



RHD Rural Delivery

New York State Rural Housing Coalition, Inc.

December, 2013

Settlement Offers Mortgage Hope For New Yorkers

Attorney General Eric Schneiderman announced a massive settlement with JP Morgan Chase on November 19th related to mortgage security irregularities that led to the 2008 mortgage market collapse and spawned the Recession. The settlement stems from a lawsuit filed by Schneiderman against JP Morgan Chase in October, 2012 alleging that Bear Stearns, the troubled investment bank Chase bought in 2008, “kept investors in the dark” about the quality of the mortgage-backed bonds it was selling as the market started to sour. JPMorgan Chase acquired Bear Stearns in March 2008 in a deal brokered and supported by the federal government.

According to the lawsuit, filed in New York State Supreme Court, Bear promised a “robust and intensive” review process for selecting loans for sale to investors. But Bear failed to do that, according to the complaint. In order to continue the packaging and sale of home loans to investors, the bank still placed risky loans into the bonds, even as an outside contractor it had hired to evaluate those loans was warning the bank about their poor quality. That vendor, Clayton Homes, sampled the quality of the loans Bear wanted to package and sell. At one point the vendor identified 17 percent of the loans in a bond as defective. Despite the warning, Bear put

half of those loans in a mortgage-backed security.

The lawsuit alleged civil fraud violations, which means that potential penalties will be measured in dollars, not jail terms. The Attorney General has hinted that criminal charges may still be in the offing from an ongoing federal investigation.

Though the \$13 billion settlement details have not yet been announced, one billion is expected to go to New York. A few important points were released this past week:

- The Agreement will award the OAG with just over \$600 million in hard dollars, which the Attorney General is committed to using over the next several years to support programs and initiatives that help struggling homeowners. This is likely to include the expansion of HOPP and the Land Bank initiative, as well as other creative homeownership retention programs.
- The national agreement includes \$4 billion in consumer relief, of which close to \$400 million is expected to flow to New York families.
- The consumer relief credit menu has been improved upon in a number of ways, but most significantly banks will NOT get credit for short sales or Deeds in Lieu of Foreclosure, and there is a large mandate for first lien principal re-

duction.

The cash portion will be divvied up for several uses, Schneiderman said. One of those uses will be to fund legal services to those who are still suffering from the after-effects of the fiscal crisis caused in large part by the fraud and misrepresentation perpetrated by JP Morgan, Bear Stearns, and others. The money is also intended to help New Yorkers impacted by Superstorm Sandy.

Schneiderman said that JP Morgan Chase deserved credit for being the first of the banks and hedge funds involved in the financial crisis to admit wrongdoing and reach a settlement that offers some compensation to those they harmed. He and Michael Stephens, the acting Inspector General of the Federal Housing Finance Agency, promised they would continue to pursue restitution from the others involved.

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Rural Delivery

Rural Delivery is published by the
New York State Rural Housing Coalition, Inc.

The Coalition is a non-profit statewide membership organization dedicated to strengthening and revitalizing rural New York by assisting housing and community development providers.

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Bits and Pieces...

Bill To Assist

Homeless/Foster Youth

Senators Patty Murray, Mary Landrieu, and Tammy Baldwin introduced S 1754, the Higher Education Access and Success for Homeless and Foster Youth Act, on November 21st. The legislation makes changes to the Higher Education Act to address ongoing barriers to higher education for homeless and foster youth. Among them, the measure would: define youth under age 24 who are unaccompanied and homeless as “independent students”; prioritize homeless and foster youth for financial aid and other opportunities to make college more affordable; require higher education institutions to create a plan to help homeless and foster students to access housing resources during and between school terms; require new data and outcome monitoring requirements, as well as a US Government Accountability Office study of higher education outcomes for homeless and foster youth. “A college degree is a critical stepping stone to a successful career, and every American deserves the same opportunity to go to college and chase their dreams, including young people who are homeless or in foster care,” Senator Murray said. “The legislation I introduced isn’t complicated; it simply reduces some of the incredible barriers that homeless and foster care youth face to make a better life through higher education.” The bill has been referred to the Committee on Health, Education, Labor, and Pensions. S 1764 will be available at <http://thomas.loc.gov/home/thomas.php>.



Federal and U.S. 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.

HUD Issues Sandy Guidance

HUD has issued a notice on the “Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy.” Released on November 18th, the notice announced a \$5.1 billion allocation that can be used to address the ongoing recovery from presidentially declared disasters that occurred in 2011, 2012, and 2013, which includes Super Storm Sandy. The effective date for the notice is November 25th. Funds must be used within two years of the obligation of funds, and no later than September 30, 2017.

The notice requires grantees to

submit a substantial amendment to their previously approved action plans, indicating how the new round of funds will be used, and how so within the required timeframe. Grantees also are required to specify how funds will be used to address outstanding needs of HUD-assisted housing, other than housing operated by public housing agencies which already is required, as well as for other types of subsidized or tax credit-financed properties.

In addition to the Hurricane Sandy impact areas downstate, this funding will impact communities hit by Hurricane Irene and Tropical Storm Lee. The HUD notice is available at: <http://1.usa.gov/17TZ4E1>.

November HTFC Board Actions

At the November 7th meeting of the Housing Trust Fund Corporation, the following actions were approved:

- CDBG Economic Development financing of \$516,000 to assist in the expansion of Ginsberg Foods in Columbia County, creating 25 new jobs. The project will leverage \$11 million in additional investment.
- CDBG Economic Development financing of \$610,000 to Data Control Group LLC in Delaware County (Hancock Call Center) to create 391 new jobs, leveraging \$2.2 million in private investment.
- CDBG Economic Development financing to Empire Specialty Cheese in Chautauqua County to create 55 new jobs in a 79,000 square foot plant in Ashville. This project will leverage \$6 million in outside financing.
- Homes for Working Families financing of \$2 million to support the Lace Factory project in Kingston, Ulster County. The 55 unit adaptive re-use project will provide housing for artists (See project profile on Page 4 in the June, 2013 issue of *Rural Delivery*).
- The implementation of a quarterly reporting system for projects that have been previously funded under the HTFC program. This new reporting system will provide HTFC with more current information on project status.

Grant Seeking Basics Webinar

The Foundation Center will hold a free webinar on the basics of grant seeking on December 2nd at 3:00 PM. The session is geared for new non-profit staff or those who are new to fundraising. For more information, visit www.grantspace.org/Classroom/training-calendar/online/grantseeking-basics-2013-12-02-webinar.

Filibuster Reform Paves Way for Watt

President Barack Obama’s nomination of Representative Mel Watt to be director of the Federal Housing Finance Agency (FHFA) came closer to reality on November 21st, when the Senate voted to change its filibuster rules. In a historic move, the Senate now allows a simple majority of senators to attain cloture and block filibusters, rather than the longstanding requirement of needing a 60-vote “supermajority” to do so. The new rule applies to all executive and judicial nominations, except US Supreme Court nominations. It does not apply to legislation.

The rule change provides a path for Mr. Watt to be the next FHFA director. He was nominated by President Obama in May and voted out of committee on July 18th. On October 31st, the Senate failed to reach cloture on Mr. Watt’s confirmation on a 56-42 vote. The change means that a cloture vote will require only 51 “ayes.” Reconsideration of Mr. Watt’s nomination is expected in mid-December; he could be confirmed as soon as December 13th.

USCIS Conversation

US Citizenship and Immigration Services (USCIS), a component of Dept. of Homeland Security, is requesting your assistance with promoting their upcoming stakeholder engagement session which will address immigration-related issues. USCIS is extremely eager to reach the farmworker community. The session will be held on Wednesday, December 11th, from 7:30 – 9:00 PM. Participate via teleconference at (888)790-1962 (Password: Enlace) or by live Web stream at www.uscis.gov/live/enlace.

Program Profile: ACCORD Corp. DV Shelter

In our regular feature, Rural Delivery invites members of the Rural Housing Coalition to highlight their community development projects and programs in the pages of this newsletter. This month, we are pleased to present information about the domestic violence shelter developed by ACCORD Corporation in Allegany County. In their own words, here is their story:

The nature of domestic violence and the community response have changed dramatically over the years since we first began services in Allegany County. In 1984 ACCORD Corp entered into a partnership with a local volunteer service group, Family Violence Task Force of Allegany County. The group had been formed in reaction to several very violent domestic violence cases within the county. They had developed a 24 hour hotline and hosted a few “safe homes” within the county. Their all-volunteer base had reached its capacity and they sought to expand services through the creation of a DV shelter and additional support services for victims. Through funding from the Homeless Housing and Assistance Program we opened a shelter in 1987; through the eighties and early nineties this shelter often exceeded its nine bed capacity. Funding to support the shelter’s operation comes from the per diem rates established by the state for each county. The current rate for Allegany is \$ 85.58 per person/per day for shelter stays.

The original project centered around an underutilized motel with an adjacent building. Beyond the need for a shelter ACCORD was in need of increased office and community services space. A combined HHAP/ RARP application for funding was awarded to create a shelter,

services space and administration offices for ACCORD. The combination of funds from HHAP of \$154,000 and \$100,000 from RARP allowed us to purchase and renovate the main building for a DV shelter and the remaining outbuilding, an old barn and partially used car wash, became offices for our staff and through a \$12,000 renovation contribution became offices for the local DSS Child Care unit. Upon completion of these contracts it became apparent that the shelter was inadequately secured against potential incidents. A second award from HHAP in the amount of \$25,000 provided for fencing, security systems upgrades, high impact glass throughout the buildings, perimeter lighting, and improved handicapped access for victims. In the following year we were awarded another \$150,000 and \$19,000 in Emergency Shelter Grants to add three transitional apartments next door.

As awareness of domestic violence grew, the state and local providers began to establish services within their counties and advocate for better access to supports and more long term solutions. NY State funded local initiatives to develop local service protocols shared by police, service providers, Family Court, churches etc. These protocols established a new precedent for treating DV calls. Prior to establishing new procedures the usual situation was an officer called to a residence moved the spouse and children to a shelter for safety, leaving the perpetrator at home and quite comfortable, thank you. New protocols and legislation established that the perpetrator was moved to jail or another place until the situation cooled

down. As a result the need for shelter services, particularly in rural counties, declined through the nineties and reduced demand continues today. In the last year we provided DV services to 256 adult victims and 181 child victims with 225 hotline calls and wrote 107 Orders of Protection for Family Court. The most telling statistical change is that now fully 20% of DV calls are from males whereas they were nearly non-existent in the early days of our programs. These numbers seem fairly consistent throughout rural counties of around 50,000 residents.

With the establishment of the Violence Against Women Act in 1994, services to support domestic violence victims became available for court advocacy services, counseling, supports for child victims and transitional services for families. With the addition of these services and the increased consciousness of other providers in the community, transitioning families to non-violent living situations has become much easier.

Most recently we were awarded a HHAP grant to develop 8 units of housing of which four to six of the units will be for transitioning of DV clients. I believe this is more the need for the future as the need for emergency services declines. HHAP is the likely source for funding of these type facilities. HHAP has no per unit limits and allows for many special features for safety and accessibility that other funding may not be as supportive of. If you are looking for services in your area you can go to www.nyscadv.org or contact www.opdv.state.ny.us for general information on DV prevention and funding within the state.

2013 Homeless Census Released

HUD released the 2012 Point-in-Time Estimates: Part 1 of the 2013 Annual Homeless Assessment Report (AHAR) to Congress on November 21st. These annual data come from a one-night count of sheltered and unsheltered homeless populations throughout the nation. This year's report showed an overall decline in homelessness, as well as reductions for most major subpopulations counted.

On a single night in January 2013, 610,042 people in the United States were homeless, a 3.8% reduction from 2012 and a 6.1% reduction since 2010. Nearly two-thirds of those experiencing homelessness—394,698 persons—were living in emergency shelters or transitional housing programs, but 35% still were living in unsheltered locations. Nearly a quarter (23%) were children, more than six in ten (64%) were individuals, and 36% were in families. Chronic homelessness among individuals decreased 7.3% since 2012 and 15.7% since 2010. There were 57,849 homeless veterans, a 7.6% reduction since 2012 and a 24.2% reduction since 2010.

The report shows significant geographic disparities in the number of homeless people. More than half of the nation's homeless population was in California (22%), New York (13%), Florida (8%), Texas (5%), or Massachusetts (3%). Although the national rate of unsheltered homeless people decreased by 11.6%, more than half of those homeless in California, Florida, Arkansas, Nev-

ada, Mississippi, and Oregon were unsheltered on a the single night. States also experienced varying degrees of changes in the number of homeless persons. New York had the largest increase from 2007-2013, 23.7% or 14,929 individuals, compared to a national 9.2% decrease. California had the largest decrease during that period, falling by 22,906 persons.

For the second year, point-in-time estimates were available at the Continuum of Care (CoC)-level, allowing for data analysis for large cities, smaller cities, and suburban/rural areas. The report shows that major city CoCs accounted for 45% of homeless people in the nation; nearly 20% of homeless people were counted in either Los Angeles or New York City on a single night in 2013.

The report provides an inventory of beds available to homeless people, ranging from emergency shelters and transitional housing to permanent supportive housing programs. On the single night count, there were 730,376 beds, 58% of which were for homeless people in shelter and 42% of which were permanent housing beds. This represents a 4.2% increase from 2012 and a 19.5% increase since 2007.

HUD continues to credit the HUD-VA Supportive Housing (VASH) program for veterans and the Homeless Prevention and Rapid Re-Housing Program (HPRP) for the declines. Read the report: <http://bit.ly/1e4GxDW>.

January 31st Deadline For MRT Applications

The open window for applications for funding under the state Medicaid Redesign Team program will close on January 31, 2014. The window opened on June 19th. The program is designed to expand the availability of supportive housing units in NY. Visit www.nyshcr.org/Funding/ to link to the RFP.

Career Opportunities

Sr. Asset Manager

Asset Manager

Housing Eligibility Assistant

The Albany Housing Authority will hold a Civil Service test for the positions of Senior Asset Manager, Asset Manager and Housing Eligibility Assistant on January 25, 2014. Applications to take the exam are due on December 16th. Application forms may be obtained by visiting the: Civil Service Commission, City Hall Room 301, Albany, New York 12207. Phone: (518) 434-5049. www.albanyny.gov. Test numbers are 62-916, 62-908, and 67-397, respectively. The positions involve responsibility for the business management, operation and maintenance of multiple affordable housing properties. Work includes the supervision of such functions as tenant relations, participation in the financial operations of the properties, organizing staff to meet workload and overall decision making within the policy guidelines established by the Housing Authority. For more information, contact Erika Ellsworth at eellsworth@albanyny.gov.

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.

House Considers Effectiveness Of Disparate Impact Standard

The House Financial Services Subcommittee on Oversight and Investigations held a November 19th hearing on disparate impact theory and whether the practice meets its goal of protecting against discrimination. A legal precedent, the disparate impact standard holds that the Fair Housing Act prohibits practices resulting in discrimination, regardless of whether there was intent to discriminate.

The hearing featured testimony covering diverse perspectives on civil rights. Subcommittee Chair Patrick McHenry stated that fundamental fairness is critical to the success of the lending system, that discrimination is intolerable, but that it is important to have honest conversations about the effectiveness of safeguards.

Peter Kirsanow, with the law firm of Benesch, Friedlander, Coplan & Aronoff, testified that HUD's codification of disparate impact in February was ill conceived. "Despite others' protestations, it simply is not the case that Congress intended the Fair Housing Act to include disparate impact," Mr. Kirsanow said, adding that HUD's proposed rule

on affirmatively furthering Fair Housing is "built on sand."

Kenneth Marcus of the Louis D. Brandeis Center for Human Rights Under Law testified that extending the Fair Housing Act to judge disparate impact is unwarranted. "In the fair housing context, the most obvious problem is that the applicable statute does not explicitly authorize it," he said. "The disparate impact doctrine can be used to identify intentional discrimination that is hard to demonstrate under the doctrine of differential treatment. Used judiciously, disparate impact can be a useful enforcement tool for identifying intentional or unconscious discrimination in circumstances where the discriminators' motivations are otherwise difficult to ascertain. Used improperly, however, it creates real problems of law and public policy and may entail violations of the Equal Protection Clause of the Fourteenth Amendment to the US Constitution."

Both Mr. Marcus and Mr. Kirsanow expressed concern that disparate impact policy is vague and would not survive a review by the current Supreme Court. They

claimed that the standard forces housing lenders to make decisions that restrict loans to underserved communities, and that enforcing it diverts limited resources from investigating organizations that deliberately discriminate against protected classes.

Dennis Parker of the American Civil Liberties Union's Racial Justice Program disagreed, testifying that fair housing violations committed during the recent mortgage lending crisis would not have been identified without the disparate impact standard. Mr. Parker disputed claims about its vagueness, characterizing it as very clear and the basis for many successful Fair Housing violation prosecutions. Continuing the standard is critical to ensuring that mortgage lending is available to all communities, especially protected classes, he said.

Despite the varied opinions, all subcommittee members and those providing testimony agreed that protections against discrimination are critical to a healthy lending environment. View the hearing webcast and documents: <http://1.usa.gov/liuVS4a>.

10,000 Friends of Rural America

Rural people and places don't get the attention and respect they deserve from our nation's private and public leaders and it's getting worse. Ten thousand voices speaking together could change that. Won't you add yours? 10,000 Friends of Rural America is sponsored by a coalition of over two dozen rural nonprofits and supporters. It is designed to mobilize as many individuals and organizations as possible--at least 10,000-- willing to speak up for the real Rural America; what its communities contribute to the country and why it makes sense for corporations, foundations and government to invest in Rural America's future.

Please visit 10000friends.ruralamerica.org, watch the video, read the message and join. It doesn't cost anything and takes just a couple of minutes. It's all available in Spanish too. Then reach out to your friends, family and co-workers from every corner of the country and ask them to join and recruit others.

Adding your name means you support our efforts to shine a light on the issues rural people and places face. Acting together, speaking in one voice, we can capture the attention of our nation's leaders and motivate them to give Rural America a fair shake. So please act now. Ten thousand voices are difficult to ignore and Rural America needs Friends like you.

Factory-Built Housing As A Disaster Recovery Solution

A webinar, “Factory Built Housing As A Disaster Recovery Solution” will be held on Thursday, December 5th, from 3:00 - 4:00 PM. Sponsored by Next Step, the webinar will feature Donna Blaze, Executive Director, Affordable Housing Alliance and Bruce Tolar, Developer & Planner, Mississippi Gulf Coast as speakers.

Next Step® is the first and only national strategy and scalable approach to bring factory-built homes

to nonprofits nationwide. They aggregate demand for the factory-built housing industry by organizing, brokering and training their nonprofit network members on the Next Step system for doing business.

In the past year, Next Step® has seen an emerging trend in their network—one third of their network members are responding to long-term disaster recovery needs. Many of these nonprofits seeking a speed-to-action program have found that

quick access to factory-built housing is beneficial for both short- and long-term disaster recovery housing. This webinar will explore how affordable housing homebuilders and developers can integrate factory-built housing into their disaster recovery strategies.

This webinar is free, but advanced registration is required. To register, visit <https://nw.webex.com/mw0306ld/mywebex/default.do?siteurl=nw&service=6>.

Report Details Rural Veterans Housing Needs

No veteran who has risked his or her life to protect our homes should return to find that they are not able have one of their own. For their sacrifice, it is of the utmost importance that we ensure our veterans have access to safe, affordable, and secure housing. But this imperative can be particularly challenging in rural America.

Of the more than 22 million veterans in the United States, approximately 5.6 million live in rural or small town communities comprising 11 percent of the adult rural population. While 21 percent of the population lives in rural and small town America, one-quarter of the nation’s veterans live in rural communities. A research brief from The Housing Assistance Council provides a demographic profile of veterans residing in rural areas. Download **Hous-**

ing Our Heroes: Veterans in Rural America at www.ruralhome.org/storage/documents/rrbriefs/rrb_veterans.pdf?utm_content=colin%40ruralhousing.org&utm_source=VerticalResponse&utm_medium=Email&utm_term=Download%20Housing%20Our%20Heroes%3A%20Veterans%20in%20Rural%20America%20here&utm_campaign=Housing%20Our%20Heroes%3A%20%20Veterans%20in%20Rural%20Americacontent.

For more information about the Affordable Housing for Rural Veterans program, visit the HAC’s website at www.ruralhome.org/hac-services/sect-rural-vets/cat-rural-vets/547-housing-for-rural-vets or contact Janice Clark at janice@ruralhome.org.

RPC Service Area

Recert Deadline Extended

NYS Homes and Community Renewal has extended the deadline for completion of the statutorily-required recertification of the service area boundaries until June 30th, the end of the program contract year. The deadline contained in the 2013-14 contracts originally anticipated completion of this phase by December 31st.

RPCs are encouraged to not delay in securing the Census data and other resources needed to complete the recertification process. Assistance is available through the Rural Housing Coalition, including analysis of Census Data and other metrics. Please contact the Coalition at (518) 458-8696 to request the data you need to complete the recert successfully.

TO YOU AND YOURS

BEST WISHES FOR THE HAPPIEST OF HOLIDAYS!

from all of us at the Coalition

Continuum of Care NOFA Released

On November 22nd, the US Department of Housing and Urban Development Secretary Shaun Donovan announced that HUD will award \$1.7 billion to support homeless assistance programs with the Continuum of Care (CoC) Homeless Assistance Program Notice of Funding Availability (NOFA). Due to a record number of existing programs requesting funds to continue operating, flat funding from Congress and sequestration, this amount represents a 5% cut to existing programs and risks halting or even reversing recent reductions of homelessness in communities across the country.

The funding will provide permanent and transitional housing to homeless persons as well as services including job training, health care, mental health counseling, substance abuse treatment and child care. Continuum of Care grants are awarded competitively to local

programs to meet the needs of their homeless clients. These grants fund a wide variety of programs from street outreach and assessment programs to transitional and permanent housing for homeless persons and families.

“In recent years we have made great progress in reducing homelessness, especially among veterans and people who are chronically homeless. Now is not the time to retreat from doing what we know is working”, said Secretary Donovan. “We shouldn’t be cutting our budget on the backs of the most vulnerable in our society. Investing in these programs is the right thing to do not just for the lives it will save, but also for our economy. Congress should work in a bipartisan way to fully fund these programs at the level President Obama has requested.”

HUD’s homeless assistance grants are reducing long-term or chronic homelessness in America. Based on

the Department’s latest homelessness assessment, the Point-in-Time count, released last week, since launching Opening Doors in 2010, chronic homelessness has dropped 16%; homelessness among families has declined 8%; and homelessness among veterans fell an incredible 24%.

In 2010, the Obama Administration created Opening Doors, the nation’s first strategic plan to prevent and end homelessness. It is a coordinated effort across 19 federal agencies to end veteran and chronic homelessness by 2015, and to end homelessness among children, families, and youth by 2020.

Project applications are available today and can be found at www.hud.gov/esnaps. For entities needing assistance with grant applications, online training is available at www.hudhre.info/esnaps/. Applications are due no later than February 3, 2014.

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HOUSING
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Illegitimi Non Carborundum