



New York State Rural Housing Coalition, Inc.

October, 2020

State Responds To Fair Housing Rollback

When the federal government recently instituted changes in Fair Housing activities that effectively gut the protections of the federal law passed in 1968, Governor Cuomo launched a statewide effort to analyze and address housing disparities in New York, the Fair Housing NY initiative.

Since 2015, the US Department of Housing and Urban Development required recipients of HUD funding to assess fair housing in their communities every 3 to 5 years, and develop meaningful actions to reduce segregation and unequal access to opportunity that results from segregated living patterns. The federal administration has proposed relaxing the requirements of the Affirma-

tively Furthering Fair Housing rule.

In Governor Cuomo's response, New York will continue to adhere to the standards outlined in AFFH. As part of the assessment process, the Fair and Equitable Housing Office at HCR will assess the results of surveys of the public and stakeholders such as service providers, housing nonprofits, local government officials, and developers. The analysis is scheduled to be released in early 2021. The surveys, including versions in Spanish, Russian, Chinese, Korean, Bengali, and Haitian Creole, are found at <https://hcr.ny.gov/fairhousingmattersny#surveys>.

In addition, the Housing Stability and Tenant Protection Act of 2019

includes a number of Fair Housing features, including a prohibition on using source of income as a determinant in tenant selection, and prohibits housing providers receiving state funds from automatically denying applicants on the basis of a negative credit history or a history of involvement with the justice system.

Jurisdiction for the state's policy enforcement is shared between HCR and the Division of Human Rights. The first workshop in the Fair Housing Track of the Stronger Together Conference will be Fundamentals of Fair Housing, on October 5th, at 10:30 AM. Register at www.conference.habitatnys.org.

That Other Eviction Moratorium

While New York operates under a Gubernatorial Eviction Moratorium, the CDC issued its own moratorium on September 4th. The order was issued to prevent the displacement of tenants and increasing occupancy in congregate living arrangements and homeless shelters that would cause the spread of the Covid 19 virus. You might be curious about what that order requires:

- Applies to residential property;
- A landlord, owner of a residential property, or other person with a legal right to pursue eviction or possessory action shall not evict any covered person from any residential property in any State or US territory in which there are documented cases of COVID-19;
- The tenant must complete a declaration to the landlord about their inability to pay full or partial rent, and that homelessness will result from eviction;

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Bits and Pieces...

Nonprofit Resource Center

Nonprofits in the Southern Tier may qualify for free capacity building services, such as training, from the Appalachian Regional Commission. The deadline to apply is October 9th. Apply through the Appalachian Resource Center at www.arc.gov.

USDA Updates Covid Guidance

The Department of Agriculture issued new guidance on September 9th, updating information on resources for rural residents, businesses and communities affected by Covid 19. The guidance is found at www.rd.usda.gov/sites/default/files/USDA_RDSA_COVID-19CUMULATIVEFactsheet_09_09_2020.pdf?fbclid=IwAR3nKA6lRDzkkqQ6VJLifJE9UJDKnPDda8lTyjHGYObILOjFwgYcTDKLfDM.

Home Sales Continue Strong

Record low home mortgage interest rates continue to drive a hot home purchase market, making it a challenge for first time lower income homebuyers to compete to lock in a home. The all-time low rate, averaging 2.86%, was set in mid-September for a 30 year fixed. While ticking up a bit in the last couple of weeks, the rates are still very low. Compared to a year ago, the payment on a \$400,000 loan is \$160 per month less. Home sales are expected to remain strong throughout the fall.

Complicating matters, lack of inventory is driving price increases, and days on market has decreased nationally. The inventory of homes for sale was down 39% in the week ending September 19th.

APRs Due

RPCs are reminded that Annual Reports are due, and must be received by HCR before RPC payments for the coming program year can be issued. APRs must be received by the end of December, at the latest.

Federal and US military employees can support the Rural Housing Coalition through the annual Combined Federal Campaign (CFC). If you are a federal government or military employee and would like to donate through the CFC, please enter CFC code #9614 on your pledge card during the next fund drive.

2020 Conference Set To Launch

Stronger Together, the virtual training conference of the Rural Housing Coalition in partnership with Habitat for Humanity of NYS, will begin bright and early on the morning of October 5th. This is a reminder that you need to register in advance!

This year, we have an amazing array of workshops, and you don't have to choose between them. There will only be one workshop going on at a time, and the conference will stretch into the second week of November.

All attendees will be automatically registered for the keynote presentation on October 9th. For those of you who have never heard Tyrone Muse speak, you are in for a treat. Mr. Muse is the CEO of Visions Federal Credit Union, which serves New York, New Jersey and Pennsylvania.

This conference has something for everyone, whether you are looking for information on how to finance a new apartment complex for homeless persons, or you are a newly hired construction manager for an owner-occupied housing rehab program using HOME funds. Are you a board member, looking for guidance on how to keep your organization in good shape? Yes, we have that covered!

Learn more about the course offerings and register at www.conference.habitatnys.org. Please note, the registration will not be shut down once the workshops begin. You will be able to register for sessions almost to the last minute, into November, in case you realize that you missed registering for a session that appeals to you. **See you online!**

Why Are Fannie And Freddie Still In Conservatorship?

An article in National Mortgage News is critical of the continued conservatorship of Fannie Mae and Freddie Mac. The two secondary mortgage market giants were placed in conservatorship in 2008 in the midst of the mortgage crisis. Twelve years later, they remain there because profits are siphoned off, preventing them from building capital or accumulating reserves. The NMN opinion piece notes that the diverted profits can thus be used for federal spending on non-housing purposes. To read the entire article, visit www.nationalmortgagenews.com/opinion/fannie-freddie-lessons-learned-the-folly-of-the-gse-profit-sweep.

Mental Health And The Pandemic

The Governor's Office is researching how the pandemic has impacted the affordable housing community from a mental health perspective over the last 7 months. This research is part of an effort to build resiliency across the state in the face of catastrophic events.

Consultants are working with the Governor's office on strategies for building resilience in programs. They are still collecting information from the field on what essential workers have experienced related to mental health, both in the workplace and among your clients, as well as ideas for mitigating the negative mental health impacts in times of crisis. If you would like to contribute information to help this analysis, please contact colin@ruralhousing.org to be put in touch with the consultants.

HMDA Data Shows Progress Stalled In Home Mortgages

According to an article in American Banker, 2019 Home Mortgage Disclosure Act (HMDA) data shows denial rates for home mortgage applications continue to follow historical patterns for racial disparities in conventional loans. The study was conducted by the Consumer Finance Protection Bureau, and also found gaps based on race and ethnicity in interest rates and refinance volumes.

Financial regulators use the HMDA data to refer potential redlining claims to the Department of Justice. In 2013, a similar study was conducted by the Federal Reserve, before authority for the HMDA data was transferred to the CFPB under the Dodd Frank Act. That analysis showed disparities nearly equal to the disparities shown in this latest study. In addition, the study only focused on Conventional mortgage lending backed by Fannie Mae and Freddie Mac, rather than the entire mortgage market. Roughly 53% of black borrowers get nonconventional loans from the Federal Housing Administration and the VA. The study shows that minorities pay around 25 basis points in higher interest rates than white borrowers with the same credit score.

While many experts expected the CFPB to conduct an aggressive analysis using new data points on creditworthiness to help explain persistent lending disparities over the decades, the CFPB instead called for more research and analysis. Experts expressed surprise that CFPB claimed further analysis was beyond the scope of the study, since the Bureau has sole oversight of HMDA data.

Supporting Both Tenants and Housing Providers Through The Landlord Ambassador Program

In November of 2019, RUPCO Inc., the Kingston based RPC and leading provider of and advocate for quality, affordable housing, and community development programs was selected as one of six community-based organizations to help owners of small and mid-sized multifamily buildings of 5 to 40 units of housing take advantage of funding through the state office of Homes and Community Renewal's (HCR) small building participation loan program.

RUPCO, together with Enterprise Community Partners Inc. and HCR launched the Landlord Ambassador Program (LAP). The pilot program is planned to help stabilize properties that are at risk of financial or physical deterioration. LAP provides property owners willing to enter into a regulatory agreement with deep Technical Assistance (TA) to access low-cost financial resources, plus operational and physical building support. This TA allows for housing providers to develop a team to address the complex multiple layers of multifamily and multi-unit homeownership.

The pilot program was specifically designed for and used by larger housing developers in NYC. The program started downstate as a demonstration program in June of 2017 with three not for profits to cover a Citywide area with specific community focus areas in south-central Bronx, northern Manhattan, and central-eastern Brooklyn. The demonstration pilot resulted in a total of 39 properties submitting applications for funding with seven receiving funding.

An important aspect of TA was the intention to assist housing pro-

viders to address issues like building code violations and tax arrears. Downstate, the program was used in that way by transitioning to new ownership. LAP expanded opportunities for preservation-focused housing developers to acquire occupied, distressed multifamily housing stock, addressing both code violations and tax arrears in the process. Of the 77 active participant's downstate, 42% have seen some reductions in code violations and a 21% reduction in total outstanding arrears. In the mid-Hudson Valley, RUPCO devoted more energy on helping providers create stabilization plans to address emergency situations like an antiquated heating system or leaking roofs. RUPCO assisted in developing plans for long-term physical, financial and operational stability through the use of a financial proforma listing current operating income and expenses.

The real meat and potatoes of this program is the TA provided to current owners through property inspections to assess building conditions and make recommendations that often lead to providing a list of resources outside of the LAP program such as the NYSERDA Home Performance with Energy Star program or other forms of incentives, grants or subsidized loans that are attractive reinvestments to the owners of multi-family property. As part of this TA, we also provide referrals to qualified general contractors, architects/engineers, attorneys, and state and federal energy related programs. RUPCO provides critical information on multifamily building best practices through a "toolkit" for all active LAP participants.

Part of the LAP program is

meant and designed for potential first-time buyers to use the HCR funding for the acquisition of multifamily properties. Both Kingston and Newburgh are rural cities of renters. In Kingston alone 53.3% of the population are renters.

Over the past several years, we have seen an influx of large developers, mainly from downstate, coming into Kingston and purchasing many of the larger multifamily buildings leaving very little if any for the small investor. These older market rate rental properties are part of the naturally occurring affordable housing ("NOAH") in our communities that have been home to seniors and families who have housing choice vouchers. With these acquisitions came steep rental price increases. According to some reports, rents were increased by 40% or sometimes more than \$300 a month. (www.dailyfreeman.com). The end result is that some lifelong residents of the city are being forced to move north, or look outside the city to more rural areas where rents are more affordable.

For the housing providers that are inclined to keep their current tenants and maintain their long term investments, this program is hard to embrace. They either have properties that are below the unit requirements of the program, or they are looking for actual grant funding in order to modernize heating and cooling systems, replacing aging roof tops, get newer double pane windows, or even resurface the driveway. But even if they were to use this program, the total cost of doing even these types of upgrades fall below what the threshold for LAP program funding.

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Career Opportunities

Grant Administrator/Community Development Consultant

Thoma is seeking a highly motivated self-starter to administer both State and federal grant programs and projects. Some knowledge of grant sources such as the Community Development Block Grant Program, NY Main Street, and NY Affordable Housing Corporation is helpful, but not required. The Grant Administrator will be able to work on multiple programs or projects at the same time and will be able to work with Thoma team members, the public, and municipal officials. The Grant Administrator will be responsible for implementing grant programs or projects after grant award from the preparation of grant acceptance documents to formulating processes or procedures for implementation, to maintenance of files and databases necessary for preparing reports. The position may require some meetings with public

speaking and field work. The successful applicant should have good research skills; the ability and willingness to educate themselves as to the various grants, grant processes, and compliance requirements; and ability and willingness to learn on the job. The successful applicant will also have effective administrative skills including exceptional organizational skills. Excellent written, verbal, and interpersonal communication skills are required. A minimum two-year degree and 1-3 years of administrative experience is preferred. Salary will be commensurate with qualifications and experience. How to Apply: Please send a cover letter and resume, including salary requirements, to Thoma Development Consultants, 34 Tompkins Street, Cortland, NY 13045, or email us at TDC@thomadevelopment.com. EOE.

Senior Community Manager

Conifer Realty has an immediate opening for a Senior Community Manager in Rochester. Southeast Towers is currently undergoing the largest redevelopment in Conifer's history and upon completion, the property will consist of 376 fully renovated apartments split between two buildings.

Successful candidates will have a minimum of 5 years experience in apartment management and affordable housing compliance, including HUD Section 8 experience. Experience in LIHTC, HOME, Sec. 236 helpful. An Associates degree required, Bachelor's degree preferred. Certified Occupancy Specialist and

Tax Credit Specialist certifications. Bilingual in Spanish preferred. This position will lead the site team, and be responsible for meeting occupancy goals. The position reports to the District Manager, and works closely with partners in compliance, property management, property finance, human resources, and outside housing authority representatives.

Housing Counselor

Better Community Neighborhoods, Inc. has an opening for a housing counselor in Schenectady. The position requires a BA/BS and 2 years RE experience. The position manages a caseload of financial capability counseling, pre- and post-purchase and foreclosure clients. Must obtain HUD certification in 24 months. This is a full time position, 40 hours per week to be performed on site. The Housing Counselor must be available to work flexible hours (evening and Saturday) to accommodate the needs of clients. The Housing Counselor will be required to travel nationally to attend training and maintain certifications.

Benefits package includes health and dental, vacation and sick leave. To view the full job notice, visit www.simplyhired.com/search?q=affordable+housing+development&job=OY4tK4G-75slzyBfLWrTxM-DEv_HNFPAEJcPqn_k8LymUc6-qO-ouhRw. EOE

The salary range is \$72,000 to \$97,000 per year. Benefits include paid time off; 401K with company match; medical, HSA, dependent care Flex account, dental, vision; company-paid life, short and long-term disability insurances; and a wellness program. Apply via the website link: www.careersatconifer.com and scroll to job #NY20157.

EOE

The New York State Rural Housing Coalition is happy to be able to provide help wanted advertising opportunities for our members and non-profit community development agencies. Ad copy must be provided in Microsoft Word format, and may be transmitted by email to rhc@ruralhousing.org. Ad copy must comply with federal and state equal opportunity requirements to be published, and must be received by the 25th of the month to ensure placement in the succeeding issue of Rural Delivery. Ads provided in this fashion will also be posted in the Career Opportunities page of the Coalition's website, unless a request is specifically made not to place the advertisement on-line.

Delivering Rural Broadband Is A Must

By Rep. Antonio Delgado

Every day, I hear from folks across my district in upstate New York about their inability to access basic broadband. These conversations range from students who are unable to reach the virtual classroom, to seniors in search of telemedicine services, to small business owners looking for new ways to connect with customers in the digital age.

The COVID-19 pandemic has made it abundantly clear that affordable high-speed coverage cannot be a luxury for the few. Instead, it must be treated as a basic utility and made available to every American. Just as housing and education are critical to reach the American Dream, so too is reliable broadband access. We need to treat it as such.

These are not new concerns for our community. This time last year, I held a rural broadband field hearing at Columbia-Greene Community College in Hudson, where I invited Commissioner Geoffrey Starks of the Federal Communications Commission (FCC) to meet with folks across NY-19 and discuss how

their lives have been impacted by a lack of high-speed internet in our area.

During this conversation, Commissioner Starks heard from small business owners, educators, medical professionals, electric co-op owners, and people throughout our region about how the scarcity and cost of rural broadband impacts their businesses and day-to-day life. Even a year ago, before the pandemic, it was clear that the digital divide was holding back our rural communities.

In conjunction with these concerns, I have been laser focused on addressing flawed broadband maps, a key first step when it comes to tackling this issue. For too long, the federal government has relied on “census block mapping” when collecting data to determine where to allocate funding for broadband projects. The approach assumes that if one house in a census block has broadband access, then every house in the entire block can receive service. This does not work however, when attempting to accurately account for rural areas, which lack dense populations. That’s why, when the House considered federal

funding legislation last year, I included an amendment that would bar the National Telecommunications and Information Administration from relying solely on census-block data for broadband availability maps.

Building off this amendment, I’ve since introduced a legislative package designed to close the digital divide. The first bill, the Broadband Speed Act, would require internet service providers to annually report data to the FCC showing the actual speeds they are providing to consumers as opposed to what they can potentially provide within 7-10 business days. The bill would also require that new FCC funding awards be built out at speeds of 100 mbps or higher to ensure that they are future-proof. The second bill, the Community Broadband Mapping Act, would allow local governments and concerned citizens to access grant funding to make their own broadband maps to challenge FCC data. This package, along with my amendment, represent important steps for fixing these maps and expanding broadband throughout our area.

Congressman Delgado has represented New York’s 19th Congressional District since January, 2019. He lives with his family in Rhinebeck, in Dutchess County.

HUD Announces

Lead Awards

HUD announced the grantees for the latest round of lead hazard remediation funding on September 25th. Of the 5 New York grantees, all were cities, with the exception of Chautauqua County, which received an award of \$3 million. See the announcement at [www.hud.gov/press/press_releases_media_advisories/ HUD_No_20_157](http://www.hud.gov/press/press_releases_media_advisories/HUD_No_20_157).

Food Truck Expands And Opens Shop

The operator of a food truck recently opened a retail outlet in the downtown of the Village of Lima, in Livingston County. The expansion of Jonny B’s Custom BBQ into a storefront was made possible by a \$21,000 Community Development Block Grant loan from Livingston County. The county capitalized a microenterprise support program with \$200,000 from NYSHCR’s CDBG program.

Jon Belec, owner of Jonny B’s, used the funding to purchase restaurant equipment to establish the

storefront kitchen, which supports the food truck, counter service, and the catering business. Future expansion plans include a sit down restaurant featuring Southern cuisine and live music.

Livingston County’s Dream-O-Vate program has used the CDBG award to assist 9 businesses. All of the businesses are located near downtown districts. For more info, visit: <https://hcr.ny.gov/news/new-york-state-homes-and-community-renewal-announces-grand-opening-jonny-bs-custom-bbq-lima>.

Landlord Ambassador Program, Cont.

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While COVID 19 has magnified the essential role that housing providers play in our communities, it has also significantly impacted the ability of some tenants to pay their rent. Sharing economic concerns, many housing providers are not in the position to take on more debt and reinvest in their properties at this time. Thankfully, some housing providers are using this as an opportunity to foster a better relationship with their tenants by understanding the difficulties the tenants are having during this extremely difficult time.

RUPCO quickly recognized the need for a programmatic pivot to support both the Tenant and the provider through the use of the LAP program. Providers are working hard to address maintenance and sanitation concerns and also taking the time to speak to tenants directly and offer reassurance that they are taking the necessary steps to ensure

tenants have a safe and healthy place to live and work. In some cases, they are become flexible with rental payments, making agreements and payment plans for future dates as well as providing tenants with information related to relief funding that is available on a local level through Community Development Block grant programs. Cities like Kingston and Newburgh are either actively using these funds for tenants who are three months behind on their rent or are in the planning stages to provide that funding.

With the increased demand for housing in the Hudson Valley and despite the challenges, RUPCO is customizing LAP to meet to unique needs of the region. The need for decent affordable housing in the mid-Hudson Valley region will continue to be great for some time to come. Bringing tenants and landlords together to improve the lives of all in the community is a program RUPCO is proud to support.

Understanding Cash Controls For HUD-Assisted Multifamily Properties

Richard Price, of Nixon Peabody breaks down some of the complexities in managing HUD programs in a new article on the Affordable Housing Finance website. In the article he parses HUD law from HUD lore, as it relates to keeping your HUD-financed apartment complex on the regulatory straight and narrow.

Owners and borrowers for HUD-financed rental housing walk a fine line, and failure to meet the letter of the law can result in harsh penalties. Failure to provide audited financial statements within the 90 day window can result in fines of up to \$51,222 per violation. Test the good will of HUD staff at your

peril. In this case, it is better to ask for permission than forgiveness.

Read more at: www.housingfinance.com/policy-legislation/understanding-cash-controls-for-hud-assisted-multifamily-properties_o?utm_source=newsletter&utm_content=Article&utm_medium=email&utm_campaign=AHF_092320&.

CDC Evictions, Cont.

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- A declaration must be completed by each adult listed on the lease;
- Residents are still required to pay rent and follow all other terms of the lease and house rules;
- The order does not apply in any state or territory with a moratorium on residential evictions that provides the same, or greater, level of protection;
- The CDC order does not prevent evictions when a tenant engages in criminal activity on the property, damages the property, poses a threat to health and safety of other residents, violates building codes/health ordinance; health and safety regulations, or violating other contractual obligations other than payment of rent or fees, penalties or interest;
- Fines of up to \$100,000 have been authorized under the emergency order;
- The CDC order was issued under the authority of 42 CFR 70.2.;
- The CDC order expires on December 31st;



Join the conversation!

Staff of Rural Preservation Companies are invited to join with their peers on the **NYS Rural Housing Coalition's Peer-to-Peer RPC Forum** on Facebook to discuss issues related to administering housing programs and share ideas on new strategies for addressing housing needs in our communities. Join the conversation today!

HHAP Funding Round Open

The 2020 round of funding for the Homeless Housing and Assistance Program has been announced and will begin accepting applications on October 9th. This is an open-ended request for proposals, and applications will be accepted on a continuous basis until funds are no longer available, or the Homeless Housing Assistance Corporation suspends or terminates the RFP. Applications will be reviewed and scored in the order in which they are received.

Priority projects in this funding round include:

- 1) applications for supportive housing development using services and operating funds of the Empire State Supportive Housing Initiative (ES-SHI)
- 2) Supportive housing projects for

veterans

3) supportive housing for families currently living long stay in emergency housing

4) projects that leverage a majority of non-HHAP funding, where at least 75% of the non-HHAP funding is already committed.

Eligible applicants include non-profit corporations and charitable organizations, municipalities, public corporations, and jointly-owned entities where a non-profit or charitable organization maintains a majority ownership interest and control in the project. Projects developed with HHAP funding must be affordable to the homeless population that they serve, meaning that rents should be established at the public assistance shelter allowance.

While HHAP funds can only be used to finance that portion of a project that will serve the homeless, the development of mixed income housing is encouraged and will be viewed favorably during the evaluation process, where additional financing can be found for the non-homeless portion of the project.

To review the RFP for this latest round of HHAP funding, visit <https://otda.ny.gov/contracts/2020/HHAP/20-HHAP-RFP.pdf>.

Questions about this RFP should be directed to Ms. Dana Greenberg, NYS Office of Temporary and Disability Assistance, 40 North Pearl Street, 10-B, Albany, New York 12243, or by calling (518) 486-7068. Email questions to Dana.Greenberg@OTDA.ny.gov.

Please Note: A series of workshops on rural homelessness will be held on Wednesdays during October, including an Overview of Funding for Homeless Housing Development on October 9th, at 10:30 AM as part of the Stronger Together Housing Conference. Visit www.conference.habitatnys.org for more information and to register.

HUD Revises Section 3 Rule

The US Department of Housing and Urban Development finalized changes to the Section 3 rule on September 28th. The final rule is designed to improve a focus on economic opportunity outcomes while simultaneously reducing the regulatory burden on those entities that

receive those funds. HUD seeks to have grantees focus on sustained employment for low- and very low-income individuals.

The changes are expected to align reporting with standard business practices and payroll tracking methods. The changes will also provide

credit for retention of low and very low income employees in the reporting metrics, and reducing reporting for those meeting outcome benchmarks.

For more information, visit: www.hud.gov/press/press_releases_media_advisories/HUD_No_20_159.

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Allegitimi Non Carborundum