

Harris County Housing Policy Advisory Committee

Housing Policy Legislative Priorities

March 17, 2021

Safe, resilient and affordable housing is the key to building and maintaining healthy neighborhoods and communities. Recent disasters have made this even more evident as Harris County continues to grow in population and the scarcity of land, aging infrastructure, and threat of future disasters impact the County's housing market and make it more difficult for low and moderate income households to find quality, affordable housing. Likewise, housing stability provides the foundation upon which individuals and families can thrive. Without a home, children have difficulty learning in school; people with disabilities live less independently; seniors face greater health challenges; and low-wage working families have difficulty holding onto jobs, let alone moving up the economic ladder. Housing is increasingly recognized as one of the key social determinants of health and well-being, as recognized in the Harris Cares report, as well as by national studies and reports¹.

The Harris County Housing Policy Advisory Committee (Committee) is committed to advancing housing policy, programs and investments as a part of the Committee's mission. Likewise, the Committee is committed to advancing the County's goal of increasing access, incentivizing and investing in quality, affordable and flood resistant housing. Legislative priorities are based on both the Committee's mission and county's goals, and were identified by analyzing the bills that were introduced during the 86th Texas Legislative Session, review of previous legislative priorities supported and/or opposed by the County, as well as feedback and input of Committee Members. The priorities fall into the following seven general priority areas:

Priority Area	Recommended Policy Solutions	
	@ State Level	@ Federal Level
Preserving Affordability	<ul style="list-style-type: none">• <u>Community Land Trust</u>- support expansion and continued authorization for the provision of community land trust as a means of preserving affordability, including provisions addressing property tax assessments on these properties.• <u>Homestead Preservation Districts</u>- support authorization of Counties to create homestead preservation districts as a means mitigating displacement of low- and moderate-income homeowners at risk of losing their homes due to	<ul style="list-style-type: none">• See solutions for LIHTC and HCV Programs listed below.

¹ Housing And Health: An Overview Of The Literature," Health Affairs Health Policy Brief, June 7, 2018. DOI: 10.1377/hpb20180313.396577; https://d155kunxf1aozz.cloudfront.net/wp-content/uploads/2014/07/SocialDeterminantsofHealth_2014.pdf ; <https://www.huduser.gov/portal/pdredge/pdr-edge-featd-article-101017.htm>

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	<p>new development and gentrification; should be considered as a strategy protecting against long-time residents of neighborhoods at risk of displacement.</p> <ul style="list-style-type: none"> • <u>Preservation Strategies for Naturally-Occurring Affordable Housing</u>-support measures that would maintain affordability of naturally-occurring affordable housing specifically. 	
Funding for Affordable Housing and related supports	<ul style="list-style-type: none"> • <u>Dedicated Funding Resources</u>- support dedicated funding streams from the fees or other State resources, and expanded County authority for Affordable Housing • <u>Private Activity Bonds</u>- support increased maximum dollar amount for private activity bonds for qualified residential rental projects from \$20 million to \$30 million. • <u>Healthy Community Collaborative Grant Program</u>— support the revisions to the HCCGP to allow the use of local and federal resources, and local in-kind resources as eligible match to further efforts to serve vulnerable populations. 	<ul style="list-style-type: none"> • <u>HUD Funding</u>—support increased funding to HUD programs that further the creation of more affordable housing, specifically the HOME Investments Partnerships Program, and the Community Development Block Grant (CDBG) Program. • <u>Reforming Disaster Recovery Funding</u>—support the approval of the Reforming Disaster Recovery Act which creates permanency for CDBG-DR resources following federally declared disasters and includes the direct allocation of such funds to entitlement communities.
Low Income Housing Tax Credit (LIHTC) Program	<ul style="list-style-type: none"> • <u>Removal of barriers</u>- support the removal of regulatory barriers including but not limited to scoring related to State Representative letters of support; and oppose legislation that places further barriers on the program; • <u>Supportive Housing</u>—include minimum requirement of no less than \$1 million per project per calendar year for housing credits that support developments that provide supportive housing. • <u>Ownership at Transfer/Sale</u>—expand the type of entities eligible to purchase LIHTC properties within the first 60 days of notice to include public housing authorities and public facility corporations. 	<ul style="list-style-type: none"> • <u>LIHTC</u>—protect and continue support for enhancements to the LIHTC program that allow for the continuation and operational improvement for one of the most successful affordable housing development tools ever created.

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	<ul style="list-style-type: none"> • <u>Flexibility to Amend QAP in cases of Disaster</u>- expand QAP to allow TDHCA to amend Qualified Allocation Plan at any time after a disaster occurs. 	
Housing Development Practices	<ul style="list-style-type: none"> • <u>Public Private Partnerships</u>—Add Affordable Housing as a qualifying project for public-private partnerships in state law. • <u>County Land Banking</u>- support authorization of Counties to establish land banks as a means for providing affordable homes and promoting affordable housing development. • <u>Prohibition on Exclusionary Loan Provisions</u>-support the banning of loan provisions to housing providers by lenders that exclude certain protected classes from living in the developments to which the loan applies, such as provisions banning Section 8 voucher-holders from living in the development. • <u>Economic Development</u>-support measures that increase the economic vitality and opportunity in neighborhoods, especially those which have seen historic underinvestment for decades. 	<ul style="list-style-type: none"> • <u>Housing as Infrastructure</u>—support the adoption of housing as a part of any federal infrastructure funding program to ensure that resources are made available to increase the ongoing financing for the development of both homeowner and rental housing.
Protections/ Benefits for Specific Populations	<ul style="list-style-type: none"> • <u>Income Discrimination Ban</u>-support the repeal of the laws protecting source of income discrimination in housing, with language addressing the issue of certain loan provisions banning the use of certain renter subsidy programs in the development to which the loan applies. • <u>Update State Fair Housing laws</u>-support updates that address gaps in state law regarding housing discrimination and aligns the Texas Fair Housing Act with the Federal Fair Housing Act. • <u>Survivors of Domestic Violence</u>- support changes to law that protect survivors of family and domestic violence. 	<ul style="list-style-type: none"> • <u>Federal Changes to Section 8 Housing Choice Voucher Program</u>-support reforms to the Section 8 voucher program to alleviate the bureaucratic burden placed on landlords, thereby increasing participation in the program and discouraging income discrimination. • <u>Fair Housing</u>—support the adoption of rules to implement local fair housing plans that address inequity and discrimination and that see strategies and goals to eliminate such practices that continue discriminatory housing patterns.

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	<ul style="list-style-type: none"> • <u>LGBTQ Anti-discrimination Laws</u>- support changes in law that bans discrimination based on sexual orientation or gender identity in housing. • <u>Homeless Persons</u>- support exemptions for people experiencing homeless from having to pay a fee for issuance of driver’s license or personal identification certificate. • <u>Persons at Risk of Displacement</u>-support strategies that prevent long-time residents of certain neighborhoods from being displaced due to economic pressures and development in and around that neighborhood, while also understanding that characteristics such as the residents’ age play a role in displacement pressures on the household. • <u>Formerly Incarcerated Persons</u>-oppose measures which would increase the burdens placed on formerly incarcerated persons in finding quality, affordable housing after being released from incarceration. • <u>Veterans</u>-oppose attempts to weaken safety net and support programs provided to veterans by the state. • <u>Students</u>-support measures which address student housing exploitation by developers, the effects of such exploitation on neighborhoods surrounding the college or university campus, and student debt that financially handicaps students for years after graduation. 	
Renter Specific Protections	<ul style="list-style-type: none"> • <u>General Protections</u>- support protections for renters that stabilize housing access, safety and fairness: <ul style="list-style-type: none"> ○ Support protections for renters that choose to terminate a lease with proper notice after a casualty loss not caused by tenant or tenant’s visitors. ○ Notification of flood plain/prior flooding; 	

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	<ul style="list-style-type: none"> ○ Clarify what fees are considered reasonable under current law with specific focus on what can be claimed by landlord as damages related to tenant’s failure to pay on time, understanding that the people typically involved in determining which fees are reasonable are those parties involved in the contract agreement; ○ Prior notice period before accessing an occupied unit; ○ Require landlords to accept one additional method payment other than cash for which landlord cannot charge a fee; ○ Payments applied to rent first- requires payments be first applied to unpaid rent first instead of fees, charges, and other sums owed; bars late fees on charges other than rent; and requires landlords to maintain a written record of payments and fees assessed that may be available upon request by the tenant. There exists an understanding from HPAC that the order of the application of payments from tenants to charges incurred by those tenants is typically decided between those parties involved in the contract agreement. ● <u>Tenancy Assistance Center</u>—support authority for local governments to create tenancy assistance center that will provide legal representation to indigent tenants that are low-income and/or disabled or elderly. 	
Tax Policies that further Affordable Housing	<ul style="list-style-type: none"> ○ <u>Property Tax Exemptions</u>-support property tax exemptions for those who purchase a property for the purpose of constructing a certain amount of affordable housing units. ○ <u>Property Tax Liabilities</u>- support the extension to ten years that a charitable organization is exempt from property tax 	

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	<p>liability for a property acquired or transferred for the purposes of affordable housing construction.</p> <ul style="list-style-type: none"> ○ <u>Community Land Trust Assessments</u>—considering that property taxes are one factor in increasingly unaffordable housing, support measures that ensure property taxes do not undo the affordability benefits provided by CLTs. ○ <u>Homeowner Property Tax Relief and Homeowner Delinquent Property Tax Collection Flexibility</u>—support the passage of legislation that balances the tax burden in a more equitable way, and provide the county with the flexibility to recover cost associated with collection of delinquent property taxes at a reduced cost to taxpayers. 	