Virginia Initiates Housing Trust Fund with National Mortgage Settlement Funds

The Campaign for a Virginia Housing Trust Fund, after a decade of advocating for a state housing trust fund, is celebrating the state General Assembly’s decision to utilize a portion of the National Mortgage Settlement funds to capitalize the Virginia Housing Trust Fund. The Virginia House and Senate budget conferees recommended the creation of a Housing Trust Fund and $7 million in initial funding for the second year of the 2012-14 biennium. The budget was adopted by the House and Senate and has gone to the Governor, who has indicated he will sign it. Virginia received a total of $66 million from the National Mortgage Settlement funds.

The recommendation for a Virginia Housing Trust Fund made by the Senate and House budget conferees creates the Virginia Housing Trust Fund and places $7 million into the Fund. Interest earnings and all funds remain in the trust fund. The Fund will be administered by the Department of Housing and Community Development working in collaboration with the Virginia Housing Development Authority to provide loan origination and servicing activities as needed. The Department, in conjunction with the Virginia Housing Development Authority, is to submit a plan outlining proposed uses of the funds to the General Assembly.

At least 80% of the funds are to provide flexible financing for low-interest loans through eligible organizations. These loans are to be structured to maximize leveraging opportunities and all funds are to be repaid to the Fund. Funds may be used for:
News is published by the Housing Trust Fund Project of the Center for Community Change. The Center for Community Change is a national nonprofit which helps low-income people build powerful, effective organizations through which they can change their communities and public policies for the better.

The Housing Trust Fund Project operates as a clearinghouse of information on housing trust funds throughout the country and provides technical assistance to organizations and agencies working to create and implement these funds.

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- Affordable rental housing to include new construction, rehabilitation, repair, or acquisition of housing to assist low or moderate income households, including land and land improvements;
  - Down payment and closing cost assistance for homebuyers; and
  - Short, medium and long term loans to reduce the cost of homeownership and rental housing.

Up to 20% of the funds may be used for grants through eligible organizations to reduce homelessness, including:
  - Temporary rental assistance, not to exceed one year;
  - Housing stabilization services in permanent supportive housing for homeless individuals and families;

- Mortgage foreclosure counseling targeted to localities with the highest incidence of foreclosure activity; and
- Pre-development assistance for permanent supportive housing and other long term housing options for the homeless.

Organizations eligible for funding from the Fund include: localities, local government housing authorities, regional or statewide housing assistance organizations that provide assistance to low and moderate income households, and limited liability companies expressly created for the purpose of owning and operating affordable housing.

The Campaign for a Virginia Housing Trust Fund (www.

The National Mortgage Settlement

The National Mortgage Settlement, approved on April 4, 2012, is the result of a state-federal agreement settling charges that the five largest loan servicers (Ally/GMAC, Bank of America, Citi, JPMorgan Chase, and Wells Fargo) engaged in improper servicing and foreclosure activities. The $25 billion settlement resulted in direct payments by the servicers for a range of activities: relief for struggling homeowners, refinancing of underwater homes, mortgage servicing reforms, monitoring and enforcement, and payments to foreclosure victims.

Another $2.5 billion comprise payments to 49 states and the District of Columbia. The settlement documents (contained primarily in Exhibits B1 and B2 of the settlements) identify the amount going to each state and the language settled upon by the Attorney General as to how these funds would be spent. The language ranges from quite broad parameters to more specific delineation of activities. Information can be found at www.nationalmortgagesettlement.com.

Several states have already determined how the state funds will be used. The process varies by state and decisions may be made by the Attorney General or may involve the legislature. The Housing Trust Fund Project has heard from a few states about plans to use a portion of the funds to enhance or initiate their state housing trust funds.

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virginiahousingtrustfund.org) has been actively engaged in creating a housing trust fund generating support throughout the state. The campaign issued a report that summarized the impact a state fund would have on the economy in Virginia. With a $10 million per year stream of revenue, within the first ten years the Fund would have a $1 billion economic impact on Virginia. This impact is the result of construction spending, building materials purchased, construction worker wages, building operations and maintenance, as well as, expenditures across a range of related employment fields including real estate sales, legal, accounting, engineering, and many others.

Governor Bob McDonnell has recognized the seriousness of housing needs in Virginia and has issued several policy initiatives since taking office. A “State Housing Policy Framework” was released last fall that connects a range of state policies to housing. And a Housing Trust Fund was identified as a key implementation strategy.

The Campaign created statewide support for the trust fund by providing regular and consistent information and alerts through their e-newsletter; collecting stories from families and individuals benefiting from housing and services provided; enabling supporters to follow the campaign on Facebook, enlisting university students and their organizations to support the campaign; and getting involved by contacting elected officials. During the final six weeks of the effort, a number of newspapers across the Commonwealth took editorial positions supporting the use of the Settlement Funds for a Housing Trust Fund and others ran op-ed features sponsored by the Campaign. The Campaign also surveyed affordable housing providers regarding their readiness to use state funds—nearly 75% of those responding indicated their ability to use the funds when available—showing a demand for funds far in excess of the proposed funding level.

The Campaign recognizes this is a first step and fully intends to expand and deepen support as they continue to work toward a sustainable revenue source for Virginia’s new Housing Trust Fund.

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Despite two very challenging 2012 legislative sessions, the Washington Low Income Housing Alliance and its supporters celebrated huge victories this spring, extending and increasing an expiring document recording fee that funds programs to reduce and prevent homelessness, and securing $67.1 million for the Housing Trust Fund, $1.8 million for affordable housing from a set aside fund, and $25 million in weatherization funds. Additionally, the Housing Alliance was able to pass fair tenant screening legislation and save an important emergency housing program, Housing and Essential Needs, from elimination.

Entering the 2012 regular legislative session with a proposed Governor’s budget calling for $2 billion in cuts, the Housing Alliance anticipated that to protect and expand state support for affordable housing would take an unprecedented advocacy effort. The resolve of the Housing Alliance was tested early, when a late January freak snow and ice storm shut down western Washington and forced the Housing Alliance to cancel its lobby day at the state capitol. But housing, homeless and poverty advocates from across the state rallied with amazing vigor and persistence, successfully making the case for housing throughout both the regular and special legislative sessions.

“Our folks testified, wrote letters, called, sent emails, visited their lawmakers in person, collected testimonials, and facebooked to make sure that housing and homelessness issues were on the radar in a way they have not been in the past,” said Housing Alliance Director of Policy and Advocacy, Michelle Thomas. “Because of the incredible advocacy from our members, and because we had legislative champions in the House and Senate who refused to let affordable housing be bargained away, we were able to expand housing opportunity at a time when people need help with housing more than ever.”

The first victory was the passage of the Fair Tenant Screening Act, SSB 6315. After years of effort, this bill marks significant progress towards eliminating the barriers to housing that the tenant screening industry creates. The bill requires landlords to provide tenants with information on the tenant screening company being used and the criteria being used to accept or deny tenancy. Additionally, the bill creates a stakeholder group to examine solutions to the remaining issues including the reporting of eviction and domestic violence records and the high cost of the tenant screening reports.

The second major victory occurred in March, with the passage of HB 2048/SB 5952, which extended the sunset of a $20 document recording fee that funds programs related to ending homelessness. The $20 fee, that was set to expire in 2013, will be extended by four years and a new $10 fee will be added to help make up for lost revenue to state and county homeless programs. In addition to filling a revenue gap, the new fee is intended to help increase cooperation between state & local governments, service providers and private landlords and is set to expire in 2015 to evaluate its success.

In addition to extending the document recording fee, the two major revenue bills that passed, SB 6074 and SB 5127, allocated $93.9 million for affordable housing, including the $67.1 million to the Housing Trust Fund.

Realizing that protecting the most vulnerable was especially important to legislators this year, the Housing Alliance strategically focused its messages to illustrate that the Housing Trust Fund primarily serves people with the lowest incomes. To get their message out, the Housing Alliance cultivated strong messengers and powerful stories. People who are experiencing the housing crisis participated in press events and delivered testimony. The Housing Alliance gathered stories from people and social services agencies across the state, but especially in districts represented by key budget writers, about how proposed cuts would impact and harm lives and communities, and presented the stories to legislators.
Pennsylvania Dedicates Funds to Housing Trust Fund to Address Drilling-Related Housing Crisis

A provision in the Marcellus Shale Impact Fee Law enacted by the Pennsylvania legislature in February will provide the first source of revenue to the Pennsylvania Housing Trust Fund. The Marcellus Shale Impact Fee Law is a broad overhaul of the state’s gas-drilling regulations, including a new fee on drilling companies. The law also addresses environmental and land use issues arising from the drilling.

The Impact Fee legislation has been at the center of an intense debate over how much money Marcellus Shale drillers should be required to pay in exchange for extracting a lucrative resource that has environmental, economic and community impacts on Pennsylvanians living in the Marcellus Shale region.

The housing crisis in communities within the Marcellus Shale region has been particularly acute for many long term residents with limited incomes, including seniors, people with disabilities, and low-wage workers. Although the drilling industry provides an economic boon to a community, those who are most economically vulnerable are being priced out, even forcing some people into homelessness for the first time and others to relocate to more affordable locations, often far away. Funds generated from the new Impact Fee will give communities in the region some tools to provide needed affordable housing.

The fees are imposed at the county level at the option of each county. However, if a county chooses not to adopt an

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impact fee ordinance, the fee may be imposed county wide by resolutions adopted by at least half of the municipalities in that county or by municipalities representing at least 50% of the population of the county.

Liz Hersh, Executive Director of the Housing Alliance of Pennsylvania, stresses the opportunity the new law provides: “Local communities have the opportunity to determine how to grow their local markets in such a way that everyone benefits. Many counties may not even realize the extent to which the new law could help them address their housing demand and price hikes so that there is new opportunity for local people. We want to make sure this opportunity is not squandered.”

The Marcellus Shale Impact Fee Law addresses the need for affordable homes in three ways:

1. Increasing the supply of affordable homes is an allowable use of the local share of revenues collected, which is equivalent to 60% of the fees collected, after certain statewide initiatives are funded, and will be distributed directly to local governments.

2. A portion of the revenues collected is dedicated funding for the state Housing Trust Fund administered by the Pennsylvania Housing Finance Agency (PHFA). These funds are targeted for use in counties with gas producing shale wells. A total of $5 million ($2.5 million for 2012) is committed to the State Housing Trust Fund annually. This annual revenue stream will allow PHFA to incur a bond, bringing in approximately $70 million up-front for use in the Shale region to address housing needs. Funds go to the state Housing Trust Fund prior to issuing the 60% formula to local governments.

3. The legislation imposes a cap on how much any municipality may receive under the funding formula which may not exceed 50% of the municipality’s budget for the prior fiscal year or $500,000. If by formula the municipality would have received more than the limit, the excess goes to the state Housing Trust Fund for use in counties with active shale gas wells.

Once the fee is imposed, drillers will submit the requisite amount to the Public Utility Commission (PUC) by April 1 of each year beginning in 2013 (and by September 1, 2012). The PUC deposits the money into the state Treasury which will disburse 40% of the funds to specified programs such as Conservation Districts, the Natural Gas Energy Development Fund, the Fish and Boat Commission, and others. The remaining 60% (minus the amount going to the state Housing Trust Fund) is distributed to the counties and municipalities.

The Pennsylvania Housing Trust Fund was established in 2010 when the Pennsylvania Housing Affordability and Rehabilitation Enhancement (PHARE) Act was passed, after an intensive campaign spearheaded by the Housing Alliance of Pennsylvania. Under PHARE, the state housing trust fund can be used for redevelopment, construction, rental assistance, foreclosure prevention, homeownership counseling, and special needs housing. PHARE did not designate an ongoing dedicated revenue source for the state Housing Trust Fund.

PHARE requires that 30% of the funds benefit households below 50% area median income, and establishes a preference for green building standards. PHARE also requires that the Pennsylvania Housing Finance Agency develop a proposed annual plan based on local needs and provide regular reporting on the use of the funds.

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The report offers a new vision for rebuilding a housing market that works for everyone: including supported and low cost rental homes to market rate homeownership. Based on data about supply and demand, evidenced-based practices, and the experiences of local providers, the report demonstrates how housing can lead the way out of a recession.
New Mexico affordable housing and homeless advocates saw the results of their ongoing educational campaign when the legislature committed $3 million from the General Fund in the FY13 budget for the New Mexico Housing Trust Fund. After an initial investment in the Trust Fund, it has received $1 or $2 million annually between 2006 and 2008, but has not received any funding since 2009. The New Mexico Coalition to End Homelessness brought more than 60 people from across the state to the capitol for lobby day, focusing on preserving funding for needed housing/homeless programs. The New Mexico Lutheran Advocacy Ministry campaigned closely with the Coalition. Funding for the state housing trust fund was one of the Coalition’s advocacy priorities.

The bill was introduced by Senator Nancy Rodriguez from Santa Fe, who sits on the Senate Finance Committee, and has been a long time advocate for the state housing trust fund. Once the bill was introduced, advocates focused on building support from Legislators and the Governor. The Mortgage Finance Authority prepared a fact sheet in support of the funding. Senator Rodriguez was able to get the $3 million into the budget bill which was passed by the legislature and signed by the Governor.

Since its creation in 2005, the Fund, managed by the New Mexico Mortgage Finance Authority, has received $15 million in state appropriations. These funds have supported more than 30 separate affordable housing projects across the state, providing some 1,000 affordable homes for low and moderate income households. The Trust Fund supports a wide range of housing opportunities for extremely low income households to those earning as much as 120% of the area median income.

The New Mexico Coalition to End Homelessness has highlighted the impact of housing needs in the state. For every 100 extremely low-income households in New Mexico, there are only 30 rental units that are affordable and available to them. Three-fourths of these households are paying more than half of their income just for housing costs. During the 2010-2011 academic school year, Albuquerque Public Schools Title I Homelessness Program served more than 6,000 homeless children.

The New Mexico Housing Trust Fund has been a successful and powerful tool in addressing the housing needs of New Mexico’s families. Funding has been inadequate to meet New Mexico’s housing needs, particularly during the economic downturn. This $3 million investment is a welcome addition to help meet the affordable housing needs of New Mexico’s struggling families.

Lisa Huval, Policy and Advocacy Director for the New Mexico Coalition to End Homelessness, observes, “Deep cuts to the HUD budget will deepen the housing crisis in New Mexico for our low income families. This is unacceptable. We need to increase our investment in affordable housing at the local, state and federal level. While we work to rebuild our economy after the recession, we cannot forget about low income families whose basic housing needs continue to go unmet.”

The New Mexico Mortgage Finance Authority estimates that the Trust Fund’s commitments to date have generated between $150-$200 million in local income (business income and wages), between $14 -$18 million in local government revenues, and as many as 3,500-4,000 jobs.

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Connecticut Governor Dannel P. Malloy’s commitment to affordable housing and state leadership is among the most promising in the nation. In February 2012, the Governor announced that he is substantially increasing the state’s commitment to affordable housing by adding more than $330 million to bolster affordable and supportive housing across the state. The proposal emphasizes the Governor’s vision of creating housing for low and moderate income residents as a driver of economic growth and making Connecticut a more vibrant place to work and live.

“For the past twenty years, the State of Connecticut has languished in its affordable housing commitments, not investing in this critical area that is needed to help individuals and families find stability and employment. It’s time we changed that approach and made Connecticut a better, more affordable place to live,” Governor Malloy said. “As many studies have shown, every dollar spent on affordable housing generates multiple times that amount in private economic activity. Housing is going to be a key component of our success to get Connecticut moving again.”

The package includes an increase of $30 million in bonding for each of the next ten years for public housing to bring deteriorated and vacant apartments back on line; an additional $20 million to increase affordable housing options; an additional $12.5 million in capital funding to re-invigorate the state’s elderly congregate housing; and an annualized $1.5 million for the Rental Assistance Program to support an additional 150 RAPs for scattered site supportive housing, which assists low-income families with securing affordable decent, safe and sanitary housing.

The $20 million for affordable housing adds to the $50 million authorized in the biennial budget which was split between the Connecticut Housing Trust Fund and the state’s FLEX Fund. The additional $20 million is committed to the FLEX Fund.

Governor Malloy is also proposing a reorganization of the state’s housing functions into a new State Office of Housing within the Department of Economic & Community Development to provide leadership and facilitate coordination consolidating a number of offices from several state agencies in order to strengthen the state’s structure and vision on housing initiatives.

Connecticut’s Housing Trust Fund was created in 2005 through passage of a law that authorized up to $20 million per year in state general obligation bonds for a cap of $100 million total. The Housing Trust fund is administered by the Department of Economic and Community Development. A Housing Trust Fund Advisory Committee was formed to advise DECD on the administration, management and objectives of

![Bond Authorizations for Housing Programs FY 1991 to FY 2013](chart.png)
the Fund and on the development of regulations, procedures and rating criteria for the program. The Fund provides grants and loans to nonprofit entities, municipalities, housing authorities, and others.

A powerful illustration of the steps taken by the Connecticut Housing Coalition, the Partnership for Strong Communities, and other state affordable housing advocates to build an understanding of how fundamental a safe affordable home is to a family and the community is the recent release of the Policy Brief: “Housing & Educational Success: Closely Connected,” by the Partnership for Strong Communities. The report introduces extensive research findings by framing it this way:

• A home, at its core, is shelter from the elements. A home is also security or, as Maya Angelou has told us, “the safe place where we can go as we are and not be questioned.”

• But for children, their families and their future, a home is the foundation of opportunity. If it is affordable, of high quality and well-situated, a home can be the springboard to educational success and economic independence.

• If it is overcrowded, unaffordable, substandard and located in an overburdened school district and a community with few services, a home will provide little, if any, support.

The report points out that overall, housing quality, affordability and location can significantly impact school performance. Families who are homeless, or frequently move, may be forced to transfer their children from school to school in mid-year, increasing the likelihood of classroom and social difficulties. The report concludes that housing advocates need a dual strategy: enhance urban schools and create a wider array of safe, secure, affordable housing options close to transit and other vital services in cities. A comprehensive answer focuses on affordable homes and high-resource schools in both cities and suburbs so parents can choose the educational and community options that work best for their children’s particular needs. Not suburb, or city, but both.

The campaign in Connecticut has succeeded in bringing together housing advocates and service providers with others advocating for education, healthcare, transportation, seniors and youth. The combination of solid evidence and building alliances over many years has paid off in Connecticut with solid support from the Governor and other elected officials. As Betsy Crum, Executive Director of the Connecticut Housing Coalition has observed, “Our Governor has vision and the drive to bring housing to the front burner, and our housing industry is ready to come forward to support that vision. Solutions to our state’s housing needs will be devised ‘on the ground’ by small groups of dedicated people working across sectors to address common goals. Together, we must join our voices and our talents to respond to the opportunities presented by this budget.”

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California affordable housing advocates are actively engaged in a statewide campaign to secure a dedicated revenue source for a state housing trust fund. SB1220 introduced by Senators Darrell Steinberg and Mark DeSaulnier and Assemblywoman Toni Atkins would impose a $75 fee on the recordation of certain real estate documents and place this revenue into the Housing Opportunity and Market Stabilization (HOMeS) Trust Fund. The measure requires a two-thirds vote in both houses of the state legislature to be enacted.

The trust fund would support the development, acquisition, rehabilitation, and preservation of homes affordable to low and moderate income households, including emergency shelters, transitional and permanent rental housing, foreclosure mitigation, and homeownership opportunities. The bill imposes the fee on the recordation of each real estate document, excluding documents related to the sale of a property, in order to permanently fund the Housing Opportunity and Market Stabilization (HOMeS) Trust Fund. It is estimated that this fee will generate an average of $525 million per year for the HOMeS Trust Fund.

California has a strong and sophisticated capacity to address affordable housing, but available resources have plummeted. In 2000 and 2006, voters approved roughly $5 billion in housing bonds. These funds have financed the construction, rehabilitation and preservation of more than 11,600 shelter spaces and 57,200 affordable apartments, including 2,500 supportive homes for people experiencing homelessness. In addition, these funds have helped 57,290 families become or remain homeowners. Nearly all of these funds have been awarded. Exacerbating the situation, California’s redevelopment agencies used to generate some $1 billion per year for affordable homes as a result of the requirement that they set aside 20% of tax increment revenues for affordable housing. With the recent elimination of redevelopment agencies statewide, this funding stream has disappeared.

Key partners in the HOMeS Act campaign include: Housing California, California Coalition for Rural Housing, California Housing Consortium along with regional Housing Coalitions including the Non-Profit Housing Association of Northern California, Southern California Association of Non-Profit Housing, and the San Diego Housing Federation.

The campaign has created several focused activities for advocates to engage in and to build effective ways to reach legislators. Different weeks are designated for targeted constituent letter writing. One week all homeless service providers, homeless shelters, and homeless advocates were encouraged to write letters. In subsequent weeks, different constituencies will be engaged, including veterans, nonprofit developers, and others.

Regional trainings were sponsored to prepare and train advocates to engage others, plan effective legislative visits, use powerful communication strategies, and become key members of the campaign. Housing California has a toolkit available on its website (www.housingca.org) containing information on activities, fact sheets, messages, support letter templates, and ways to get involved.

A postcard campaign has been launched, generating thousands of postcards signed by housing advocates, residents, allies, friends and others to let legislators know how many people care.
about the need for affordable homes in California.

Lobby Day is scheduled in April to match the first day the bill will be heard by the first Senate Committee. The day is organized to include a training for all advocates, lobbying visits with key legislators, and an opportunity to attend the hearing on the bill in the Senate Transportation and Housing Committee.

The campaign has focused on involving a broad range of supporters including teachers, veterans groups, domestic violence survivors, healthcare professionals, service workers, foster youth advocates, business owners, residents of affordable homes, homeowners, property managers, people with disabilities, faith-based organizations, labor organizations, homeless service providers, housing advocates, and everyone else who cares about affordable homes.

The administrative and program details for the HOMEs Trust Fund have yet to be worked out. California created a state housing trust fund in 1985 but has never had a sustainable source to fund it. With declining federal funds to support affordable housing and homeless needs, California faces a quite critical period in which funds are vanishing and housing needs remain at alarming rates. From 2007-2009, California lost more than 95,000 construction trade and related jobs, according to the California Employment Development Department.

“The HOMEs Act takes a significant step towards ending homelessness and helping hundreds of thousands of Californians find safe affordable homes,” said Shamus Roller, Executive Director of Housing California. “Hardworking families should be able to afford housing and still have money for groceries and other necessities.”

Eight states lack a state housing trust fund and another four have created state housing trust funds but are still working to secure revenues to implement them. Advocates in California want to shift the state’s position and create a sustained effective program to support homes; create vibrant communities; and build safe secure environments for all Californians.

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Richmonders Involved to Strengthen our Communities (RISC) in Richmond, Virginia brought hundreds of its leaders together to call on City Council to implement the City’s Affordable Housing Trust Fund.

RISC is a DART-affiliated coalition of fourteen Richmond-area Baptist, Presbyterian, Jewish and Catholic congregations which selected the housing trust fund as one of its key community issues last fall. The City created the Affordable Housing Trust Fund in 2007, but the Board has yet to be appointed and a dedicated source of funding has yet to be approved.

The Rev. Micah Jackson, RISC co-chair and pastor of the Seventh Street Memorial Baptist Church, said “we have been and will continue to follow this through to the end.” RISC chose its Nehemiah Action as an opportunity to report on responses from City officials to three key questions:

- Will you support immediate appointment of the Affordable Housing Trust Fund Board?
- Will you support amending the ordinance to ensure half of the funding goes to households with 30% or less of the area median income?
- Will you support at least $3 million in funding?

RISC presented data stressing the urgency of taking action. In Richmond, 46% of households pay more than 30% of their income for housing (the national standard for affordability). And 22% of Richmond households pay half of their income for housing.

Mayor Dwight C. Jones has included $500,000 for the trust fund in his budget for the coming fiscal year. RISC has continued to stress the importance of creating a sustainable fund with ongoing dedicated revenues.

Council President Kathy Graziano, who sponsored the original housing trust fund ordinance, but could not attend the Action due to a prior commitment, said: “Is it possible to do it? I’m not sure. These are tough economic times.”

Council Vice-President Ellen Robertson has introduced an ordinance that sets up provisions for the trust fund and its board, amending the original ordinance by clarifying its potential uses, delineating responsibility of the Advisory Board, and assigning administrative responsibilities.

The Committee voted to send the ordinance to the full council with a recommendation for approval. The City Council is scheduled to review the revised ordinance that would commit to establishing the Advisory Board and further define operations of the Trust Fund in April.

RISC intends to continue attending City Council hearings and meetings making its presence known to push for the steps necessary to implement the local Affordable Housing Trust Fund.

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