



# HUD UPDATE

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# Overview



- Looking Ahead - Bob
- Building Resilience - Bob
- Equal Access and Gender Identity Rules - Alanna
- Other Topics – Alanna and Bob



Looking Ahead

# Building Resilience into Our Programs



# The Role of HUD in Climate Resilience



- As the agency whose mission is to aid the development of urban areas and vulnerable populations, HUD has a responsibility to focus efforts on helping communities build resilience to climate hazards.

# CPD's Mission



- To develop viable communities by promoting integrated approaches that provide decent housing, a suitable living environment, and expand economic opportunities for low and moderate income persons.



# HUD's Climate Adaptation Plan

- Adaptation
  - The adjustment that society or ecosystems make to prepare for, or adjust to climate change.
- HUD developed the Climate Adaptation plan in response to Executive Orders 13514 and 13653, which require HUD to evaluate risks related to climate change that threatens the mission, programs or operations of the Department.

# CPD Specific Commitments on Climate

## □ CPD Program Commitments:

- Update Part 55 Floodplain Regulations to Require Higher Flood Elevation
- Update Environmental Assessment Factors for 24 CFR Part 50 and 58 Reviews
- Review Existing Programs for Barriers to Resilient Investment
- Encourage Consolidated Plans to Incorporate Planning for Climate Related Risks (guidance specific to how to do this to come)
- Develop Guidance on Building Design Construction and Retrofit for Sustainability and Resilience
- Develop Guidance on Mold and Mildew prevention
- Develop Guidance on Physical Hazards from Disaster Response/ Recovery Activities



# 24 CFR Part 91

- New Rule
  - Requires that jurisdictions provide, as a part of their housing market analysis, an assessment of natural hazard risks, including risks expected to increase due to climate change, to low- and moderate-income residents.
- **Grantees are encouraged to partner with agencies that have already assessed the community's needs, such as using the Hazard Mitigation Plan as part of the planning process.**

# 24 CFR Part 91 Continued...

- Where required analysis demonstrates low- and moderate-income communities are at risk of natural hazards, States and local governments should consider ways to incorporate hazard mitigation and resilience into their community planning and development goals, development codes, and standards.
- *A good place to start for jurisdictions new to this type of assessment is to consult with the agencies in the community that receive FEMA funds.*

# 24 CFR Part 91 Continued...

- Addition to Consultation Requirements
  - The rule requires States and local governments, in preparing their consolidated plans, consult with public and private organizations and agencies whose primary responsibilities include the management of floodprone areas, public land or water resources, and emergency management agencies.
- *Grantees can conduct citizen participation on climate along with the process for CDBG, Home, etc.*

# 24 CFR Part 91 Continued...

## □ Costs

- Regulatory changes proposed by this rule build upon similar existing requirements for the consolidated planning process.
- HUD data indicate:
  - Strategic Plan for a locality = \$5,236 and State = \$14,382
  - Annual Action Plan for locality = \$1,904 and State = \$6,392
  - Median CDBG grant to entitlement communities in FY 2012 was approximately \$7 million.

# HUD's Goal

- Encourage CPD grantees to identify climate-related risk and actions needed to minimize potential impact of these risks on vulnerable populations served by CPD programs.
- *You can help HUD achieve this goal by working with staff and grantees to help educate them on our changing climate and how they can use a good consolidated plan to direct their HUD funding toward resilient investments that will build stronger communities.*

# Important Flags for Consolidated Planning

- Emphasize the importance of:
  - Comprehensive community engagement best practice is creating methods to vest decision-making control in marginalized communities.
  - Internal communication among local, state, and agency departments about the climate projects already being undertaken by the city

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# Resilient Investment with CPD Funds



# Useful Terms

- Mitigation
  - Mitigation is the effort to reduce loss of life and property by lessening the impact of disasters. -FEMA
- Resilience
  - The capacity of a community, business, or natural environment to prevent, withstand, respond to, and recover from a disruption.- US Climate Toolkit
- Sustainability
  - Create and maintain the conditions under which humans and nature can exist in productive harmony to support present and future generations. – EPA
- *By **mitigating** risks a community becomes more **resilient** and stands a greater chance of achieving a **sustainable**, more prosperous future.*

# Sustainability

## Sustainability

### Mitigation

*(efforts to reduce GHG emissions and atmospheric GHG concentrations)*

#### Example Activities

- Regulatory Action
- Energy Efficiency
- Renewable Energy
- Carbon Sequestration

### Both

*(leverage efforts that **both** reduce GHGs **and** build resiliency)*

#### Examples Activities

- Green Roofs
- LEED Buildings
- Urban Forests

### Adaptation

*(efforts to build resiliency to climate change impacts)*

#### Example Activities

- Water management Plans
- Heat wave shelters
- White roofs
- Resilient roads/bridges
- Plans for migration

# Resilient Investments with CDBG

- All 7 categories of CDBG Activities could have a resilient component.
  - **Acquisition-** voluntary buyouts of property in a floodplain
  - **Economic Development-** Solar installation job training program
  - **Administration and Planning-** Forward-thinking land use plans
  - **Housing-** develop programs to promote home improvement strategies
  - **Public Improvements-** Disaster-resistant building codes and investment in high performance infrastructure
  - **Section 108-** CDBG could be used to make payments on 108 loans and an additional source of financing for resilience activities
- *Climate resilient strategies with CDBG must still meet a national objective and be an eligible activity.*

# Climate Resilient Strategies with CDBG

- Reduce impacts of heat waves
  - Reflective coatings to roofs and streets (cool roofs)
  - Planting trees in streets and neighborhoods
- Reduce carbon footprint:
  - Solar water heater and solar panel installation
- Coastal and riverine flood protection
  - Elevate vital infrastructure and utilities
  - Property acquisition through voluntary buyouts
  - Pervious material
- Reduce flood damage
  - Green infrastructure projects and restoring the natural floodplain
- Drought mitigation
  - Water conservation strategies

# Investment Options with CDBG- Disaster Recovery

- Examples of eligible activities include:
  - Buying damaged properties in a floodplain and relocating residents to safer areas;
  - Relocation payments for people and businesses displaced by the disaster;
  - Rehabilitation of homes and buildings damaged by the disaster;
  - Buying, constructing, or rehabilitating public facilities such as streets, neighborhood centers, and water, sewer and drainage systems;
  - Code enforcement;
  - Homeownership activities such as down payment assistance, interest rate subsidies and loan guarantees for disaster victims;
  - Helping businesses retain or create jobs in disaster impacted areas; and

# Resilient Retrofits with HOME

- Housing Rehabilitation with HOME funds may include mostly resilient retrofits if the project brings the unit up to standard.
- Some examples:
  - Energy conservation,
  - Weatherization,
  - Handicapped accessibility

# HUD's Gender Identity Rule





# Purpose and Background

- HUD published the *Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity* final rule (Equal Access Rule) (77 FR 5662) on February 3, 2012
- HUD released Notice CPD-15-02 which established key guidance promoting equal access to single-sex homeless shelters for transgender individuals as well as guidance from each program office on how the Equal Access Rule is to be implemented across HUD-funding housing programs
- On September 21, 2016, HUD published a final *Equal Access in Accordance with an Individual's Gender Identify in Community Planning and Development Programs Rule*
- The Rule becomes effective **October 21, 2016.**

# Gender Identity Rule Provisions

- HUD's final rule requires shelters use individuals' self-reported gender in situations where a shelter is gender-segregated, or where the shelter has separate areas for men and women
- Last February's guidance already makes clear that transgender and non-conforming individuals don't have to prove their gender, and the final rule makes sure shelter have policies and procedures in place to ensure that individuals are not subjected to intrusive questioning

# Why this Rule?



- Transgender and gender non-conforming people face discrimination and mistreatment in many facets of their lives which increases the likelihood of homelessness and access to services
- A 2011 joint report by the National Gay and Lesbian Task Force and the National Center on Transgender Equality found transgender and non-conforming individuals are nearly twice as likely to experience homelessness as the general population

# Why this Rule?

- The 2011 report found for those who had attempted to access homeless shelters:
- 29% were turned away altogether;
- 42% were forced to stay in facilities designed for the wrong gender;
- Fifty-five percent reported being harassed;
- 25% were physically assaulted; and
- 22% were sexually assaulted.

# Guidance from Other Federal Agencies

- DOJ – VAWA 2013 imposes a new grant condition that prohibits discrimination on the basis of sexual orientation and gender identity
- OPM issued Guidance Regarding the Employment of Transgender Individuals in the Federal Workplace
- The Gender Identity Rule makes a technical amendment to the definition of “sexual orientation” to conform to OPM’s definition
- U.S. Department of Education’s Office of Civil Rights issued guidance

# What does the Rule do?

- **The rule codifies the previous CPD guidance into legal requirements and expands the CPD guidance to all CPD programs**
- Requires a recipient, subrecipient, or provider to establish, amend, or maintain program admissions, occupancy and policies and procedures that provide equal access to individuals based upon their gender identity. This includes tenant selection and admission preferences.

# HUD Requirements

- Requires operating policies and procedures ensure that individuals are not subjected to intrusive questioning, or asked to provide anatomical information of the individual's gender identity
- Requires that in facilities with shared sleeping or bathing areas, provides take non-discriminatory steps that may be necessary and appropriate to address privacy concerns raised by residents or occupants



# What is Gender Identity?

- Gender Identity means **the gender with which a person identifies, regardless of the sex assigned to that person at birth**
- The new definition clarifies that gender identity is defined by one's self
- Others may perceive (correctly or incorrectly) one's gender identity, but that perception is not conflated with one's actual gender identity

# HUD Requirements

- Training – **It is the responsibility of the recipient to ensure that it and its subrecipients comply with the Equal Access Rule**
- This Notice should be given to staff and contractors to make sure they comply with it and to take prompt action if they do not comply with it
- Recipients should provide staff training on completing intakes consistent with this Guidance

# HUD Requirements

- **If HUD finds a recipient or subrecipient has failed to meet program requirements, HUD may take actions such as those described in 24 CFR 576.501 (Enforcement) or 24 CFR 576.540 (Deobligation of Funds).**
- Recipient Policies and Procedures must comply with the *Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs*.

# HUD Resources

- <https://www.hudexchange.info/homelessness-assistance/resources-for-lgbt-homelessness/>
- <https://www.hudexchange.info/resource/5147/notice-on-equal-access-rights/>
- **LGBT Homelessness Resource Page**
- <http://portal.hud.gov/hudportal/HUD?src=/LGBTresources>

# Other Topics

- Office of Inspector General-CPD Bulletins
- Financial Management
- Revised Citizen Participation Plan
- Continuum of Care
  - Common monitoring finding – Documentation of chronically homeless status
  - CoC-Public Housing Authority initiative
- HUD Overload

# Questions

