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New Orleans, LA 70130

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Monday, March 18, 2019

Klein Hornig LLP
COUNSELORS AT LAW

RELMAN, DANE & COLFAX PLLC

| TIME | DESCRIPTION | LOCATION |
|-----------------|--|---------------------|
| 1:00pm – 5:30pm | Conference Registration | Iberville Mezzanine |
| 3:00pm – 4:15pm | <p>ROUNDTABLE # 1</p> <p>R1A. Housing People with Criminal Records: A Discussion on the Latest in Litigation, Legislation, and Policy Advocacy</p> <p><i>Marie Claire Tran-Leung, Sargent Shriver National Center on Poverty Law (moderator)</i> <i>Jeff Hearne, Legal Services of Greater Miami</i> <i>Kim Gunning, Columbia Legal Services</i> <i>Kate Scott, Equal Rights Center</i> <i>Natalie Maxwell, Florida Legal Services</i> <i>Laura Schwartz, Regional Housing Legal Services</i></p> <p>This roundtable discussion will feature advocates discussing important initiatives that they have taken on locally to increase housing opportunities for people with criminal records. These initiatives include the campaign to pass Seattle's Fair Chance Housing Ordinance and subsequent litigation challenging the ordinance; the Fair Housing Act challenge to overbroad criminal records screening in <i>Equal Rights Center v. Mid-America Apartments Association</i>; advocacy for more opportunities through the Low Income Housing Tax Credit program; and litigation challenging Miami-Dade County's onerous residency restrictions for people convicted of sex offenses. The discussion will center on lessons learned and will provide an opportunity for attendees to ask questions about similar campaigns in their jurisdictions. Advocates also will discuss what lies ahead and how best to move this work forward.</p> | Iberville A |
| | <p>R1B. Exploring Rapid Rehousing in High-Rent Jurisdictions</p> <p><i>Kelly Shaban, HomeBase (moderator)</i> <i>Jessie Hewins, HomeBase</i> <i>Mac McCreight, Greater Boston Legal Services</i> <i>Debbie Fox, National Network to End Domestic Violence</i> <i>Max Tipping, Washington Legal Clinic for the Homeless</i></p> <p>This roundtable will discuss ongoing efforts to implement rapid rehousing programs in different communities across the country. Panelists and participants will discuss best practices in jurisdictions where this type of intervention has been successfully implemented and will explore strategies for overcoming challenges in high-cost communities. Additionally, this session will cover effective approaches to serving different vulnerable and marginalized populations. Participants will learn different housing options for their clients and ways to work with other advocates on how best to use limited funds and resources.</p> | Royal B |
| | <p>R1C. Navigating the Housing Justice Network: How to Strengthen Your Practice!</p> <p><i>Bridgett Simmons, National Housing Law Project (moderator)</i> <i>Caitlin Humphreys, Legal Aid Society of Hawaii</i> <i>Reina Elisa Saco, Florida Legal Services</i></p> <p>The Housing Justice Network (HJN) is a dedicated community of more than 700 experienced housing advocates who serve on the front lines to advance housing rights. Along with the HJN listserv, the HJN Conference brings together the HJN community for three days of in-person collaboration, sharing resources, exchanging perspectives, and to give support. For many newer housing advocates, the HJN Conference is the first time being in a space centered on housing justice for low-income tenants. This session is a discussion on navigating housing law, the multiple resources available to HJN members, and networking.</p> | Royal C |

R1D. Medical-Legal Partnerships: Prioritizing Health in Housing

Royal D

Abby Khodayari, Bay Area Legal Aid (moderator)
Jia Min Cheng, Bay Area Legal Aid
Karen Cohn, San Francisco Department of Public Health
Alan Siegel, Contra Costa Health Services – West County Health Center
Sara Levin, Public Health Clinical Services

Medical-Legal Partnerships between legal aid organizations and healthcare providers have enabled both sides to create better health outcomes for patients/clients. The partnerships give healthcare providers tools and resources to address the health-harming legal needs of their patients, as well as provide warm hand-offs to legal aid attorneys who can help with housing issues such as habitability and disability accommodations. Additionally, the partnerships reach populations that may not know that free legal help is available and can address problems before they become emergencies. This roundtable will explore how to form a medical-legal partnership, practical challenges such as funding, and how to resolve housing issues using a health lens.

4:30pm – 5:30pm

ROUNDTABLE #2

R2A. A Q&A with HUD's Moving To Work Program Director, Marianne Nazzaro

Royal C

Elayne Weiss, National Low Income Housing Coalition
Marianne Nazzaro, HUD

HUD's Moving To Work (MTW) Demonstration Program grants broad waivers to select housing authorities, enabling them to adopt specialized local policies in implementing their voucher and public housing programs. Currently limited to 39 participating jurisdictions, HUD is in the process of expanding the MTW demonstration to an additional 100 or more public housing agencies. Most recently, HUD published an operations notice for the expansion that would provide participating housing authorities with broad waiver authority to impose rent increases, time limits, and work requirements. This workshop will provide attendees with an opportunity to ask HUD's MTW Director questions about the program's ongoing implementation at the original 39 agencies as well as plans for the expansion and program evaluation.

R2B. How to Work with Your Tax Credit Allocation Agency

Royal B

Mark Schwartz, Regional Housing Legal Services (moderator)
Stockton Williams, National Council of State Housing Agencies
Brian Hudson, Pennsylvania Housing Finance Agency

The Low Income Housing Tax Credit (LIHTC) is the primary federal resource for attracting private investment into the development and preservation of affordable rental housing. LIHTC is jointly administered by the IRS and State Tax Credit Allocation Agencies (Allocating Agencies), of which there are 53. The relationship between Housing Justice Network members and the local Allocating Agencies varies significantly by state. The ability of HJN members to make progress on LIHTC matters, without litigation, is frequently dependent on the relationship that they have, or don't have, with their State Allocating Agencies. The National Council of State Housing Agencies (NCSHA) is the "trade group" for the Allocating Agencies. It frequently publishes reports concerning LIHTC, lobbies in DC concerning LIHTC, communicates with the IRS concerning the need for direction, conducts training for its members, and adopts LIHTC best practices, which it encourages Allocating Agencies to follow. In the past year, Stockton Williams has become the new chief staff person for NCSHA. This presents the Housing Justice Network and its members with a new opportunity to build a more productive relationship with NCSHA and its member Allocating Agencies.

R2C. Energy and Utilities

Royal D

James Grow, National Housing Law Project (moderator)
Kate Walz, Sargent Shriver National Center on Poverty Law
Lisa Sitkin, National Housing Law Project

This roundtable will discuss utility cost burdens, utility allowances, and the impact of energy efficiency initiatives on low-income tenants in federally assisted housing as well as in the private market. Attendees will come away with a better understanding of the challenges tenants face with respect to utility costs, the opportunities and risks posed by energy efficiency projects in multifamily rental housing, and the advocacy and policy tools available to address these issues.

R2D. State Fair Housing Regulatory Options: Moving the Battle to the State Level

Iberville A

Renee Williams, National Housing Law Project (moderator)
Dara Schur, Disability Rights California
Judith Liben, Massachusetts Law Reform Institute

In the face of federal cutbacks, advocates in many states are turning their attention to state and local efforts to preserve and expand fair housing or address other issues. Presenters will provide a brief overview of three innovative state/local responses in California and Massachusetts to federal fair housing policy developments, followed by a discussion of what options may be of interest to participants and what local options are being pursued elsewhere.

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| 6:00pm | Lagniappe Happy Hour - Tiki Tolteca 301 N. Peters Street, 2 nd Floor, New Orleans, LA 70130 | |
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Tuesday, March 19, 2019

| TIME | DESCRIPTION | LOCATION |
|------------------|--|----------------------|
| 7:30am – 5:35pm | Conference Registration | Queen Anne Mezzanine |
| 8:00am – 9:00am | Buffet Breakfast | Queen Anne Ballroom |
| 8:30am – 9:10am | Welcome Presentation of the Housing Justice Award | Queen Anne Ballroom |
| 9:10am – 10:30am | <p>Plenary: Eviction Data in Advocacy</p> <p><i>Shana M. Griffin, Activist and Researcher (moderator)</i> <i>David Finger, Loyola University New Orleans College of Law</i> <i>Xochitl Maykovich, Washington Community Action Network</i> <i>Frank Southall, Jane Place Neighborhood Sustainability Initiative</i> <i>Tim Thomas, University of Washington</i></p> <p>Evictions have long been an under-analyzed aspect of America's deepening housing crisis. As the issue has attracted greater warranted attention in recent years, academics and advocates in several corners of the U.S. have taken steps to gather and analyze eviction data, and find creative ways to use that research in advocating for persons and communities most heavily affected by evictions. This plenary will highlight two specific eviction data mapping and analysis projects, in New Orleans and Seattle, and will explore the different advocacy strategies informed by findings and conclusions from the data. The plenary brings social scientists and advocates together to explore possibilities for collaboration around eviction records research and advocacy in every community. The session will also feature extensive maps and charts, and will touch on access to data and associated challenges related to data collection, data mapping, methodologies of analysis, and ways that data have been used to shape advocacy efforts.</p> | Queen Anne Ballroom |

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|-------------------|--|-----------|
| 10:50am – 12:20pm | <p>WORKSHOP SESSION #1</p> <p>1A. Bridging Fair Housing and Environmental Justice Advocacy</p> <p><i>Megan Haberle, Poverty & Race Research Action Council (moderator)</i> <i>Emily Coffey, Sargent Shriver National Center on Poverty Law</i> <i>Debbie Chizewer, Northwestern School of Law, Environmental Advocacy Clinic</i></p> <p>This panel will focus on key issues connecting fair housing and tenant advocates to environmental justice. It will highlight a forthcoming national report on the proximity of Superfund sites and other highly contaminated land to federally assisted housing and will include recommendations for advocates on how to maximize tenant involvement in the future of their housing. Panelists will describe the relationship of segregation and land use practices to environmental exposures, focusing on the risks faced by people in subsidized housing. We will address lead exposure, Superfund sites, asthma risks, and natural disaster preparedness, and how these issues relate to current housing policy. The panel will also cover local case studies and model solutions to these problems, including: community engagement, litigation strategies, and public policy changes at the local and national levels.</p> | Royal C&D |
|-------------------|--|-----------|

1B. New Frontiers in Affirmatively Furthering Fair Housing

Iberville

Michael Allen, Relman, Dane, & Colfax (moderator)
Cashauna Hill, Greater New Orleans Fair Housing Action Center
Renee Williams, National Housing Law Project

Since 1968, the Fair Housing Act has imposed an obligation on recipients of federal funds to "affirmatively further fair housing" or "AFFH." With the exception of some private litigation (often involving HUD as a defendant), the AFFH obligation remained dormant for more than 40 years. Following the Westchester litigation and settlement, the Obama Administration began to hold the "feet" of entitlement jurisdictions to the AFFH "fire." In 2015, HUD promulgated regulations requiring such jurisdictions to engage in a robust Assessment of Fair Housing (AFH), to identify areas affected by segregation, poverty and lack of access to opportunity. The City of New Orleans completed its AFH in 2017, using a model community engagement strategy. In early 2018, the Trump Administration suspended that obligation for jurisdictions whose AFH due dates had not then occurred, and instructed them to revert to an ineffective, former process for analyzing fair housing impediments. Civil rights groups challenged the suspension, but their motion for a preliminary injunction was denied. In the meantime, California has enacted AFFH at the state level, and advocates there are beginning to enforce obligations on jurisdictions that receive state funds. This workshop will explore how to combine elements of this advocacy at the federal, state, and local levels to secure the promise of AFFH.

1C. Strategies for Preserving and Strengthening Manufactured Housing

Royal A

Lisa Sitkin, National Housing Law Project (moderator)
Lynn Martinez, Legal Services of Northern California
Ishbel Dickens, Formerly of National Manufactured Homeowners Association
Navneet Grewal, Western Center on Law & Poverty

Manufactured housing (including older mobile homes) is the largest source of unsubsidized affordable housing in the U.S., providing shelter for approximately 18 million people. About one third of all manufactured homes in the U.S. are in manufactured housing communities (aka mobile home parks) where the vast majority of residents live precariously as owner-renters, holding title to their homes but renting the lots below them. These residents face a number of threats to their housing security, including predatory financing schemes, title problems, rising rents and uninhabitable conditions, unfair and predatory practices of park owners, and closures and conversions of existing communities. The causes of these problems are complicated, involving gentrification and the pressures of rising land values in certain areas, a long history of exclusionary zoning targeting these communities, selective code enforcement, discrimination against certain groups of residents, the treatment of manufactured homes as personal rather than real property, inconsistent state oversight, and the growing presence of profit-hungry absentee investors as owners of manufactured housing communities. This session will outline several of the major challenges faced by residents of manufactured housing communities and survey key policy and advocacy strategies for preserving and strengthening these communities.

1D. Federal Policy Opportunities and Risks: What Will the Next Two Years Bring?

Royal B

Deborah Thrope, National Housing Law Project (moderator)
Barbara Sard, Center on Budget and Policy Priorities
Noelle Porter, National Housing Law Project
Lisa Cylar Barrett, NAACP Legal Defense and Educational Fund, Inc.

With Democrats in control of the House at least for 2019 and 2020, strong supporters of federal rental assistance will be in charge of key committees. In addition, some positive housing reforms have received bipartisan support in recent years, and a number of Senators have already put forward major affordable housing proposals. Yet HUD continues to be under Republican control, and the Administration is likely to continue to push for funding cuts, rent increases, work requirements, and evisceration of fair housing requirements. This workshop will outline possible opportunities in Congress and at HUD for progress on key issues affecting HUD-assisted renters and those in need of rental assistance, as well as risks. Discussion will aim to identify priority areas for future focus by DC advocates and how HJN partners can contribute.

12:30pm – 2:00pm

Lunch on Your Own

WORKSHOP SESSION #2**2A. Hoarding, Clutter, and Reasonable Accommodations**

Queen Anne

Mary Ellen Natale, South Coastal Counties Legal Services (moderator)
Gavin Bates, South Coastal Counties Legal Services
Cynthia Wallquist, Department of Community Services/Fresh Start Program
Esperanza Alejandro-Berube, New Bedford Housing Authority
*Cheryl Duclos, Department of Community Services/Face to Face Mediation/
 Fresh Start Program*

An inter-disciplinary panel (including a legal services attorney, the director of a unique organization named "Fresh Start" that specializes in helping individuals remove clutter and connecting them with everything from appraisers to movers, and a services coordinator at a public housing authority) will discuss the problem of hoarding in eviction cases. Legal arguments regarding reasonable accommodations will be coupled with practical procedural tips, as well as exciting new ideas in how to propose a treatment plan for these increasingly common cases. The panel will discuss how to make a viable reasonable accommodation request, how to deal with the underlying problem, and also give advocates a landlord's perspective about what sort of information and practical considerations go into addressing these kinds of problems.

2B. Fair Housing and Immigrants' Rights

Royal B

Jamie Crook, ACLU Foundation of Northern California (moderator)
Sara Pratt, Relman, Dane & Colfax
Mayra Joachin, National Immigration Law Center
Anne Bellows, Goldstein, Borgen, Dardarian & Ho

Immigrant communities are particularly vulnerable to housing discrimination, especially in the current political climate and escalating immigration enforcement. Landlords have been emboldened by anti-immigrant rhetoric to mistreat and exclude immigrant tenants. This panel will cover: agency guidance on language access in housing and the current state of public and private enforcement of language access regulations; using disparate treatment and disparate impact theories under the Fair Housing Act to challenge immigration status discrimination as a proxy for discrimination based on race and national origin; other federal and state laws that can be used to protect the housing rights of immigrant plaintiffs; and potential regulatory changes that would limit immigrant families' access to federal housing benefits.

2C. Enhanced Vouchers A to Z: What, Where, and How to Use Them

Royal A

James Grow, National Housing Law Project (moderator)
Rachel Garland, Community Legal Services
Ellen Davidson, The Legal Aid Society
Natalie Minev, Legal Aid Foundation of Los Angeles

As more Section 8 project-based developments are at risk of opting out of continued participation in the HUD subsidy program, either due to gentrification or other market factors, subsidized housing tenants are at risk of displacement and loss of subsidy. Enhanced Vouchers can be a powerful tool to helping tenants remain in their homes for years and sometimes decades. This workshop will cover the statutory basis for Enhanced Vouchers, strategies for finding where they currently exist in your area, understanding how to work with owners, housing authorities and tenants going through the opt-out process, and litigation and advocacy tips for using good cause to protect Enhanced Voucher tenant's right to remain in their homes. The workshop will include an overview of the recent federal case law supporting the right to remain and a blueprint for when and how advocates can pursue this kind of litigation when necessary.

2D. Nuisance Ordinances and Crime-free Housing Policies: How They Work, Who They Harm, and How to Fight Them

Royal C&D

Renee Williams, National Housing Law Project (moderator)
Sandra Park, ACLU Women's Rights Project
Kate Walz, Sargent Shriver National Center on Poverty Law
Joseph Mead, Cleveland State University

Nuisance ordinances and crime-free housing policies purport to discourage crime and promote safety and quality of life within communities. However, recent advocacy and research have revealed that these laws and policies have the opposite effect. These policies discourage residents from reporting and seeking emergency assistance for crimes, including incidents of domestic violence. Nuisance ordinance

and crime-free housing policies also have been used in targeted enforcement efforts against communities of color. This workshop will provide an overview of how nuisance ordinances and crime-free housing policies negatively impact groups who have historically experienced housing discrimination and insecurity, such as survivors of domestic violence, people of color, persons experiencing disabilities, and renters. Panelists will discuss using tools such as litigation, policy advocacy, research, and legislation to combat these harmful laws and policies.

4:05pm – 5:35pm

WORKSHOP SESSION #3

3A. Addressing Housing Barriers in Reentry: Housing Authority of New Orleans's Criminal Background Screening Policy

Royal B

Alexis Erkert, Southeast Louisiana Legal Services (moderator)
Maggie Merrill, Housing Authority of New Orleans
LaToya Lewis, Stand with Dignity/New Orleans Workers' Center for Racial Justice
Dolfinette Martin, Operation Restoration
Hardell Ward, Southeast Louisiana Legal Services

New Orleans has one of the highest rates of incarceration per capita in the world. Criminal background screening policies have long posed a barrier to successful reentry of formerly incarcerated people. In 2016, thanks to local organizing efforts, the Housing Authority of New Orleans (HANO) passed one of the nation's most progressive criminal background screening policies. Workshop participants will hear from two community organizers and a legal services attorney involved in the passage of the screening policy, and will learn from HANO's Director of Asset Management how the policy was implemented and how it works. Panelists will discuss limitations of the policy given the makeup of subsidized housing in post-disaster New Orleans and its impact on the city's formerly incarcerated community.

3B. Key Issues in Disparate Impact Fair Housing Litigation after *Texas Department of Housing & Community Affairs v. Inclusive Communities Project*

Queen Anne

Thomas Silverstein, Lawyers Committee for Civil Rights Under Law (moderator)
Stacy Seicschnaydre, Tulane Law School
Nady Peralta, Legal Aid Justice Center
Jamie Crook, ACLU Foundation of Northern California

In its landmark 2015 decision *Texas Department of Housing & Community Affairs v. Inclusive Communities Project* (ICP), the U.S. Supreme Court recognized the viability of disparate impact claims under the Fair Housing Act. However, dicta in Justice Kennedy's majority opinion has provided fodder for attempts to limit the scope of disparate impact liability and undermine HUD's 2013 disparate impact regulation. In particular, courts have differed on how to apply language from ICP stating that plaintiffs must demonstrate a robust causal relationship between a challenged policy or practice and a statistical disparity. Presenters will discuss recent major developments in disparate impact case law and practical lessons learned from their experience.

3C. If Not RAD, then What? The Future of Public Housing

Royal C&D

Deborah Thrope, National Housing Law Project (moderator)
Kate Walz, Sargent Shriver National Center on Poverty Law
Molly Parker, The Southern Illinoisian
Susan Popkin, Urban Institute
Sara Pratt, Relman, Dane & Colfax

The remaining 1.1 million units of public housing have a documented capital needs backlog of nearly \$26 billion. Many low-income families are living in unsafe and unsanitary living conditions due to the program's chronic underfunding by Congress. The Rental Assistance Demonstration Program (RAD) was created in 2012 to preserve and improve public housing. However, due to their size, administrative capacity, and other factors, many housing authorities cannot utilize RAD as a preservation tool. What does that mean for the remaining public housing stock? What choices do housing authorities and residents have to repair and renovate the properties or seek better living conditions? What can we, as advocates, do to preserve this valuable source of affordable housing while protecting residents from permanent displacement?

3D. Implementing the Violence Against Women Act in Continuums of Care

Royal A

Larisa Kofman, National Alliance for Safe Housing (moderator)
Erin Goodison, SAFE Austin
Laura Evanoff, Ending Community Homelessness Coalition
Cristina Cortes, Los Angeles Homeless Services Authority
Gordon Levine, Louisiana Balance of State Continuum of Care
Debbie Fox, National Network to End Domestic Violence

This workshop will provide a national overview of efforts to implement the Violence Against Women Act's housing protections, specifically Emergency Transfer Policies, in Continuums of Care (CoCs). Our local experts from Austin, Texas, and Los Angeles, California will provide highlights of their CoC Emergency Transfer efforts, including the process for developing the policies, lessons learned in developing them, policy elements that address how the policy operates on the ground, and other practices for housing advocates to consider when working with their CoCs to develop and implement these policies. We will also ask participants to share what is happening in their communities and provide ample time for Q&A.

6:30pm – 9:00pm

NHLP's 50th Anniversary Party

Iberville Ballroom

Wednesday, March 20, 2019

| TIME | DESCRIPTION | LOCATION |
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8:30am – 9:00am

Continental Breakfast

Queen Anne Ballroom

9:00am – 10:15am

WORKSHOP SESSION #4

4A. Preserving Rural Development Rental Housing and Protecting Tenants from Displacement

Royal A

Gideon Anders, National Housing Law Project

This workshop will review the USDA Office of Rural Development's (RD) rental housing prepayment and maturing mortgage processes as well as the RD Voucher program, which is intended to protect residents from displacement when RD rental housing is prepaid. The discussion will focus on how advocates can find out about RD rental developments that are being prepaid or that reach loan maturity, highlight inconsistencies between statutory and RD regulatory provisions, and review recent litigation on prepayments and RD notices on dealing with maturing mortgages. The goal of the roundtable is to enable and encourage advocates to protect residents living in RD developments and to preserve RD rental housing.

4B. Designing, Implementing, and Defending Source of Income Discrimination Laws

Royal Salon

Philip Tegeler, Poverty & Race Research Action Council (moderator)
Branden Butler, Fair Housing Center of the Legal Aid Society of San Diego
Scott Crain, Northwest Justice Project
Denise McGranahan, Legal Aid Foundation of Los Angeles

This workshop will highlight best practices in the drafting and enforcement of source-of-income discrimination laws to protect Housing Choice Voucher families, and will also cover techniques used in successful campaigns to pass local laws, community outreach to introduce a new source-of-income discrimination ordinance to the community, and common attacks on these ordinances by landlord groups, and how to counter them.

4C. RAD Q&A with HUD's Director of Recapitalization, Tom Davis

Royal B

Rasheedah Phillips, Community Legal Services of Philadelphia
Tom Davis, HUD

A question and answer session with HUD's Director of Recapitalization, Tom Davis. Several questions will be sent to Tom ahead of time and there will be time for audience members to ask questions.

4D. Eviction Right to Counsel: How it Works and How to Get It in Your City

Royal C&D

John Pollock, National Coalition for a Civil Right to Counsel
Julia Dalzell, Open Door Legal
Alex Lemberg, Open Door Legal
Martina Cucullu Lim, Eviction Defense Collaborative

With New York City, San Francisco, and Newark leading the charge on adopting a right to counsel for tenants in eviction cases, and with half a dozen other cities pursuing similar measures, the housing right to counsel movement has reached a watershed moment. This panel will address both the "before" and "after" of this remarkable new trend: how cities have obtained this right, how San Francisco is successfully implementing its right to counsel model, and what it's like practicing in a right to counsel jurisdiction. Workshop participants will learn about the significant role of tenant organizing; the role of data regarding eviction rates; the impact of counsel and post-eviction costs; messaging to overcome opposition; and identification and enlisting of key power players. Additionally, participants will learn about San Francisco's developing model; best practices regarding client representation; the importance of developing relationships with opposing counsel; and implementation of right-to-access models and that model's impact on the community.

10:30am – 11:45am

WORKSHOP SESSION #5

5A. The Past, Present, and Future of *Basco v. Machin*

Royal B

Lindsey Siegel, Atlanta Legal Aid Society (moderator)
Martin Lawyer, Bay Area Legal Services
Michael Forton, Legal Services Alabama

The 11th Circuit is reconsidering the decade-old precedent set in *Basco v. Machin* in an en banc review of *Yarbrough v. Decatur Housing Authority*. Over ten years ago, the 11th Circuit determined in *Basco* that a housing authority has the burden of persuasion and must initially present sufficient evidence to establish a prima facie case that voucher holders violated the program rules before terminating them from the program. The *Basco* court further stated that a housing authority cannot meet its burden by basing a decision solely on unreliable hearsay evidence. Terminations that violate these standards are subject to due process challenges in federal court. Since then, advocates have relied on *Basco* and its progeny to challenge voucher terminations that thwart the protections built into the Constitution and federal law. The panelists will explore the precedent that *Basco* set, how advocates have used *Basco* to assist voucher holders, what is at risk in the *Yarbrough* case, and avenues for future advocacy.

5B. Enforcing HUD's Decent, Safe, and Sanitary Regulations

Royal C&D

Marty Orozco, Lone Star Legal Aid (moderator)
Velimir Rasic, Lone Star Legal Aid
Kimberly Brown Myles, Lone Star Legal Aid

Historically, HUD has failed to adequately enforce the decent, safe and sanitary provisions of its housing assistance payment (HAP) contracts. HUD regulations allow the agency to terminate HAP contracts with owners who consistently fail to comply with this requirement. However, HUD has consistently failed to enforce its regulations against owners who are not in compliance. Lone Star Legal Aid's Fair Housing team has recently filed two federal suits against HUD and two Section 8 Project-based apartment complexes in Houston. The suits are based on two claims: (1) The substandard conditions of the apartment complexes violate HUD regulations and (2) HUD's failure to terminate the HAP contract created a prima facie case of racial discrimination giving rise to a claim under the Fair Housing Act. This workshop will discuss both claims in detail and educate advocates and tenant organizers on the research and outreach conducted in anticipation of filing the complaint as well as tenants' rights concerns that have developed since the initiation of the suits.

5C. Hot Topics in Low-Income Housing Tax Credit Advocacy

Royal Salon

Kara Brodfuehrer, National Housing Law Project (moderator)
Steven Sharpe, Legal Aid Society of Southwest Ohio
Hannah Adams, Southeast Louisiana Legal Services
Dina Schlossberg, Regional Housing Legal Services
Ashley Werner, Leadership Counsel for Justice and Accountability

This program will focus on hot topics in Low Income Housing Tax Credit (LIHTC) Advocacy, which include income averaging, state-based advocacy on siting of tax credit properties, good cause compliance, and other litigation issues. The organizers hope that attendees will also come ready to discuss their work around LIHTC and share their experiences.

5D. Legal-Organizing Partnerships: Building Cases and Changing Laws

Royal A

Shamus Roller, National Housing Law Project (moderator)
Erik Crawford, Public Housing Communities
Xochitl Maykovich, Washington Community Action Network

Lawyers and organizers have different tools to accomplish political change but can be tremendous partners. Given the growing inequality in our country and rising housing costs, lawyer-organizer partnerships will be essential to advance housing justice. Fortunately, tenant organizing is on the rise and many community organizing groups are focusing more effort on housing issues. This workshop will investigate how to best structure relationships between organizers and lawyers and how to navigate the different approaches to social change. The workshop will dive into the challenges of these partnerships and tell the stories of great successes. We will discuss roles, decision-making processes, organizing models and community lawyering.

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| 12:00pm – 2:00pm | <p>Luncheon Presentation of the David B. Bryson Award</p> <p>Keynote Speaker: William P. Quigley Loyola University College of Law Professor of Law and Director of the Loyola Law Clinic & the Gillis Long Poverty Law Center</p> | Queen Anne Ballroom |
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2:15am – 3:30pm

WORKSHOP SESSION #6

6A. Wait a Minute: Slowing Down Criminal Activity Eviction Cases to Find the Truth

Royal C&D

Lawrence McDonough, Dorsey & Whitney LLP (moderator)
Mac McCreight, Greater Boston Legal Services
Fred Fuchs, Texas RioGrande Legal Aid

Defending evictions claiming criminal activity in public and subsidized housing remains mysterious and complicated to many legal services attorneys. The decision in *HUD v. Rucker*, 122 S. Ct. 1230 (2002), led many to believe that tenants facing such claims have no choice but to move. To the contrary, tenants have many available defenses from federal, state, and local law, which are easy to overlook. We will discuss the required eviction elements for each housing program and relevant defenses, using examples to aid in issue spotting, efforts at federal, state, and local levels to develop more appropriate eviction policies, and recent developments.

6B. Unusual Suspects: Who Can Sue and be Sued under the Fair Housing Act

Royal Salon

Susan Silverstein, AARP Foundation Litigation
Eric Dunn, National Housing Law Project

The Fair Housing Act (FHA) does not define who may sue or who may be sued for violating its substantive provisions. Rather, it provides a framework focused on prohibiting discriminatory practices. Any “aggrieved person” who has standing can bring a complaint. The FHA indicates that anyone who violates the FHA can be sued. Legal services and other attorneys have used this expansive framework to seek and obtain remedies for a range of housing and neighborhood-related harms that their clients have suffered based on race, disability, or other protected class that can be fairly traced to a defendant’s policy or action. For instance, in one case, a district court held that plaintiffs who were Medicaid recipients with mental disabilities and were turned away after applying to a low-income housing tax credit program could sue the State Medicaid program based on claims that its Medicaid Waiver violated the FHA. In another case, plaintiffs are using the FHA to hold a credit reporting agency accountable for discrimination. Participants will also discuss potential ways to use the FHA to reach practices of current concern to their communities.

6C. Lessons Learned from Hurricane Katrina for Housing Lawyers

Royal A

Steve Fischbach, Virginia Poverty Law Center (moderator)
Ranie Thompson, CrescentCare
Laura Tuggle, Southeast Louisiana Legal Services
Colette Pichon Battle, Gulf Coast Center for Law & Policy
Cashauna Hill, Greater New Orleans Fair Housing Action Center
John Jopling, Mississippi Center for Justice

Man-made climate change is causing an increasing number of extreme weather events that disrupt communities across the nation. Hurricane Katrina was one of the most disruptive climate change related disasters in recent history, and Gulf Coast legal advocates had to adopt to a series of rapidly changing legal problems faced by affected low-income residents. In this workshop, the rapidly changing housing problems suffered by victims of Hurricane Katrina will be profiled starting with accessing emergency housing assistance administered by the Federal Emergency Management Agency, and the destruction of low-income housing units – public, subsidized, and privately owned apartments. Once rebuilding began, government officials made choices that resulted in a reduction of public and subsidized housing units, preventing many low-income evacuees from returning home. Subsequent decisions favoring the development of upscale housing led to additional displacement of low-income residents through gentrification. Panelists will discuss these issues in detail focusing on the lessons that legal aid housing lawyers can learn from the experience of Gulf Coast legal advocates.

6D. Expanding Housing Mobility and Implementing Small Area Fair Market Rents in the Housing Choice Voucher Program

Royal B

Andrea Juracek, Housing Choice Partners (moderator)
Natalie Maxwell, Florida Legal Services
Elizabeth Julian, Inclusive Communities Project
Maxwell Ciardullo, Greater New Orleans Fair Housing Action Center
Megan Haberle, Poverty & Race Research Action Council

Housing mobility programs assist families with Housing Choice Vouchers that want to move from high-poverty to low-poverty neighborhoods. These programs have traditionally been included as remedies in public housing desegregation programs, but have recently become more widely adopted as housing authorities try to address the intense geographic concentration (and segregation) in some of their voucher programs. This workshop will address a variety of topics related to housing mobility, including the implementation of the mandatory Small Area Fair Market Rents rule, the importance of landlord outreach, the relationship between the obligation to affirmatively further fair housing and housing mobility, the "Mobility Works" technical assistance group, the Housing Mobility Demonstration bill, and the future of the Housing Choice Voucher program.