



September 23, 2005

SENT VIA U.S. MAIL AND FACSIMILE

Senator Thad Cochran, Chair,
Appropriations Committee
113 Dirksen Senate Office Building,
Washington, D.C. 20510-2402

Senator Robert C. Byrd, Ranking
Member, Appropriations Committee
311 Hart Senate Office Building,
Washington, D.C. 20510

Senator Richard C. Shelby
110 Hart Senate Office Building
Washington, D.C. 20510

Senator Barbara Mikulski
503 Hart Senate Office Building
Washington, D.C. 20510

Representative Jerry Lewis, Chair,
Appropriations Committee
2112 Rayburn House Office
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Representative David R. Obey,
Ranking Member,
Appropriations Committee
2314 Rayburn House Office Building
Washington, D.C. 20515

Representative Frank Wolf
241 Cannon Building
Washington, D.C. 20515

Representative Alan B. Mollohan
2302 Rayburn House Building
Washington, D.C. 20515

Dear Senators and Representatives:

We write on behalf of the Lawyers' Committee for Civil Rights Under Law, the Poverty and Race Research Action Council, the National Fair Housing Alliance, the Leadership Conference on Civil Rights, the Citizens' Commission on Civil Rights, the National Low-Income Housing Coalition, the National Housing Law Project and other civil rights advocates to express our strong support for the \$3.5 billion in emergency Section 8 voucher relief offered by the "Helping to House the Victims of Hurricane Katrina Act of 2005." It has now been over three weeks since Hurricane Katrina struck, and the need for housing voucher assistance is urgent. Displaced families have already waited too long for help to arrive. They should not have to rely on emergency shelters or private charity. Instead, following the model used after the 1994 Northridge earthquake, Congress can authorize immediate and effective relief by locating displaced in existing private housing units through HUD's housing voucher program. We urge the Act's expeditious approval.

Most importantly, this Act would provide immediate financial assistance for an estimated 350,000 families seeking housing on the private market. Moreover, it would also amend certain rules of the Section 8 program to ensure the effective and speedy implementation of emergency relief for both the new vouchers and displaced existing voucher holders,¹ by waiving:

¹ With respect to displaced voucher holders, we recommend additional steps to ensure that the "portability" aspect of the Section 8 program is preserved. First, receiving jurisdictions should be required to bill, rather

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- Tenant rent contributions until displaced families return to work;
- Income eligibility of individuals as well as related income verification requirements;
- Pre-occupancy inspection requirements;²
- Requirements that all leases include a term of 1 year; and
- Restrictions on portability.

S. 1637 – Section 302, proposing amendments to the U.S. Housing Act, adding 42 U.S.C. §§ 1437f(o)(20)(E)(i)-(vi), 1437f(o)(21).

The Act also has other important provisions. It recognizes that, in addition to providing displaced families with resources to use existing housing, federal policy should promote deconcentration of affected low-income families throughout their new communities. Specifically, the Act authorizes HUD and local housing authorities implementing the program to use payment standards up to 150% (or higher if approved by HUD) of the Fair Market Rent for the area. *See id.*, proposing 42 U.S.C. §§ 1437f(o)(20)(G). In addition, to prevent landlords from closing available units to these families, the Act makes discrimination against voucher holders illegal. *See id.*, proposing 42 U.S.C. §§ 1437f(o)(20)(H). Higher payment standards will permit voucher families to relocate more quickly, and enable families to choose housing in areas with better job and educational opportunities. In addition, the anti-discrimination provisions address a long-running problem in the voucher program – that all too often, landlords frustrate tenants' ability to move outside of segregated areas by engaging in subtle or overt discrimination.³

Beyond the urgent need for emergency housing assistance legislation, it is also essential to underscore important civil rights principles for consideration during the federal housing response to Hurricane Katrina. It is crucial that the federal housing response to Katrina avoid concentrating families displaced by the hurricane into high-poverty, segregated neighborhoods. As decades of research have shown, neighborhoods with concentrated poverty offer residents limited job opportunities and low-performing schools, as well as exacerbating a range of social ills. To avoid re-creating such areas and increasing the segregation and poverty concentrations that already exist in some of the communities receiving displaced families, federal and state authorities must scrutinize their housing responses to promote a full range of housing choices. Many displaced families will live in their new communities for an indefinite period of time, and they deserve stable housing in areas with access to opportunity. Providing a range of housing

than absorb, new voucher holders to ensure that assistance provided to victims of the hurricane does not displace subsidies already allocated to the needy in those communities. Second, additional funds should be allocated for administrative costs to ensure that the receiving housing authorities are adequately funded, without taking so much of the administrative funding away from the original housing authorities that will need the funding to rebuild.

² This provision of the Act should make clear that it is not contemplated that HUD or local housing authorities allow vouchers to be used in substandard or poorly maintained housing. Rather, the intention is only to expedite initial occupancy. The legislative history should clearly state that the Act still contemplates vigorous enforcement of HUD's Housing Quality Standards.

³ The Administration's vague notice on emergency housing, issued today, does not appear to address these concerns, or the other issues set out in this letter. We will reserve comment on HUD's proposal as the details become clearer.

choices throughout the receiving cities will reduce the impact on individual schools, increase access to job opportunities, and permit displaced families to become integrated into their new communities.

To promote such safe and stable housing choices and assist families in getting back on their feet, there are several principles that we would urge Congress and the agencies responsible for the federal housing response to consider as they craft a housing response to this disaster:

- Make use of existing housing units on the private market;
- Avoid placement of families in vacant public housing units in high poverty areas;
- Take steps to promote broad participation by landlords in emergency subsidized housing units throughout new communities;
- Utilize mobile homes only where sufficient vacant housing is not available, and ensure that concentration of mobile homes in large, high-density communities is avoided wherever possible; and
- Avoid any exacerbation of existing segregation by monitoring the locations where displaced families are being housed, and the impact, if any, on housing segregation.

As it has done before, HUD should actively promote housing choice for displaced families. One important lesson learned from HUD's response to the 1994 Los Angeles earthquake was the success the agency saw in placing poor families in a wider range of neighborhoods than the areas where vouchers had previously been used. At that time, HUD made a major recruitment effort to attract new landlords to the program, and worked especially hard to find units outside of higher poverty areas. As a result, more Section 8 families in the region came to live in safer, more economically integrated neighborhoods with better schools. In addition to such landlord recruiting, HUD and local housing authorities should offer mobility counseling for displaced families to provide them with information about the various neighborhoods in their new cities – and the benefits of living outside of poor communities. Housing authorities that operate such mobility counseling programs in other areas have found them an effective means to promote desegregation.

Federal agencies should use mobile homes only when communities lack appropriate housing – and should not concentrate them in large trailer parks. While we recognize the need and demand for immediate temporary housing of persons displaced by the hurricane, we have grave concerns that FEMA is focusing the response to these needs almost entirely on construction of a staggering number of mobile homes.⁴ Such an overemphasis on this approach to temporary housing should be reconsidered. Placing mobile homes on owners' current lots is appropriate as a temporary measure, but large housing "parks" – particularly if a large number of trailers are put in a single location – may isolate displaced families and concentrate them with many others who have likely

⁴ See "Critics Fear Trailer 'Ghettos,'" *Washington Post*, Sept. 15, 2005 at A1 (reporting that some 100 mobile homes per day are being sent to affected areas, and a contemplated 300,000 will be sent at a total cost of \$5 billion); "FEMA's City of Anxiety in Florida," *Washington Post*, Sept. 17, 2005 at A1 (describing socioeconomic ills of concentrating families displaced by Hurricane Charley in 500 trailers for the past year).

lost jobs. FEMA must be careful and judicious in its use of any such housing, seeking first to identify the extent to which housing needs can be met through private housing in a jurisdiction before deploying mobile homes. For those areas where alternate housing is not available for displaced families, FEMA should be sure to disperse mobile homes to the extent it can throughout a community. Such a plan should limit racial and socioeconomic segregation both by ensuring that mobile home parks are small, and not located in predominantly minority or high-poverty communities. Indeed, FEMA should site such housing near transportation and job centers to assist displaced families in finding employment, rebuilding their lives, and integrating into their new communities.

Where HUD and housing authorities open public and subsidized housing to disaster victims, they should not compound the barriers facing these families by placing them in high-poverty areas. HUD has recently issued guidance to the local housing authorities directing them to make vacant units available. However, where the units are in substandard condition or in high-poverty neighborhoods, HUD should direct the local authorities to make clear to displaced families that they are not required to accept such units. Instead, agencies should make all families aware of their option to utilize emergency housing vouchers created by the Act. Encouraging families to relocate throughout communities and closer to work and educational opportunities benefits these cities and better integrates the families into the social fabric of their new communities. HUD and FEMA also have a continuing obligation under the Fair Housing Act to monitor their actions to ensure that, to the extent feasible, they are not exacerbating segregation in placing displaced families in temporary or long-term housing.

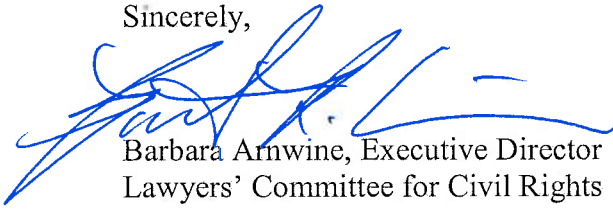
The federal housing response should be coordinated. To ensure that the Administration's housing response to Hurricane Katrina is consistent with respect to these principles, a coordinated approach to housing assistance is crucial. Right now, it appears that HUD and FEMA are playing separate, overlapping roles in providing housing assistance and relief. A single agency should be designated to lead the housing assistance response to the needs of hurricane victims.

The long-term federal response must also incorporate housing choice for displaced residents – and avoid rebuilding a segregated New Orleans. Our comments address the civil rights implications of the initial relocation of hundreds of thousands of families. The rebuilding of New Orleans will raise similar issues, and we look forward to providing input and assistance to the Committee on these issues in the future. Several principles are already clear: first, that all families displaced by the hurricane have the right to return to New Orleans; second, that displaced families also have the right to remain in their new communities; third, that to ensure these rights for the lowest income families, significant federal investment in new affordable housing construction will be needed; fourth, that the federal government must adopt policies that avoid rebuilding a segregated city; and finally that displaced low income residents of New Orleans and their legal representatives should be included in the planning process.

We look forward to providing further views on these long term issues as they evolve.

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