOURCE CENTER: (800) 304-9320
  - EMAIL: RECOVERY@HUD.GOV

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## Multifamily Disaster Preparedness Plan Template

- The **Multifamily Disaster Preparedness Plan** Template is a model to help HUD-assisted multifamily owners and Public Housing Authorities (PHAs) produce property-specific plan(s) to protect resident life and safety during a disaster. The template is designed to guide users through the process of gathering appropriate information and resident input, drafting a plan, and educating residents and staff about the plan.
- Download Multifamily Disaster Preparedness Plan [Here](#)

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## Disaster Resources

- **Federal Emergency Management Agency (FEMA):**  
<https://www.fema.gov/>
- **DisasterAssistance.gov:** <https://www.disasterassistance.gov/>
- **Ready.gov:** <https://www.ready.gov/>
- **HUD Disaster Resources:**  
[https://www.hud.gov/disaster\\_resources](https://www.hud.gov/disaster_resources)
- **Consumer Financial Protection Bureau:**  
<https://www.consumerfinance.gov/consumer-tools/disasters-and-emergencies/>
- **Rural Development Disaster Assistance:**  
<https://www.rd.usda.gov/resources/rural-development-disaster-assistance>

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# NAHMA

## OTHER NAHMA INITIATIVES

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## Compensation & Benefits Survey

- NAHMA is sponsoring Pearl Meyer's Real Estate Compensation Survey
  - Members of the Pearl Meyer team contact NAHMA members in April/May regarding the annual survey process. Survey submissions are due in June/July. The compensation report is published each October.
  - Participating companies are provided data to benchmark compensation for employees working in the affordable housing industry as well as various facets of real estate.
  - An Executive Summary of the report is provided free to all NAHMA members.

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## Communities of Quality Smart Badges

- Recently NAHMA announced that Communities of Quality (COQ) Corporate Partners could participate in a new free Digital Smart Badge designation and marketing program
- **Now available to ALL COQ Properties**
  - Two Smart Badges – one for the Corporate Web homepage, one for each COQ recognized property Webpage
  - Date dynamic; can't be replicated; clicks to verification page
  - Two step process to implement – 1) send list of website addresses to NAHMA, who verifies with provider (Yoshki) and 2) insert provided code into your approved Webpage code pages



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## Grassroots Advocacy

- **NAHMA advocacy toolkit, grassroots alerts, materials, and activities**
  - Topics include funding, Housing Credit program, rural housing, and senior housing
  - Video testimonials from AHMA and NAHMA members on advocacy experiences
  - Let us know how we can help
- **Watch for our email advocacy alerts!**

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## Contact Info

- **Kris Cook, CAE**  
CEO, NAHMA  
[kris.cook@nahma.org](mailto:kris.cook@nahma.org)
- **Larry Keys, Jr.**  
Vice President, Government Affairs, NAHMA  
[lkeys@nahma.org](mailto:lkeys@nahma.org)

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