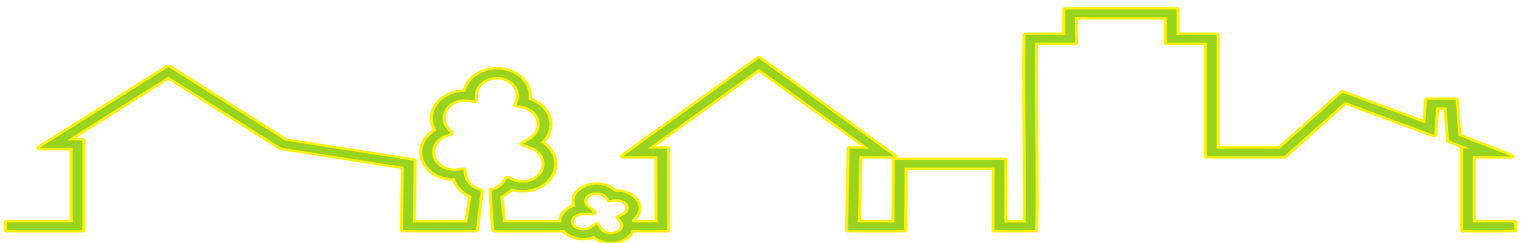


LOCKED OUT

**Reversing Federal Housing Failures and
Unlocking Opportunity**



Congressman Earl Blumenauer

September 2019

For more information, please visit www.blumenauer.house.gov or contact (202) 225-4811

NOTE FROM CONGRESSMAN EARL BLUMENAUER

Perhaps the greatest challenge communities face is the provision of affordable, accessible housing. Like roads, bridges, transit, and water, housing is integral infrastructure in any livable community.

It has been more than 70 years since the United Nations recognized that housing is a human right. Unfortunately, the United States has failed to live up to that standard. From growing wealth inequality to the climate crisis and structural racism, our most daunting societal challenges are inextricably linked to housing.

I have been involved in housing policy my entire public life. I witnessed firsthand the public sector's steady retreat from providing affordable, accessible, and safe housing. The federal government must reassert its partnership to become a constructive force for equity, accessibility, and opportunity in solving the housing crisis.

The federal government has played a role in housing policy for more than two centuries—providing housing for some, often at the expense of others. The consequences of these actions continue today. Since the Great Depression, Washington has provided targeted programming to address particular aspects of housing policy but generally reduced its commitment to all Americans having a safe and affordable place to live. The federal government has never had a comprehensive vision to provide a range of affordable housing choices. Instead, a grab bag of tax incentives, loan programs, and direct investments provide the context for today's crisis and a hint at possible solutions. It is past time that Washington gets back in the game of housing policy and realigns its priorities to serve low- and moderate-income Americans, provide wealth-building opportunities for all, and help right past wrongs.

This report is an attempt to synthesize some of these challenges and suggest approaches. These solutions may seem to be radical or interfere with the “free market.” The fact is that you will look in vain for a “free market” for housing in the United States. It is profoundly influenced by zoning decisions, governmental housing programs, and the tax code. We must put it all on the table by understanding how we got here and thinking broadly about what tools we have to remedy this situation.

This won't be easy but we can't afford to think small. Every community needs to commit to a massive public effort with homeowners, renters, and advocates to craft winning solutions.

I'm committed to being your partner in Washington. I look forward to working with you as well as citizen advocates, landlords, realtors, developers, and homebuilders to create more livable communities where housing is safe, affordable, and accessible.

Courage,



Earl Blumenauer
Member of Congress

TABLE OF CONTENTS & ABBREVIATIONS

Pg. 1 – Note from Rep. Earl Blumenauer
Pg. 2 – Table of Contents & Abbreviations
Pg. 3 – Executive Summary
Pg. 4 – Introduction
Pg. 7 – History of federal government’s role in housing
Pg. 13 – Today’s housing programs
Pg. 17 – Trump’s Attacks and the Path Forward
Pg. 18 – Bold, Transformative Solutions
Pg. 23 – Conclusion
Pg. 24 – Notes

AFFH	Affirmatively Furthering Fair Housing
BMIR	Below Market Interest Rate
CDBG	Community Development Block Grant Program
FHA	Federal Housing Administration
FHAP	Fair Housing Assistance Program
FHIP	Fair Housing Initiatives Program
HOPWA	Housing Opportunities for Persons With AIDS
HUD	Department of Housing and Urban Development
LIHTC	Low-Income Housing Tax Credit
MID	Mortgage Interest Deduction
P.L.	Public Law
RAD	Rental Assistance Demonstration
USICH	United States Interagency Council on Homelessness
VA	Department of Veterans’ Affairs

EXECUTIVE SUMMARY

Communities large and small are facing a housing affordability crisis. It's not a crisis that suddenly manifested by itself. Rather, it is the result of decades of deliberate choices from policymakers who scaled back the federal government's partnership on housing in favor of other priorities.

From President Franklin D. Roosevelt's New Deal to President Lyndon B. Johnson's War on Poverty, the federal government was an active partner in investing in housing programs to provide a home for struggling Americans, particularly if they were white. As poverty rates declined for white families, so did federal assistance for housing communities of color that remained in poverty. Congress and the Nixon, Reagan, and, to a lesser extent, Clinton administrations all worked to systematically shift federal housing policies to be smaller, focused on rental assistance rather than construction, and ultimately less impactful.

These deliberate choices led us to today's crisis: middle class families struggling to buy their first home, renters who can barely make rent, chronic homelessness, and lingering effects of centuries of institutionalized racism.

In one of the wealthiest countries on Earth, more than 550,000 people experience homelessness every night¹ and nearly half of renters are paying more than 30% of their income in rent.² The United States has a shortage of seven million rental homes available to extremely low-income renters and there isn't a single state that has an adequate supply of affordable rental homes.³ Affordable housing is too often out of reach, particularly for workers earning around the minimum wage. We all know people or families who have to stretch their budgets to pay one-third or one-half of their income for a home. That is unacceptable.

We need a reset. This report details suggested solutions for five of our most vexing housing policy challenges:

- **Public Housing:** Once a major source of affordable housing for low-income Americans, Congress has artificially capped the construction of new public housing for the past 20 years.
- **Homelessness:** Most of the country's "successful" communities have thousands of people experiencing homelessness due to astronomical rent increases, job loss, eviction, or mental illness.
- **Renter Relief:** Rental prices have skyrocketed at a much faster pace than incomes, leaving millions of renters pinching pennies just to get by.
- **Equitable Homeownership:** The federal government's largest housing expenditure is the Mortgage Interest Deduction, which is targeted at the wealthiest Americans, while there are minimal tools for helping traditionally marginalized communities buy their first home.
- **Fair Housing:** Centuries of discrimination left communities segregated and unequal. The federal government has not established the support structures to remedy the burden it caused.

INTRODUCTION

There is a housing crisis in virtually every community across America, even the most “successful” cities. One of the main causes of the crisis has been federal housing policies, or lack thereof.

In one of the wealthiest countries on Earth, more than 550,000 people experience homelessness every night⁴ and nearly half of renters are paying more than 30% of their income in rent.⁵ Nationwide, individuals have to earn \$18.65/hour to rent an average one-bedroom home and meet the Department of Housing and Urban Development’s (HUD) affordability standard of paying less than 30% of income toward housing.⁶

It’s not that we aren’t spending money subsidizing housing. The federal government spends more than \$30 billion a year on the Mortgage Interest Deduction alone⁷ and billions more on various housing tax incentives for developers and landlords. The problem for everybody else is that these subsidies are concentrated to those who need help the least.

It is clear to anyone who studies the painful facts and history, that the federal government has been active in housing and land development since taking away land from Native Americans by force and treaty (which was often the same thing). The United States allocated vast tracts of land to mostly white settlers starting with the Northwest Ordinance, continuing on to the Homestead Act, and beyond.

In times of special need, the federal government actually provided direct investment in housing construction, like for workers during World Wars I and II, and for veterans returning from World War II. Usually, however, the policies and behaviors of the federal government reflected the overt and institutional racism of the times. One of the most comprehensive pictures of the racist past that I’ve seen is Richard Rothstein’s *The Color of Law*. He paints a damning portrait of this history:

“Government’s commitment to separating residential areas by race began nationwide following the violent suppression of Reconstruction after 1877. Although the Supreme Court in 1917 forbade the first wave of policies—racial segregation by zoning ordinance—the federal government began to recommend ways that cities could evade that ruling, not only in the southern and border states but across the country. In the 1920s a Harding administration committee promoted zoning ordinances that distinguished single-family from multifamily districts. Although government publications did not say it in as many words, committee members made little effort to hide that an important purpose was to prevent racial integration. Simultaneously, and through the 1920s and the Hoover administration, the government conducted a propaganda campaign directed at white middle-class families to persuade them to move out of apartment and into single-family dwellings. During the 1930s the Roosevelt administration created maps of every metropolitan area, divided into zones of foreclosure risk based in part on the race of their occupants. The administration then insured white homeowners’ mortgages if they lived in all-white neighborhoods into which there was little danger of African Americans moving. After World War II the federal government went further and spurred the suburbanization of every metropolitan area by guaranteeing bank loans to mass-production builders who would create the all-white subdivisions that came to ring American cities.”⁸

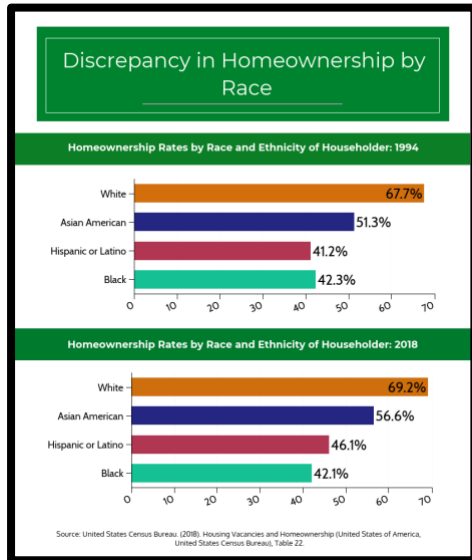
These actions had profound economic consequences for generations of African American families who were denied the opportunity to accumulate wealth through homeownership. Meanwhile, whites accumulated generation after generation of wealth.

There is no single federal policy, program, or local action that created this crisis. However, generations of increasingly restrictive housing and zoning policies in addition to a systematic reduction in federal funding for new construction had significant consequences. The decades-long federal decline in affordable housing programs occurred as rents outpaced wage growth, communities recovered unequally from the recession, and affordable housing supply declined. The federal government can no longer ignore the affordable housing crisis.

Today's primary challenge in housing policy for all demographic groups is affordability. Every two years, HUD releases a report on "worst case" housing needs for renters with very low incomes. The latest report found 8.3 million very low-income renters with "worst case" housing needs, the vast majority of which due to affordability.⁹ Rental affordability is a serious concern across income levels and geographic locations. The HUD definition of affordability is that housing is considered "affordable" if it costs no more than 30% of a household's income. Nearly half of renters are "cost burdened," paying more than 30% of their income in rent.¹⁰ Nearly a quarter of all renters are "severely cost-burdened," paying more than 50% of their income in rent.¹¹ In 2017, 83% of renter households with incomes below \$15,000 were cost burdened and 72% were "severely cost burdened."¹²

While new rental and privately-owned homes are constantly being built, the private sector is heavily focused on higher-income households and higher rents. In 2016, 40% of new construction rental homes cost more than \$1,500 per month and an additional 25% cost between \$1,100 and \$1,499 per month.¹³ The construction cranes you see on nearly every block are not affordable housing. The private sector is focused on where the most money can be made. Since the housing market turmoil of the late 2000s, the share of renter households has increased and construction has not kept pace, leading to vacancy rates under 7% during the second quarter of 2019¹⁴ and rising rents. Likewise, the number of low-rent housing stock has shrunk by four million homes since 2011.¹⁵

As the market fails to produce an adequate supply of affordable housing, the federal government has ceased to be an active part of the solution. During the Great Depression, President Franklin Roosevelt included the construction of public housing as part of his New Deal agenda. Millions of soldiers returning home from war were greeted with new homeownership programs and a second wave of public housing construction that continued into the 1970s. Bear in mind that all of these programs were undercut by blatant discrimination and racism toward African Americans. Shifting priorities in the Nixon and Reagan administrations focused on rental assistance and vouchers, rather than new construction. Decades of federal assistance to renting affordable homes, not constructing affordable homes, combined with federally-constructed homes reverting to market-rate housing has stranded the most vulnerable populations. Communities are ill equipped to provide affordable housing for low-income renters because the federal government dramatically slowed subsidies for new construction.



Finally, the Great Recession from 2007 to 2009 dramatically impacted lower-income Americans, particularly communities of color. History has shown that communities of color are the first to feel the impact and last to recover in economic downturns. For instance, African Americans (who were prevented from accumulating generational wealth in the form of property for more than 200 years) lost a decade worth of homeownership gains during the Great Recession.¹⁶ While homeownership rates for white, Hispanic, and Asian American households have increased in the last 20 years, the homeownership rate for African American households was nearly identical in 2018 as in 1995.¹⁷

The future of housing policy faces new challenges of shifting demographics and a changing climate. Single-person households have increased by 6 million, or 22%, since 2000.¹⁸ This is projected to increase, meaning more renters in a housing market that is already struggling to meet renters' needs. By 2030, there will be nearly 47 million heads of households over 65, an increase of 20 million from 2015.¹⁹ Households with heads over 65 have challenges working and greater need for integrated services. Finally, the climate crisis has already made some areas of the world untenable for human inhabitants. This trend will become more pronounced, creating a wave of climate refugees that will put increased pressure for affordable housing in select regions.

We need a reset. While some cities and states are working to pass bond measures, create new programs, and enact tenant protections, it clearly isn't enough. The United States has misplaced priorities. We are projected to spend \$2 trillion on nuclear weapons in the coming decades.²⁰ We have wasted more than a trillion dollars on the failed war on drugs²¹ and just passed the largest transfer of wealth in our nation's history in the form of a \$2.3 trillion tax cut benefitting those who need it the least.²² To make up for decades of inaction and centuries of discrimination, we must take immediate steps that are bold and transformative.

HISTORY OF FEDERAL ROLE IN HOUSING

The federal government has been involved in housing policy long before the creation of HUD or even the signing of the Constitution. The roots of today’s housing policy began when the first Europeans landed in what is today the United States.

From the first encounter between Native Americans and European colonizers, governments have subsidized housing for some at the expense of others. Subsidized housing was constructed throughout the 17th and 18th centuries on the backs of enslaved Africans who were forcibly brought to the United States and at the expense of Native Americans whose ancestors lived here for millennia.

For decades white Americans fought Native Americans living on land that they wanted, and to which they believed they were entitled. As the United States grew and white settlers saw the Native-held land in the south as economically valuable for growing cotton, Congress and President Andrew Jackson enacted the Indian Removal Act to provide for the exchange of Native-held land for land farther west. Jackson began a cruel campaign of forcibly removing Native Americans in a genocidal “Trail of Tears.” Similar tactics continued in future efforts to encourage western migration, such as the Homestead Act, that detailed how settlers (virtually all white) could obtain title to land previously promised to Native Americans.

INDIAN LAND FOR SALE

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PERFECT TITLE POSSESSION WITHIN THIRTY DAYS

FINE LANDS IN THE WEST
IRRIGABLE GRAZING AGRICULTURAL DRY FARMING

In 1910 the Department of the Interior Sold Under Special Bid ALLYVILL HOME LAND AS FOLLOWS:

County	Acres	Average Price per Acre	County	Acres	Average Price per Acre
Colorado	9,411.21	\$7.27	Oklahoma	34,694.00	\$19.14
Idaho	17,613.00	34.85	Oregon	1,020.00	15.43
Kansas	1,484.50	33.45	South Dakota	130,465.00	16.53
Montana	11,034.00	9.85	Washington	4,579.00	41.37
Nebraska	5,541.00	35.05	Wisconsin	1,049.00	17.00
North Dakota	22,610.70	9.93	Wyoming	865.00	20.84

FOR THE YEAR 1911 IT IS ESTIMATED THAT 350,000 ACRES WILL BE OFFERED FOR SALE

For information as to the character of the land under the heading, "INDIAN LANDS FOR SALE," in the Department of the Interior, United States, at any one of the following places:

ALBUQUERQUE, N.M. - DEPT. OF INTERIOR, BUREAU OF LANDS, ROOM 1000, ALBUQUERQUE, N.M.
 DENVER, COLO. - DEPT. OF INTERIOR, BUREAU OF LANDS, ROOM 1000, DENVER, COLO.
 SALT LAKE CITY, UTAH - DEPT. OF INTERIOR, BUREAU OF LANDS, ROOM 1000, SALT LAKE CITY, UTAH
 WASHINGTON, D.C. - DEPT. OF INTERIOR, BUREAU OF LANDS, ROOM 1000, WASHINGTON, D.C.
 WASHINGTON, D.C. - DEPT. OF INTERIOR, BUREAU OF LANDS, ROOM 1000, WASHINGTON, D.C.

WALTER L. FISHER, ROBERT G. VALENTINE, Representatives of the Bureau

Advertisement for Native American land sale by U.S. Department of Interior

The federal government also has a history of discriminating against many different groups at various times including Catholics, Eastern Europeans, Jews, Asian Americans, and more. Nowhere, however, has the pattern been more brutal and unfair than treatment of African Americans.

For more than 400 years European settlers (and later the United States government) systematically denied African Americans access to the chief source of wealth: property. Whites in the south made a mockery of the promise of 40 acres and a mule as they intimidated and terrorized recently freed slaves and instituted Black Codes to restrict their freedom to be part of society.

Homes provided for African American workers during World War I were dramatically unequal compared to that provided for whites. African Americans faced discrimination in applying for home loans insured by the Federal Housing Administration. The Veterans Administration blatantly discriminated against black Veterans. Thousands of localities enacted racially restrictive covenants that mandated segregated housing developments. These actions have had lasting impacts. The vestiges of unequal treatment in housing based on race remain evident today in communities across America.

While restricting the ability for some to own or rent a home, the federal government has acted to provide housing for others, particularly white Americans. Today’s housing assistance programs can be traced back to the Great Depression and President Franklin Roosevelt’s New

Deal. In the depths of the Great Depression, Congress passed the Housing Act of 1934 (P.L. 73-479). The Act created a Federal Housing Administration to insure mortgage lenders against losses on home improvement loans. These loans helped subsidize neighborhoods built entirely for whites, with explicit requirements that none of the homes be sold to African Americans. At the same time, President Roosevelt added a housing division to the Works Progress Administration to build multifamily homes for low-income families to live. Access to homes was unequal and segregated by race.



Riot at Sojourner Truth federal housing projects. Detroit, Michigan. February, 1942

At the conclusion of the Great Depression, Congress replaced the Works Progress Administration's housing division in the U.S. Housing Act of 1937 (P.L. 75-142). In its place was a new United States Housing Agency – which would eventually become HUD. The law also established a public housing program, encouraging states to establish Public Housing Authorities, which would apply for federal funding to construct and maintain affordable housing for low-income white families.

After millions of servicemembers returned at the end of World War II, there was a significant postwar shortage of housing. State, congressional, and presidential campaigns all focused on the shortage. Housing was even highlighted in President Harry Truman's first State of the Union Address in 1949, where he called for Congress to "enact the provisions for low-rent public housing, slum clearance, farm housing, and housing research which I have repeatedly recommended."²³ He got his wish in the Housing Act of 1949 (P.L. 81-171). The Act established a billion-dollar urban redevelopment and slum clearance program, reactivated public housing for low-income Americans (which was placed on hold during the war), and expanded the Federal Housing Administration's mortgage insurance program to promote homeownership. African Americans would continue to be denied access to federal programs as well as the right to buy homes in white neighborhoods, even if they could afford it. If they were able to buy a home in a white neighborhood, they faced fierce opposition and sometimes violence. The Housing Act of 1949 was the last major piece of federal housing legislation that increased direct housing assistance for construction. Congress would soon shift to subsidizing private rental developments.

Throughout the 1950s, federal housing assistance was primarily focused on public housing. These homes served a mostly poor population but left a gap in the housing market for moderate-income families whose incomes were too high for public housing but too low to afford market-rate housing. The Housing Act of 1959 (P.L. 86-372) attempted to fill this gap by providing incentives to private developers to build housing that would be affordable to both low- and moderate-income Americans. The Act also created the Section 202 Housing for Elderly Program that provides low-interest loans to nonprofit developers to build affordable housing for moderate-income people ages 62 and older. The Housing Act of 1961 (P.L. 87-70) and the Housing and Urban Development Act of 1965 (P.L. 89-117) expanded subsidies to private developers to provide affordable housing through the creation and expansion of the Below Market Interest Rate (BMIR) housing program. The BMIR program provided low-interest loans to developers to construct affordable housing and was later expanded to cap the rents of

participating tenants at 20% of their income. Finally, the Housing and Urban Development Act of 1968 (P.L. 90-448) created the Section 236 program to subsidize private developers' interest payments if they agreed to provide affordable housing for low-income tenants. These very favorable loan terms carried an incentive for developers and a threat to communities in the future. At the end of the loan, the commitment for affordable rents expired. Decades later, blocks of affordable homes were reverted to market-rate and tens of thousands of homes for low-income people saw dramatic rent increases.

Construction of affordable housing was prolific during the 1960s, even as the federal government ceded much of affordable housing development to the private sector. The reforms of the late 1950s and 1960s helped build more than 700,000 rental homes,²⁴ subsidized nearly 400,000 homeowners,²⁵ and constructed approximately one million homes in public housing developments by the 1970s.²⁶ Despite these impressive numbers, all of these programs in one way or another also discriminated against African Americans.

In the wake of the Civil Rights Act of 1964 (P.L. 88-352) and the Voting Rights Act of 1965 (P.L. 89-110), Congress enacted the Fair Housing Act as part of the Civil Rights Act of 1969 (P.L. 90-284). The Act prohibited discrimination in the sale, rental, or financing of housing based on race, color, religion, national origin, sex, familial status, or ability. It also required HUD to affirmatively further fair housing practices that prevent segregation, ensure housing is available to everyone, and make it illegal to deny public housing assistance or segregate residents based on race. Many developers and public housing authorities blatantly ignored the law and continued to discriminate for decades. The fight continues today.

Affirmatively Furthering Fair Housing (AFFH) Rule

Beyond the prohibition of housing discrimination, the Fair Housing Act also required that “all executive departments and agencies shall administer their programs and activities relating to housing and urban development...in a manner affirmatively to further the purposes of [the Fair Housing Act].”²⁷ This requires agencies to undo historic patterns of segregation and discrimination while continually promoting more inclusive communities. In practice, AFFH required local governments to certify they were affirmatively furthering fair housing by conducting an analysis to fair housing impediments and taking steps to remove those impediments (which could be as aggressive or passive as they wanted).



In 2015, the Obama administration proposed strengthening AFFH by improving the process that communities use to analyze fair housing impediments. Local governments that received Community Development Block Grant (CDBG) funding were required to submit a comprehensive plan to HUD that identified the conditions and contributing factors restricting choice or access to economic opportunity in their housing programs. The Trump administration has since suspended the rule’s implementation deadline and is working to “reinterpret” the Obama administration’s improvements.

The 1960s’ shift to subsidizing the private sector in affordable housing paled in comparison to the tectonic policy shifts of the 1970s and 1980s. President Richard Nixon was highly critical of housing programs, ostensibly because of concerns around cost, efficacy, and equity. In January 1973, President Nixon declared a moratorium on all new activity under existing housing subsidy programs, arguing that the programs were “very wasteful” and “reward dependence and discourage self-reliance.”²⁸ Activities slowly restarted as a result of federal lawsuits and congressional interest but the moratorium gave the Nixon administration time to devise a monumental shift in federal housing policy from construction to rental assistance.

The Housing Act of 1974 (P.L. 93-383) created a low-income rental assistance program, known as Section 8, to provide private property owners monthly assistance payments for new or substantially rehabilitated rental homes. In exchange for these payments, property owners agreed to rent to eligible low-income families with incomes at or below 80% of area median income (whereas the HUD definition of very low income is families with an income at or below of 30% of area median income).

Within 10 years, cost concerns from President Ronald Reagan led to changes to the Section 8 program in the Housing and Urban-Rural Recovery Act of 1983 (P.L. 98-181). These changes degraded the quality of affordable Section 8 housing by prohibiting HUD from entering into Section 8 contracts in new or substantially rehabilitated rental homes. The Act also established a pilot program, made permanent in 1985, to test a modified use of Section 8 that gave families vouchers for housing in the private sector. Today, this Tenant-Based Section 8 voucher program is HUD's top expenditure, receiving more than \$22 billion in Fiscal Year 2019.²⁹

The consequences of shifting federal priorities from construction subsidies to rental assistance quickly became apparent. Between 1976 and 1982, federal housing programs produced more than one million subsidized rental homes but in the following years only averaged 25,000 new subsidized homes annually.³⁰ As the federal government reduced its role in subsidizing affordable housing construction, many white Americans were already lifted out of poverty and communities of color had fewer opportunities for an affordable home.

The Reagan administration also reoriented priorities from domestic support programs toward spending cuts and devolving federal programs to the states. As a result, federal assistance for new housing drastically declined between 1982 and 1988. Congress endorsed this decline and passed policies designed to provide more local control. An example of this is the Low-Income Housing Tax Credit (LIHTC). LIHTC was created as part of President Reagan's sweeping Tax Reform Act of 1986 (P.L. 99-514). The program allocates federal tax credits to states for the construction of housing for low-income Americans. States are given discretion in setting priorities for the use of LIHTC credits. LIHTC is one of the most effective low-income housing programs today for constructing affordable homes. In the following years Congress created flexible block grants to help localities with homeless assistance, homeownership assistance, rental assistance, and assistance for Native American tribes.

Throughout the 1980s and 1990s, the cost to maintain public housing rose and federal funding failed to keep pace. Public housing fell into disrepair and the public became concerned about dangerous, unsafe conditions at public housing developments.



Public housing community. Portland, Oregon



Cabrini Green public housing community. Chicago, Illinois

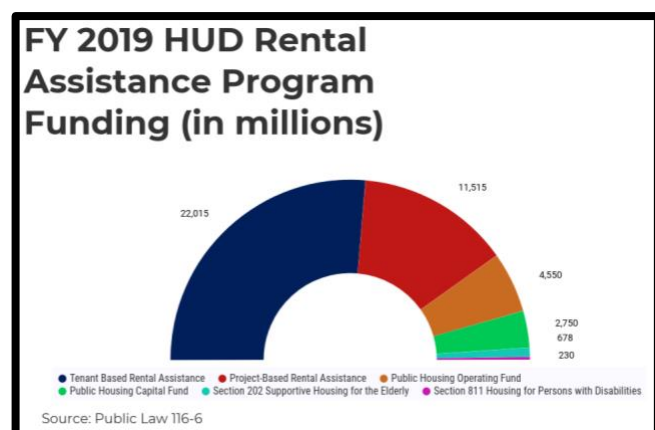
In a cruel twist of irony, public outcry about dangerous and unsafe housing conditions was one of the reasons for the initial construction of public housing in the early 20th century. Instead of committing federal resources to address the problem, Congress was influenced by the welfare reform debates of the mid-1990s and opted to set a cap on public housing. The so-called “Faircloth Amendment” remains in effect today and prohibits the construction of public housing if it would result in a net increase of homes that a Public Housing Authority owned, assisted, or operated on October 1, 1999. In the 10 years following passage of the Faircloth Amendment, available public housing declined by more than 10%.³¹ The Rental Assistance Demonstration program furthered the decline by allowing Public Housing Authorities to remove properties from the public housing program and receive Section 8 rental assistance instead.

TODAY'S HOUSING PROGRAMS

Federal housing assistance programs are primarily administered by HUD, additional assistance to rural communities is provided by the Department of Agriculture and tax incentives are administered by the Department of the Treasury. Today's system for providing housing assistance to low-income Americans is roughly divided into three categories: rental housing assistance, federal assistance to state and local governments, and housing finance.³²

Rental Assistance

Rental assistance programs combine to serve more than four million households³³ and account for the majority of direct federal expenditures on housing programs.



The largest rental assistance program is the **Section 8 Housing Choice Voucher** program. Vouchers are administered by Public Housing Authorities and provide rental assistance for low-income families to choose a home in the private market. While Congress has authorized and funded roughly two million vouchers, waitlists in some areas can be months, or even years, long. In especially competitive markets, an available home for a person with a voucher may not be available. Over time, the number of Section

8 vouchers subsidized by the federal government has grown while the total number of homes the federal government subsidizes has shrunk.³⁴ This is largely attributable to Congress' shift from construction subsidies to rental assistance vouchers. There aren't enough affordable homes.

The next largest program is **Project-Based Section 8 Rental Assistance** where HUD enters into contracts with private landlords to rent homes to eligible low-income tenants for an income-based rent, and HUD agrees to pay the difference.

Outside of the private market, Congress also funds public housing through the **Public Housing Operating Fund** and the **Public Housing Capital Fund**. The operating fund helps cover day-to-day costs and the capital fund helps with modernization needs. As mentioned, the number of homes in public housing was capped to those in place as of October 1, 1999. Public Housing Authorities are authorized to demolish or sell public housing developments with HUD's approval so long as existing residents are provided with Section 8 Housing Choice Vouchers.

One of largest consequences of the decreased federal role in the production of affordable homes is the increased pressure to maintain the affordability of existing homes. Many of the HUD-subsidized homes that were developed in the 1960s and 1970s carried a guarantee of affordability for a certain period of time—often 15 years but sometimes as long as 30 years. As these contracts expired, the federal government was simultaneously retreating in funding construction of new affordable homes, instead opting to inadequately fill the gap with Section 8

vouchers. Large numbers of people with Section 8 vouchers, combined with a low supply of affordable housing, created a void that cities and states are unable to fill.

Other rental assistance programs include the **Section 202 Supportive Housing for the Elderly**, the only federal housing program exclusively for low-income elderly households; the **Section 811 Housing for Persons with Disabilities Program**; and Department of Agriculture’s **Section 521 Rental Assistance Program**.

Federal Assistance to State and Local Governments

The largest form of federal assistance to state and local governments is not a direct expenditure but a tax credit. The **Low-Income Housing Tax Credit (LIHTC)** provides financial incentives for the development of low-income housing by allocating credits to state housing finance agencies. The agencies award the credits to developers who agree to build or rehabilitate housing that is partially targeted to low-income households. LIHTC-alone does not target extremely low-income households. Between 1987 and 2017, 3.13 million homes have been financed using LIHTC.³⁵ While popular among developers, LIHTC is often unable to reach the neediest households on its own and its complexity creates significant administrative costs in development.

The federal government also works with state and local governments to finance **Mortgage Revenue Bonds**. State or local governments sell bonds to investors and use the proceeds of the bond sales to finance home mortgages for eligible, typically first-time, homebuyers.

Outside of the tax code, the federal government provides a host of block grants for state and local governments to administer for affordable housing. These block grants, in particular, have been a target for Republican spending cuts since the 1980s. Funding levels have steadily declined as needs have increased.

The **Community Development Block Grant (CDBG)** program is one of HUD’s most popular and flexible programs. Local governments use CDBG to fund affordable housing, public works projects, urban improvements, historic preservation, and community services – provided that at least 70% of funds are used to benefit low- and moderate-income communities. The **HOME Investment Partnerships** program is another block grant that can be used for the rehabilitation of owner-occupied housing, homebuyer assistance, rental housing construction, or the provision of rental assistance.



Construction on public housing development

Other programs include the **Housing Trust Fund**, which assists in constructing housing for the lowest-income households but has only been funded since 2016, the **Housing for Opportunities for Persons with AIDS (HOPWA)** program, and the **Native American Housing Block Grant** program that provides affordable housing on Indian reservations and Indian areas.

First established in 1987 in the Stewart B. McKinney Homeless Assistance Act (P.L. 100-77) **Homeless Assistance Grants** fund emergency housing and services for people experiencing homelessness. This program includes Emergency Solutions Grants to be distributed to local communities to fund emergency shelter and related services as well as Continuum of Care funds to be competitively distributed for transitional housing, permanent supportive housing, and other wraparound services.

Homelessness

On any given night, there are more than 550,000 people experiencing homelessness. While homelessness has declined nearly 15% nationwide since 2007, many cities have seen increases in homelessness.³⁶ The United States has found some success from targeted policies toward Veteran homelessness and the chronically homeless (defined as those who have disabling conditions who have either experienced continued homelessness for the last year or experienced homelessness four separate times in the previous three years). These populations had reductions in homelessness of 46% and 27.4%, respectively since 2007.³⁷ Between 2007 and 2017, homelessness among families with children fell by more than 21% while the number of people experiencing homelessness as individuals declined by 10.5%—less of a decline than the national average.³⁸ Most people experiencing homelessness are individuals (67%).³⁹

Despite nationwide declines, some cities have had increases in the number of people experiencing homelessness, particularly on the west coast. For instance, the west coast accounts for a disproportionate share of the country's homeless population. Differences in local housing market conditions and policies help explain the variations in homelessness rates across the country. Studies show that areas with high housing costs have higher rates of homelessness⁴⁰ Likewise, areas with high amounts of housing assistance for very low-income renters are associated with lower rates of homelessness.⁴¹



In an effort to reduce the number of people experiencing chronic homelessness, many localities have implemented “housing first” programs. These programs provide people in permanent supportive housing immediately, rather than require an arduous multi-step process with prerequisites and conditions before providing housing. Studies show that supportive housing has high rates of retention, reduced homelessness and housing instability, and fewer hospital stays.⁴² The funding spent on providing supportive housing results in a reduction in services used that is nearly as much as the cost of providing supportive housing.⁴³

While homeless assistance funding has increased by nearly \$1 billion in the past decade, it is clear that many communities still lack necessary resources. Even with this funding increase, the United States has a shortage of 175,000 temporary beds for individuals experiencing homelessness.⁴⁴

Housing Finance

The federal government helps with financing home purchases and tax benefits for existing homeowners. Consistent with the federal government's history of providing unequal benefits and perpetuating cycles of poverty, the largest federal expenditure for housing is the **Mortgage Interest Deduction**, commonly used by wealthier taxpayers. This benefit allows homeowners to deduct the interest paid on their mortgage from their taxable income, provided that they itemize their taxes. Fewer than 13% of taxpayers itemize⁴⁵ and more than 73% of taxpayers that itemize have incomes greater than \$100,000.⁴⁶ The deduction was not initially intended to be a housing-related tax provision but it survived the changes to the tax code in the last century and is now a more than \$30 billion a year benefit primarily for upper-income Americans.⁴⁷

Today, nearly 17% of home mortgages are insured by the **Federal Housing Administration (FHA)**,⁴⁸ which was created to insure private lenders against losses on certain home mortgages. FHA's share of the home purchase market fluctuates during economic cycles from as low as 4.5% in 2005 to as high as 32.6% in 2009.⁴⁹ As mentioned, these programs also have a deep, unsettling history of racial discrimination. The federal government also insures mortgages made by private lenders to veterans through the **Department of Veterans Affairs Home Loan Guarantee program**. The total number of VA-insured mortgages has steadily increased since 2005 and currently accounts for approximately 9.4% of all home mortgage purchases.⁵⁰ Finally Department of Agriculture administers the **Section 502 Rural Housing Loan Program** to guarantee private loans to low- and moderate-income rural residents.

The impact of the racial animus evident in early housing finance programs has clear consequences today. Homeownership rates for non-Hispanic white households are 30% higher (73%) than it is for black households (42.1%) and Hispanic households (47.1%).⁵¹ More than 50 years after enacting the Fair Housing Act, the racist policies of the past continue to contribute to societal inequities.

TRUMP'S ATTACKS AND THE PATH FORWARD

Trump administration attacks

Every year, presidents are required to submit their annual budget recommendations to Congress. Based on past budgets, it is clear the Trump administration holds federal housing assistance programs in low regard. In his most recent budget, Trump proposed a 18% cut to HUD funding (-\$9.8 billion).⁵² This proposal included eliminating the Public Housing Capital Fund, CDBG, and the HOME Investment Partnerships program. He also proposed drastically cutting the Public Housing Operating Fund, Native American Housing Block Grants, Housing for Persons with AIDS (HOPWA), Section 202 Housing for the Elderly, and Section 811 Housing for Persons with Disabilities.

In recent funding bills, congressional Democrats have successfully blocked Trump's proposed cuts to affordable housing and homelessness programs. This year, the Democratic House passed a funding bill with increases for the Public Housing Capital and Operating Funds, Native American Housing Block Grants, HOPWA, the Community Development Fund, HOME, Homeless Assistance Grants, Project- and Tenant-Based Rental Assistance, Section 202 Housing for the Elderly, and Section 811 Housing for Persons with Disabilities. As of this report's publishing, the Senate has not released their funding bill and it remains to be seen how this will play out later in the legislative process.

The Path Forward: Bold, Transformative Solutions

After decades of underinvestment and more than two centuries of discrimination, the federal government must recommit to the partnership on housing. We can't afford to work on the margins while another generation struggles to find an affordable place to live. What follows is a menu of public policy options that the federal government could take to meaningfully address the crisis in: Public Housing, Homelessness, Renter Relief, Equitable Homeownership, and Fair Housing. Alongside all of these proposals, we must maintain our commitment to funding existing affordable housing programs – particularly those that increase the supply of affordable homes, like the Housing Trust Fund.

As some of these policies are implemented, the necessity for others may become more or less pronounced. For instance, fewer evictions may lead to fewer people experiencing homelessness or public housing construction may lead to a reduced need for Housing Choice Vouchers. It is important to consider the interplay between solutions. I am not proposing that the federal government enact all of these at once, rather I hope to provide a range of options to improve conditions for different aspects of the housing crisis.

These policies are admittedly ambitious. But the housing crisis calls for ambition. Housing is a human right and essential for individual wellbeing. The federal government subsidizes food assistance and health care to those who are eligible because it is essential for individual wellbeing – shouldn't the same be done for housing?

BOLD, TRANSFORMATIVE SOLUTIONS: PUBLIC HOUSING

Quadruple Public Housing Capital Funding to \$10 billion a year to fully fund all existing capital needs, and anticipate upcoming needs, within four years. The Public Housing program was underfunded for decades before Congress placed a limit on new construction. In 2010, Public Housing was underfunded by \$25.6 billion⁵³ (nearly \$30 billion in today’s dollars). As a result, public housing residents are faced with kitchens, bathrooms, and windows in need of replacement or repair, unaccommodating conditions for persons with disabilities, energy and water efficiency needs, and unsafe levels of lead paint. Yet for the past decade, annual funding has averaged less than one-tenth of documented needs.



Public housing construction. Portland, Oregon

Eliminate the Rental Assistance Demonstration (RAD) program once public housing capital needs are met. The pace of decline in public housing increased again with the enactment of RAD in 2012.⁵⁴ RAD allows Public Housing Authorities to convert public housing to long-term Section 8 rental assistance but there have been issues with resettling all residents after a conversion. As of March 2019, the Rental Assistance Demonstration program has converted nearly 111,000 homes.⁵⁵ Currently, 455,000 of approximately one million homes in public housing may be converted using the RAD program.⁵⁶ If the Public Housing Capital Funding increase is not sufficient to make up for the backlog of public housing needs, continuing the Rental Assistance Demonstration program should be used as a stopgap to provide affordable housing for those living in substandard homes.

Repeal the Faircloth Amendment. Congress enacted the “Faircloth Amendment” to limit new public housing construction after decades of underfunding and neglect. The amendment makes it illegal for Public Housing Authorities to construct new public housing if it would increase the number of homes owned, assisted, or operated as of October 1, 1999 (when the United States had 60 million fewer people). As a result, public housing stock has steadily declined since 1999 as Public Housing Authorities have demolished or disposed of public housing without fully replacing them and Congress hasn’t allowed for new construction.

Create a new “Public Housing Construction Fund” to construct five million homes to fully cover the national public housing waitlist and expand public housing eligibilities so it is not only the lowest-income members of society living in this setting. Today, there are approximately 1.2 million people living in public housing and one million public housing homes available.⁵⁷ Public housing’s peak was in the mid-1990s, where there were more than 1.4 million homes.⁵⁸ This decline, combined with a shortage of affordable homes in the market, has led to a demand for public housing that is greater than the supply. Waiting lists can be several months, or even years. Recent estimates found 1.6 million people on public housing waitlists and only 4% of housing authorities reporting no people on the waitlist.⁵⁹ Expanding public housing to middle-income households will also ensure that the federal government isn’t segregating poverty with this new investment, but the federal government should work to ensure that resources are going toward the most vulnerable populations first.

BOLD, TRANSFORMATIVE SOLUTIONS: HOMELESSNESS

Provide federal funding incentives for states to enact “Housing First” policies. The “Housing First” model provides permanent supportive housing to people experiencing homelessness. Rather than requiring people experiencing homelessness to address all of their



Tent city. Portland, Oregon

behavioral health challenges before being housed, it provides a place to sleep and wraparound services to provide housing stability. Providing supportive housing costs communities the same, or potentially even less, because housed people have reductions in shelter use, hospitalizations, length of stay per hospitalization, and time incarcerated.⁶⁰ The federal government can capture these savings and apply them to further reduce homelessness.

Double federal homeless assistance funding to drastically reduce homelessness. While the number of people experiencing chronic homelessness nationwide has decreased in the last decade, there are still nearly 100,000 chronically homeless individuals.⁶¹ Individuals account for 67%⁶² of people experiencing homelessness. In many areas there aren’t enough beds. The United States has a shortage of 175,000 temporary beds for individuals experiencing homelessness.⁶³ Doubling funding for Homeless Assistance Grants, which include Emergency Service Grants and Continuums of Care, will provide the required resources to drastically reduce homelessness for individuals and the chronically homeless.

Permanently authorize and increase funding for the United States Interagency Council on Homelessness. Created in 1987, the United States Interagency Council on Homelessness (USICH) is charged with coordinating the federal response to homelessness across its 19-member agencies. USICH was most recently reauthorized through 2028 but only provided \$3.6 million in funding in Fiscal Year 2019.⁶⁴ The federal response to homelessness should not be temporary. We need a permanent and robust commitment to reducing homelessness.

Expand the Legal Services Corporation for unjust evictions and target \$1 billion toward eviction protection. The Legal Services Corporation (LSC) is a private, nonprofit, federally funded entity that provides legal assistance for low-income people in civil matters. Local legal service providers are only permitted to provide legal assistance in eviction cases if the eviction was based on drug-related activities, not other forms of discrimination. While the legal representation of landlords in some regions is as high as 85% to 90%, most tenants lack legal representation in eviction cases.⁶⁵ New York, Los Angeles, and Seattle have all found close links between evictions and homelessness. Prevention is the best way to reduce homelessness. Housing law and procedures are quite complex, and without adequate advice and counsel, many don’t understand their rights and can often be exploited. It is critical that we protect the rights of some of our most vulnerable citizens from arbitrary and sometimes illegal practices.

BOLD, TRANSFORMATIVE SOLUTIONS: RENTER RELIEF

Create a Renter’s Tax Credit so low-income Americans don’t have to pay more than 30% of their income toward rent. Nearly half of renters are “cost-burdened,” paying more than 30% of their income in rent.⁶⁶ Nearly a quarter of all renters are “severely cost-burdened,” paying more than 50% of their income in rent.⁶⁷ A Renter’s Tax Credit would be available for households with incomes at or below 60% of area median income, refundable for those who have a low tax burden, provided on a monthly basis, and cover the difference between 30% of an individual’s income and HUD’s calculated small area fair market rent. This may appear as a large expansion of the social safety net but research suggests it can be implemented at a lower cost than food assistance. Stable housing is a critical determinant of health and can actually lower the cost of Medicaid, another entitlement program and large obligation for federal and state governments.

Make Section 8 Housing Choice Vouchers an entitlement program to cover everyone eligible. Housing Choice Voucher waitlists in some areas can be months, or even years. Over time, the number of Section 8 vouchers subsidized by the federal government has grown while the total number of homes the federal government subsidizes has shrunk.⁶⁸ Nearly 50% of Housing Choice Voucher waiting lists are closed and there are 2.8 million families waiting for Section 8 Housing Choice Vouchers.⁶⁹ Like food assistance, Medicaid, and Medicare, the federal government should provide housing for anyone eligible.

Expand the Low-Income Housing Tax Credit (LIHTC) program. The LIHTC program has been the single most-effective method of constructing affordable housing since the federal government shifted from construction to rental assistance. As of 2018, more than 3.13 million homes have been financed using LIHTC.⁷⁰ The LIHTC program is capped at \$7 billion annually, limiting the number of affordable homes. Congress should double the national credit cap, stabilize the value of the 4% new construction credit, and expand the value of credits available to projects serving extremely low-income populations.

Provide federal incentives for statewide caps on rent increases while maintaining a humane standard of housing. Nationwide, U.S. average rent increased by 2.6% in the first half of 2019, although some cities such as Phoenix and Chicago have had rent increases of 5.8% and 4.8%, respectively.⁷¹ Wages are not increasing as quickly. Nearly half of renters are “cost-burdened,” paying more than 30% of their income toward rent and a quarter of renters are “severely cost burdened,” paying more than half of their income toward rent.⁷² To incentivize states to cap rent increases, Congress should reform CDBG’s allocation formulas so communities receive additional funds for action.

Triple funding for Section 202 Supportive Housing for the Elderly and Section 811 Supportive Housing for Persons with Disabilities. Today, HUD is only able to provide housing for one in three seniors who qualify for Section 202 assistance.⁷³ This program has been a longstanding target of congressional Republicans and was cut in half in 2011. While funding has since increased, it has not kept up with inflation over the last decade. With baby boomers retiring, there will be nearly 47 million household heads over 65, an increase of 20 million since 2015.⁷⁴ Likewise, housing discrimination against persons with disabilities accounted for 57% of complaints in 2017⁷⁵ and HUD estimates that 17% of households with “worst-case” housing needs include a nonelderly person with disabilities, a disproportionate share compared to the United States’ population.⁷⁶

BOLD, TRANSFORMATIVE SOLUTIONS: EQUITABLE HOMEOWNERSHIP

Restructure the Mortgage Interest Deduction to make it a credit, rather than a deduction. The Mortgage Interest Deduction allows for taxpayers who itemize their taxes and own their homes to reduce their taxable income by the amount of interest paid on their first and second home mortgages, up to \$750,000. The benefit is only available to people who itemize their tax returns. Fewer than 13% of taxpayers itemize their returns.⁷⁷ Of those that take the Mortgage Interest Deduction, more than 73% have incomes greater than \$100,000.⁷⁸ Converting the deduction to a tax credit at a rate of 15% of interest paid, would help spur homeownership for people of all income levels, not just the wealthy few.

Repeal the Mortgage Interest Deduction for the purchase of second homes. As mentioned, the Mortgage Interest Deduction allows for taxpayers who itemize their taxes and own their homes to reduce their taxable income by the amount of interest paid on their first and second home mortgages, up to \$750,000. The median household income of homebuyers purchasing a second home is more than 21.5% higher than that for people with one home.⁷⁹ With a shortage of seven million affordable homes for people with very-low incomes,⁸⁰ the United States taxpayer should not be subsidizing the purchase of second homes. Regardless of this disparity, the federal government provides the same tax benefit for the purchase of first and second homes.

Create a new HUD “Restorative Justice Home Loan Guarantee Program” to assist with homeownership for first-time homebuyers living in formerly redlined or segregated areas. This home loan guarantee program is targeted toward populations that were systematically excluded from homeownership opportunities throughout the 19th and 20th centuries. The Restorative Justice Home Loan Guarantee Program would use the same loan guarantee levels as available under the VA Home Loan Guarantee Program, which successfully guaranteed more than 600,000 home loans in Fiscal Year 2018.⁸¹

Reinstate the First Time Homebuyer Tax Credit. Congress created a temporary First-Time Homebuyer Tax Credit after the recession to encourage low- and moderate-income households to become first-time homeowners. The incentive provided first-time homebuyers a tax credit of up to \$7,500 for the purchase of a first home. The credit was only available from 2008 to 2011 but could be reinstated given today’s housing conditions. The credit could be refundable and the value could be reduced as the taxpayer earns more income, until finally no longer available at 120% of area median income.

BOLD, TRANSFORMATIVE SOLUTIONS: FAIR HOUSING

Provide federal incentives for communities to end exclusionary zoning and allow for multifamily housing. It is illegal to build anything other than a single-family home on 75% of residential land in many American cities.⁸² The Supreme Court struck down efforts to ban African Americans from living in certain neighborhoods in 1917, but local officials promoted zoning ordinances to reserve middle-class neighborhoods for single-family zoning (which lower-income families of all races could not afford).⁸³ Today, fewer affordable homes are available near job centers, urban sprawl is degrading communities, and de-facto segregation is widespread. The same communities who were excluded from affluent areas by zoning are often ones that can't afford to pay rent or purchase a home today. To incentivize state action, Congress should reform CDBG's allocation formulas so communities receive additional funding for action.



Public Housing Protest. New Orleans, Louisiana, 2006.

Finalize Obama-era Affirmatively Furthering Fair Housing (AFFH) protections. The Fair Housing Act prohibited housing discrimination for protected classes. It also required that localities undo historic patterns of segregation, affirmatively further fair housing, and create more inclusive communities. The Obama administration proposed rulemaking to strengthen AFFH by improving the process by which communities analyze fair housing impediments. The Trump administration suspended the rule's implementation and is "reevaluating" the rule.

Improve the Fair Housing Act by prohibiting housing discrimination on the basis of sexual orientation, gender identity, marital status, veteran status, immigration status, and source of income. The Fair Housing Act prohibits housing discrimination on the basis of race, color, national origin, religion, sex, familial status, or disability but landlords nationwide are not prohibited from discriminating on other factors.

Remove barriers to obtaining federal housing assistance for people with a criminal record and their families. The destructive impacts of the failed war on drugs, mass incarceration, and unequal policing practices on communities of color also affects their ability to secure and retain housing. While Public Housing Authorities and private landlords have the discretion to admit applicants with a criminal history, the existence of a criminal record can be enough to deny housing. Congress should ban "first-strike" policies that allow for tenant eviction for a single incident of criminal activity and ban "no-fault" policies where entire families can be evicted if one family member commits a crime without their knowledge.

Double Fair Housing Act enforcement funding. Congress first provided fair housing enforcement funding for state and local agencies in 1980, more than a decade after the Fair Housing Act passed. The Fair Housing Assistance Program (FHAP) funds HUD-certified state and local agencies to process complaints, increase capacity, train officers, and engage in special enforcement. Similarly, the Fair Housing Initiatives Program (FHIP) contracts or awards competitive grants to entities participating in fair housing enforcement. Funding for FHAP and FHIP has declined since its peak in 2012 despite the number of reported complaints nationwide has increased since 2013.⁸⁴ The most reported type of housing discrimination, which involved in 56.7% of cases in 2017, was discrimination against a person with disabilities.⁸⁵

CONCLUSION

Every day we are confronted with new evidence of how our world is so powerfully interconnected. The climate crisis, transportation, social justice, and equity, all are interwoven with housing.

Affordable, accessible housing is a human right, even if American policymakers have been slow to acknowledge the fact. Everyone has to sleep somewhere tonight. As policymakers are unable to provide the necessary resources to lessen the burden, everyone bears the cost of inaction. One person's housing challenge affects families, social networks, healthcare, the environment, social services and more. It is past time that we treat this like the crisis that it is.

There have been countless efforts on the part of all levels of government to influence the disposition of land and provide incentives for certain people to make certain investments. Sadly, those investments are skewed toward those who need help the least, rather than traditionally marginalized communities who should have been beneficiaries of public investments.

Making up for decades of underinvestment and atoning for past wrongs is not going to be done easily and it won't come cheap. At the same time, a rigorous review of all the money that we are still spending, and also paying for failure, makes solutions more affordable.

Until we acknowledge the past and its impact on the present, we're not going to meet this challenge. Special attention must be given to communities of color that were systematically discriminated against for centuries. This residual damage, and continuing discrimination today, necessitates a commitment to restorative justice in housing policy (and all other fields of public policy).

While some of these elements may appear radical or dramatic, I assure you they are within our capacity and are part of the ultimate solution. Our communities will not be livable until we deal with the housing needs of today and the failures and mistakes of the past. I hope this report helps inspire thinking on the order of magnitude necessary to get this done.



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