Chapter 6

SUBSIDIZED AND TAX CREDIT HOUSING

INTRODUCTION

The fifth major housing plan category identified in the Regional Housing Plan (RHP) is subsidized and tax credit housing. SEWPRC provides a discussion of subsidized and tax credit housing in Chapter X of the preliminary RHP. First, it presents an inventory and analysis of subsidized and tax credit housing; second, it provides an historical perspective including Federal legislation since the 1930s, a history of public housing within the Region, and the development of subsidized housing since the 1970s; third, a discussion about the current challenges facing subsidized housing in the Region; fourth, it includes a discussion about homelessness and emergency shelter needs and facilities; and, finally, a summary of the findings that lead to the preliminary recommendations.

As stated in Chapter II of the preliminary RHP, developing and maintaining an adequate supply of subsidized housing was identified as one of the seven components contributing to the Regional housing problem:\(^1\)

- Challenges faced in sustaining the present supply of subsidized housing stock in the Region

Subsidized and tax credit housing refers to “the government financial assistance needed to effectively reduce the economic constraints to housing for the lowest-income households in the Region.” SEWRPC notes that although the vision for the Regional Housing Plan (RHP) is to create the necessary conditions within the Region that would encourage the provision of financially sustainable housing opportunities for persons of all ages, incomes, and needs through the private housing market, not all needs for all of the Region’s citizens can be met through the private market. There will be a continuing role for government assistance for those most at risk for losing housing or not having adequate housing. Subsidized and tax credit housing require a discussion of Federal programs, current and projected funding, and the impact of the Great Recession and housing crisis. Issues of subsidized and tax credit housing are intrinsically related to issues of affordable housing and fair housing practices; although touched on here, further discussions on these topics are provided in SEI Chapter 2 (Affordable Housing), Chapter 3 (Fair Housing/Opportunity), and Chapter 5 (Accessible Housing).

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\(^1\) Preliminary RHP Chapter II, Objectives, Principles, and Standards, page II-1-2
The socio-economic impact analysis of the RHP will first provide a brief summary of SEWRPC’s approach to issues concerning Subsidized and Tax Credit Housing, then provide some background and context regarding current and projected economic conditions and their impact on subsidized and tax credit housing and environmental justice communities, and finally, provide an analysis of the recommendations set forth within the RHP in light of current economic conditions (including the Great Recession and housing crisis).

PRELIMINARY REGIONAL HOUSING PLAN AND ISSUES IDENTIFIED CONCERNING ACCESSIBLE HOUSING

SEWRPC’s Legacy 1975 Regional Housing Plan

The 1975 plan included a housing allocation strategy and set forth a series of recommendations, divided into two categories (nonsubsidized and subsidized housing). Most of these recommendations were based on the central tenet of preserving and promoting affordable housing. The Legacy plan also discusses the social constraints such as racial discrimination and community opposition that go beyond economic barriers to safe, adequate and sanitary housing for low- and moderately low- income households and protected classes under the Fair Housing Act.

The current preliminary RHP addresses the recommendations set forth in the Legacy RHP in Chapters III and XII. Tables III-10 and III-11 in Chapter III display the 1975 Legacy Plan subsidy and nonsubsidy housing recommendations related to subsidized and tax credit housing as follows:

- **Subsidy Housing Recommendations**
  - **Priority Areas for Programs Involving Rehabilitation of Substandard Housing**
    - In brief, when screening applications for subsidy funds for the rehabilitation of housing, the administering agencies concerned give first priority to applications involving the restoration of substandard housing in the Cities of Kenosha, Milwaukee, Racine, and Waukesha, and second priority to applications in select rural subareas (no longer applies — housing rehabilitation funding is currently available through the HOPE VI program which is administered directly to the entitlement communities or by the Wisconsin Department of Administration Division of Housing for non-entitlement communities)
  - **Recommendations to Facilitate Utilization of Housing Subsidy Programs at the Local Level**
    - In brief, calls for the establishment of county-level housing agencies and directs them to develop neighborhood level needs analyses and plans, and develop relationships with local stakeholders (partially implemented — most counties have a PHA, however, so do some of the larger cities)
    - Local units of government should investigate the possibility of utilizing local revenues as a source of public subsidy funds to reduce the cost of housing to households in the need category (implemented through public-private partnerships and alternative programs)
  - **Role of the Southeastern Wisconsin Regional Planning Commission**
    - In brief, SEWRPC should establish a monitoring system for the provision of subsidized housing, provide for the collection, analysis, and dissemination of housing-related information, and undertake a major reevaluation at regular

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2 Southeastern Wisconsin Regional Planning Commission, Planning Report No. 20, A Regional Housing Plan for Southeastern Wisconsin, February 1975, Chapter 14
intervals (implemented until funding was eliminated by HUD in the early 1980’s; – monitoring is now up to HUD and administering agencies)

- Recommendations to State Agencies
  - In brief, two agencies were asked to provide technical and financial support to the county housing authorities and local governments (implemented - recommended agencies no longer exist, but the Division of Housing within the Department of Administration was established to provide support to local governments and HUD provides support to PHAs)

- Recommendations to Federal Agencies
  - Subsidy programs administered by HUD and the USDA Farmers Home Administration should be sufficiently funded to facilitate a significant reduction in the existing housing need in the shortest possible time (implemented; however, none of the HUD and USDA programs have ever been sufficiently funded)
  - Called for the reinstatement of HUD funding under Section 235 of the Housing Act of 1968.3 (not implemented - the Section 235 program had been one of several HUD programs placed in moratorium in 1973 and was subsequently replaced by other programs)
  - The Federal Housing Administration and Veterans Administration insure and provide loan guarantees to eligible (and usually moderate income) households and provide low down payments to obtain financing: these agencies should continue to administer such programs (loan guarantees continued through the Veterans Administration and the FHA through Fannie Mae and Freddie Mac – in 2008, the Federal Housing Finance Agency took oversight of Fannie Mae and Freddie Mac and placed them under conservatorship)

- Nonsubsidy Housing Recommendations
  - Abatement of Social Constraints: Housing Discrimination
    - Expansion of Federal, State and local fair housing laws that prohibit housing discrimination (implemented)
    - Expansion of public informational programs to spread awareness to discriminated groups about existing legal mechanisms to combat discrimination (implemented through the formation of the Metropolitan Milwaukee Fair Housing Council and by HUD)
    - Regular assessment of fair housing enforcement procedures and processes (implemented through the formation of the Metropolitan Milwaukee Fair Housing Council and by HUD)

The recommendations regarding expansion of fair housing laws and programs as well as the needs assessment recommendations set forth in the Legacy 1975 RHP were all carried over to the current RHP as discussed in Chapter XII (Recommended Housing Plan for the Region). Only a few of the Legacy plan requirements have been implemented.

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33 Note: The Section 235 program of the 1968 Housing Act has since been studied and criticized for reinforcing segregation. It did so by shifting aid away from local housing authorities for the development of public housing and providing it to the private sector which would provide assistance for home ownership. Under this, however, whites were generally provided subsidies for new housing in the suburbs while nonwhites and the poor were provided subsidies for existing housing in urban “transitional” areas (redlining).

recommendations regarding subsidized housing were carried over to the preliminary RHP, but that is likely due to the changes in public programs for subsidized housing. Much has changed since 1975 including the programs that provide subsidized housing support as well as the dynamics in which subsidized housing programs are provided. Up through the 1970s, much of the Federal subsidies were aimed at project-based housing programs and had morphed from publicly owned housing units to privately owned and operated units where the funding was tied to specific units or developments. In the 1970s, this changed towards more of a tenant or household based program under the Section 8 Housing Choice Voucher Program rather than the traditional project-based programs which tied subsidies to housing units.

Each of the new recommendations that address subsidized and tax credit housing programming and funding is reviewed at the end of this Chapter.

Summary of Subsidized and Tax Credit Housing as it Applies to the Preliminary Regional Housing Plan

As stated above, the first part of Chapter X of the preliminary RHP provides an inventory and analysis of subsidized and tax credit housing. To briefly summarize, there are two main types of housing subsidies; voucher-based, in which the subsidy is tied to the household or persons receiving the assistance, and project-based, in which the subsidy is attached to the housing unit. As stated above, historically, subsidies had been of the project-based type, however in the 1970s, there was a movement towards the provision of more voucher-based subsidies. As of 2011, there is a mixture of both in the Region; about 13,061 or 29 percent are voucher-based and 32,615 or 71 percent are project-based subsidies. SEWRPC provides information on the number and distribution of Section 8 vouchers as of 2011 in TableX-2 and shows the voucher locations as of 2008 in Maps X-1, X-1a and X-1b. Most are located within Milwaukee County, and most predominantly in the City of Milwaukee. SEWRPC also provides information on the number of project-based housing units in Tables X-3 and X-4 and shows these locations in Maps X-2 and X-3. Most are located within Milwaukee County, and most predominantly in the City of Milwaukee.

Tax credit housing refers to the development of low-income housing units using Federal tax credits allocated to Wisconsin under the Low Income Housing Tax Credit (LIHTC) program. The LIHTC program works by awarding Federal housing tax credits to developers for selected developments, who then can sell the tax credits to private investors to raise capital for the selected developments. In Wisconsin, WHEDA awards the LIHTC under its annual Qualified Allocation Plan (QAP), which awards proposed developments for low-income housing based on a set of criteria. The QAP scoring criteria are shown in Table X-5 of the preliminary RHP. It should be noted that under the QAP, additional points can be allocated based on the inclusion of features that would favor persons with disabilities including supportive housing, elderly assisted living (RCACs), and Universal Design. SEWRPC provides information on the number of LIHTC housing units in Tables X-6 through X-8 and shows these locations in Map X-4. Most are located within Milwaukee County, and most predominantly in the City of Milwaukee. This applies to family complexes in particular.

The USDA Rural Development Program provides loans and grants to develop single- and multi-family affordable housing in rural areas, or in communities with populations under 20,000 outside of urbanized areas. In total there are about 580 USDA multi-family units within the Region. SEWRPC provides information on the numbers and locations of USDA Rural Development program housing units in Table X-9 and shows these locations in Maps X-5.

In addition to the HUD, USDA, and LIHTC programs, there are other programs or financing tools that encourage the development or rehabilitation of low-income housing and can work with any of the
above listed programs; these include tax exempt bonds, tax increment financing (TIF), housing trust funds, Community Development Block Grants (CDBG), HOME, and non-profits (for example, Habitat for Humanity or other faith-based organizations). SEWRPC discusses tax exempt bonds, which are another vehicle for encouraging private development, and are often used in conjunction with tax credits or other financing tools for the development of low-income housing. Based on this, the interest earned by the bondholder is exempt from Federal (and usually State and local) taxes, which lowers the interest rate on the debt.

As subsidized and tax credit housing is aimed at assisting households with the lowest incomes in the Region and therefore the most at risk, each of the programs discussed has income thresholds that need to be met. Public Housing Authorities (PHAs) determine the eligibility of households under the voucher program; as a general rule, households must earn no more than 50 percent of the county’s or metro area’s median household income, adjusted for family size. PHAs usually also require that qualifying households pay about 30 percent of their household income towards rent while the PHA would pick up the difference, based on allowable Fair Market Rents (FMRs). PHAs also determine the eligibility for project-based subsidies, using income limits developed by HUD; the low-income threshold is 50 to 80 percent and the very-low income threshold is 50 percent or less of a county or metro area median income. LIHTC tax credits require that at least 40 percent of the units developed must be occupied by households whose incomes are at or below 60 percent of the county’s median household income. Again, rents which are referred to as the Total Tenant Payment for project-based units are about 30 percent of a household’s monthly income.

In the second part of Chapter X, SEWRPC documents the history of Federal housing legislation since its inception in the 1930s, and its history within the Region, including development patterns since 1973. Included is a discussion of the programs that were enacted under the legislation along with their impact on the Region. An inventory of public housing units throughout the Region is provided along with a discussion of the historical HUD programs that helped develop the housing.

In brief, early housing efforts focused on urban redevelopment through slum clearance and creation of project-based public housing units, while there was a major shift in the late 1960s and early 1970s towards a system designed to include more involvement from the private sector. In addition to Section 8 subsidies, this shift also included the development of the Community Development Block Grant (CDBG) program that replaced the urban renewal programs aimed at slum clearance. In the 1980s, the LIHTC program was created to stimulate private development for low-income affordable housing units. In the 1990s, HOPE VI was established to provide funding for much needed revitalization efforts of the existing public housing stock.

SEWRPC also documents the changes in the socio-economic characteristics, including the racial and ethnic compositions of households living in public housing units in 1970 and 2011 for the City of Milwaukee. This snapshot shows that, when adjusted for inflation, the average household income for low-income public housing tenants in 2011 was lower than the average household income in 1970. Additionally, the racial composition of public housing units has changed significantly. In 1970 about half of the family households were white and half were minorities; by 2011, this changed to about 3.5 percent white and 96.5 percent minorities. No racial composition was provided for the voucher-based programs or for LIHTC units, since these programs did not exist in 1975.

In the third part of Chapter X, SEWRPC assesses the current challenges facing subsidized and tax credit housing. SEWRPC points out that the subsidy programs are not entitlements, and there is considerably
more demand than supply. Based on SEWRPC’s estimates, combined there are a total of 45,676 subsidized vouchers and public units, but the current need is 187,395 units, based on 100,111 households that are at or below 30 percent of the regional median income (or $16,164 per year) and 87,284 households with income between 30 and 50 percent of the median income. Although the need remains great, and will likely continue to grow, most of the Federal funding mechanisms and programs are at risk, in part due to the Great Recession and housing crisis, but primarily because the growth within the programs has not kept up with the need or the demand, and decades of use and wear on the existing stock requires funding for rehabilitation and revitalization, which otherwise is not going towards assistance for additional households.

SEWRPC documents some of the changes or cuts to the voucher- and project-based subsidies. The voucher program (Section 8 Housing Choice Voucher) began in 1974 and had grown incrementally up until 2002, the first year new vouchers were not issued. In fact, prior to the Great Recession, between 2004 and 2007, the program lost 150,000 vouchers nationwide. Incremental vouchers have again been added since 2008, but rising rents and decreasing household incomes have resulted in increased funding needs throughout much of the U.S..

In addition to the need for more vouchers, there is a significant problem regarding overlapping jurisdictions and administrating PHAs, making the process difficult and confusing for both renters and landlords. In the preliminary RHP, SEWRPC cites a 2009 Public Policy Forum report⁴ that demonstrates that there is a mismatch between the administration of vouchers and the regional nature of the housing market; transferring vouchers across PHAs means an increase in administrative costs and likely furthers concentration of vouchers within the issuing PHA, concentrating voucher households within the Region’s urban centers.

Project-based assistance programs face significant cost problems, primarily due to the aging of public housing units. Although there has been a shift from public to private ownership of public housing units, there is still a significant number of public housing units; most are very old and in need of rehabilitation and upkeep. The HOPE VI program has provided funding for rehabilitation of publicly owned projects and units. In addition, the Transforming Rental Assistance (TRA) Initiative is under development to provide funding to both aging public and private housing units for rehabilitation, as well as address some of the problems associated with overlapping HUD programs.

Most of the privately-owned public housing units (Section 8 project-based units) were constructed in the 1970s and face the threat of being “opted out” of the program. Under this program, private developers are allowed to convert the subsidized units to market rate units after their 30 year contracts expire.⁵ HUD attempted to address this problem by developing the voluntary Mark to Market and Mark-Up to Market Initiatives in the 1990s, and the TRA Initiative will also address this issue.

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⁵ Most contracts are between five and thirty years with the average being twenty years. Accessed online at http://www.policylink.org/site/c.lkIXLbMNJrE/b.5136981/k.A41A/Expiring_Use.htm
The LIHTC program has been successful at creating an incentive for private funding for new low-income housing developments throughout the State. Table 1 charts the annual distribution of LIHTC funds to Wisconsin since 2000.\(^6\) With the exception of 2010, there was a slight and steady increase in LIHTC funding between 2000 and 2012. In 2010, the Federal government responded to the Great Recession through emergency stimulus programs that provided loans in lieu of tax credits and an unused tax credit exchange program to WHEDA through the Tax Credit Assistance Program (TCAP) and the 1602 Exchange Program, both funded through the American Recovery and Reinvestment Act\(^7\). However, with funding levels returning to previous levels, the need is not being met and the competition for LIHTC credit has grown since 2008, given that for most housing developers, these were the only available credit for multi-family housing.

In addition, SEWRPC notes that one of the major challenges to LIHTC projects is the opposition from community residents (NIMBYism) towards family housing, although such opposition has generally not been associated with elderly LIHTC housing. SEWRPC notes that although this has been the most successful program for developing low-income housing, it does not create units that are affordable to extremely low-income households (those below 30 percent AMI). SEWRPC also notes that low-income housing advocates have indicated concerns over the criteria used by WHEDA for awarding LIHTC. Suggestions for revised criteria include awarding allocation points based on a lack of affordable housing in a community and removing allocation points based on “community support” in light of the NIMBYism problem.

The USDA Rural Development also is facing serious funding constraints and loss of units. Since the 1990s, the program has not added many new units, and private units are under the threat of conversion to market rate. Also, given the ages of many of the units, rehabilitation and revitalization are a major problem.

A discussion about the positive and negative impacts of prevailing wage requirements for the construction of new subsidized and tax credit housing is included.

The fourth part of Chapter X focuses on emergency shelter and transitional housing needs for housing the homeless. SEWRPC provides an assessment of homelessness including a definition and identification of persons most at risk, documents the demographics of homelessness (gender, age, employment), provides estimates on the numbers of homeless that have disabilities or are veterans, and provides an inventory of homeless persons and families that have received services throughout the Region. SEWRPC also provides an inventory of homeless shelter facilities and their capacities, a discussion of the supportive services that are also needed, and information on homelessness assistance programs and administration throughout the Region and the State (Continuum of Care – COC – programs).

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\(^7\) Information on the Emergency Economic Stabilization Act of 2008 that made way for such action can be accessed online at [http://www.gpo.gov/fdsys/pkg/BILLS-110hr1424enr/pdf/BILLS-110hr1424enr.pdf](http://www.gpo.gov/fdsys/pkg/BILLS-110hr1424enr/pdf/BILLS-110hr1424enr.pdf)
[Note to SEWRPC and Advisory Committee: CED recommends that the Housing Advisory Committee develop one or more recommendations for homelessness/emergency shelter that address one or more of the following: the concern that the existing facilities are not adequate, AND/OR County or agencies need to support additional coordination and interventionist strategies that help to identify those most at risk for homelessness – Beyond the coordination already taking pace per Federal funding requirements].

Finally, the Findings section summarized the concerns and problems associated with subsidized and tax credit housing leading to the recommendations set forth in Chapter XII. These recommendations are presented and analyzed later in this chapter.

**RATIONALE: SUBSIDIES AND TAX CREDIT HOUSING AND ENVIRONMENTAL JUSTICE**

**Subsidized and Tax Credit Housing: Urban Centers, Poverty, Neighborhood Quality and Satisfaction**

There has been some debate over whether or not subsidized (in this case, Housing Choice Voucher program) and tax credit housing developments are effectively lessening the concentrations of very low-income households in the urban centers of metro areas. The historic pattern of locating large public housing projects in inner city areas has largely been deemed a failure due to its further concentrating households in poverty. This realization led to the development of the Housing Choice Voucher program in the 1970s with the intention of no longer tying public housing to a specific development, but allowing tenants the ability to move to neighborhoods of their choice. Further, in the 1980s, the LIHTC program was developed to provide mixed incomes within the same multi-unit developments and to encourage much needed private development of low-income housing. It could also be argued that LIHTC has a tendency to lessen some of the problems associated with developing low-income housing, such as community opposition. LIHTC was intended to appeal to the suburbs, therefore removing some of the burden of concentrating lower-income households in urban centers. SEWRPC documents this in Part 2 of Chapter X.

A 2011 Brookings Institution study by Kenya Covington, Lance Freeman, and Michael Stoll looked at the impact that the Housing Choice Voucher program has had on suburbanization rates. This study compared Housing Choice Voucher recipients from 2000 and 2008 in the top 100 US metro areas and found that the percentage of voucher recipients living in the suburbs increased slightly by 2008, to about 49.4 percent, and that black voucher recipients suburbanized faster than any other group at 5 percent, Hispanic recipients increased by 1 percent, while the suburbanization rate for White Non-Hispanic recipients actually declined.

The Brookings study shows that the Milwaukee metro area (Milwaukee, Ozaukee, Washington, and Waukesha Counties) had a 2.4 percent increase in voucher suburbanization between 2000 and 2008, considerably higher than other Midwestern cities as most experienced declines. It should be noted that suburbanization varied by US region, that suburbanization rates were greatest in Western metro areas (an increase of 4.1 percent), while they were the lowest (actually declined by 1 percent) in Midwestern metro areas.

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Overall the data suggests that voucher recipients moved toward higher income and job rich suburbs over this time period, although the poor and low-income households not receiving vouchers have also suburbanized over this time period, towards similar kinds of low-income suburbs, and at a faster pace than voucher households, indicating that the suburbs likely have the capacity to absorb more voucher households.

This leads to the question of whether or not subsidy recipients (particularly voucher recipients) are able to move into better neighborhoods. Lauren Ross, Anne Shlay, and Mario Picon produced a study\(^9\) for HUD examining housing satisfaction rates for subsidy recipients. Based on data from the 2009 American Housing Survey, Ross et al have found that public housing and voucher tenants have higher levels of housing satisfaction and choose more desirable dwellings than do unassisted low-income renters, but that housing assistance does not necessarily enable recipients to locate to better neighborhoods.

Brent Mast conducted a similar study\(^10\) for HUD using data on neighborhood and housing quality from the 2009 American Housing Survey to compare housing quality between public housing units and Housing Choice Program units. Mast examines several assumptions surrounding the benefits of the Voucher program over public housing units: that the neighborhood and housing quality within the Voucher program would be better, given that the program provides more choice in neighborhoods, and that the program would provide for greater social and economic opportunities. Mast’s findings show that although there is a slight increase in the positive perceptions that Voucher participants hold toward the quality of their neighborhoods, the increase is not statistically significant, which is somewhat disconcerting given that the rents tend to be much higher for Voucher tenants than public housing tenants.

**Subsidy and Tax Credit Housing: Subsidies, Low-Income Housing Development, the Great Recession, and the Housing Crisis**

SEWRPC documents the impacts that the Great Recession and housing crisis have had on subsidy and LIHTC programs in Part 3 (Challenges Facing Subsidized Housing) of Chapter X. The Great Recession and housing crisis has had an enormously negative impact on the incomes of U.S. households. As stated in Chapter 2 (Affordable Housing), the demand for subsidized and low-income housing has significantly grown and is projected to continue to grow creating even greater burdens and more pressure on environmental justice communities. As stated in Chapter 3 (Fair Housing/Opportunity), there is a significant and growing need to increase the stock of multi-family housing units, and this need is likely to continue to grow as more households opt out or are forced out of the housing ownership market. At the same time (and even prior to the beginning of the Great Recession) the Federal government has responded by maintaining funding levels\(^11\) for the HUD voucher subsidy program but cutting CDBG and

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\(^11\) The total Tenant-Based Rental Assistance HUD budget for fiscal year 2007 was just less than $15.9 million and the FY 2011 allocation was approximately $18.4 million. Accessed online from [http://portal.hud.gov/hudportal/HUD](http://portal.hud.gov/hudportal/HUD)
other HUD programs. The current trend at the Federal level is to maintain the level of services for existing recipients, but by maintaining current funding levels, this is likely to be short-lived.

Based on an ongoing HUD\textsuperscript{12} study that uses American Housing Survey data, HUD looked at very low-income un-assisted rental households and found that there was a significant increase (20 percent) between 2007 and 2009 in the number and percentage of households earning less than half of the AMI that paid more than half of their monthly income on rent, lived in severely substandard housing, or both (defined as ‘worst cases’). The report shows a link between unemployment, loss of income, and lack of affordable housing including rent increases due to increased competition for fewer affordable housing units. ‘Worst Cases’ grew by about 1.2 million households, from 5.9M in 2007 to 7.1M in 2009. This cut across all races, ethnicities, ages, family and non-family households, disabilities, and whether or not households lived in urban, suburban, or rural areas. The increase represented the largest two year jump since the study began reporting on the variables since 1985, and clearly reflects the impact that the Great Recession and unemployment or under-employment has had. Of note, and as corroborated with the Harvard University housing study\textsuperscript{13}, higher income families are competing for a limited number of affordable rental units which is further driving down already low vacancy rates for the lowest-cost rental units, and it estimated that only 36 percent of extremely low-income renters have affordable units nationwide, although in the Midwest, this increased to about 87 percent. (NOTE: this predates ARRA spending)

The LIHTC program has become extremely competitive since the dawn of the Great Recession. Developers primarily rely on bank loans for development, but as banks have become very stringent in their lending practices (particularly for residential development), it has become very difficult for developers to get any projects off the ground. Many of the programs or other supportive funding mechanisms for low-income housing development have also been hit hard by the Great Recession. LIHTCs are usually combined with some other funding mechanism for development including tax-exempt bonds, CDBG, HOME, and other non-profit programs, but again, funding for these programs has either declined (CDBG and HOME) or become more competitive adding further financial constraints on development. (Add something about tax-exempt bonds here).

In March 2012, the U.S. Government Accountability Office (GAO) issued a report\textsuperscript{14} that stated that there are considerable inefficiencies within HUD’s Section 8 Housing Choice Voucher program. Between 2003 and 2010, there was a 29 percent increase in expenditures for the voucher program. The GAO cited that the major factors that accounted for this increase were rising rents and declining household incomes; although program expansion played a role, it was not significant as only a small number of households were added, therefore most of the increase went towards maintaining assistance for existing program participants. During this time period, Congress kept the expansion rates very low, moving away from providing PHAs with the funding based on the number of vouchers they were authorized to subsidize and toward using each PHA’s prior year’s funding level.


\textsuperscript{14} US Government Accountability Office \textit{Housing Choice Vouchers: Options Exist to Increase Program Efficiencies}, March 2012. Accessible online at http://www.gao.gov/products/GAO-12-300
Based on their study, the GAO was able to identify possible options that could cut costs, reduce the need for new appropriations, or increase the number of households assisted:

- **Reduce PHAs’ subsidy reserves:**
  Combined, all PHAs under HUD have accumulated about $1.8 billion in subsidy reserves. HUD has sought the authority from Congress to offset future budget requests or needs through the excess subsidy reserves, but HUD needs to develop a strategy that Congress would approve for how those reserves would meet current and near future needs.

- **Implement administrative reform:**
  HUD officials note that some of the administration requirements could be streamlined for cost effectiveness. HUD is currently conducting an administrative fee study in order to identify specific reforms to increase efficiencies and reduce administrative burdens, and to suggest methods to align the program administrative fee formula with the functions that housing agencies perform.

- **Implement rent reform and consolidate voucher administration:**
  Consolidating voucher administration under a reduction in the number of agencies and developing some kind of rent reform (for example, requiring households to pay more towards rent) could yield substantial cost savings which would allow housing agencies to serve additional households. The downside, however, would likely increase the concentration of assisted households in high poverty areas, and increase the rent burdens for low-income households in the program.

Unfortunately, none of the GAO’s options include expanded funding for the program, even to keep pace with the rate of inflation. It assumes continued funding at the current levels, or rather the same levels since 2007, which in essence are really reductions due to inflation. Therefore the long term viability of the Housing Choice Voucher program is somewhat in question once all inefficiencies are removed.

**American Planning Association on Subsidized and Tax Credit Housing**

The APA has found that the existing stock of rental units that are affordable to low-income households is being lost to redevelopment, gentrification, and deterioration. The APA relies on findings from Harvard’s Joint Center for Housing Studies\(^\text{15}\), citing the loss of 100,000 affordable housing units per year, and observing that the values of any replacement units are considerably higher. HUD estimates that there has been a loss of about 200,000 subsidized units since 1996, further adding to rising housing cost burdens for renters.

In its Policy Guide on Housing\(^\text{16}\), the American Planning Association (APA) advocates several policy positions that support affordable housing, including affordable subsidized and tax credit housing. A discussion on the APA’s General Policy Position #1 regarding affordable housing is provided in Chapter 3 the SEI. Again, this position states that planners need to support the provision of housing opportunity, should strive to support housing stratification, and work to eliminate barriers to housing opportunity.

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CED Draft October 17 Update, 2012

General Policy Position #3 states support for the preservation of existing housing stock. Under #3A, the APA notes that older units tend to be more affordable for low-income households, and therefore housing preservation should be a goal of any housing plans or strategies. As observed in the Harvard study\(^\text{17}\), there has been a recent fundamental shift in the rental market that is negatively impacting lower-income households. The demand for rental housing has grown significantly due to the Great Recession, yet the supply has not been able to keep up with demand. Newly constructed units that serve to replace units lost due to deterioration and age are aimed at the upper end of the rental market, while older units would successively provide housing for median- and lower-income rental households. In the past, this normal lifecycle of rental housing would serve the needs of most renters at different income levels; however, the rental market has lost that ‘trickle down’ aspect due to the demand by median-income renters. Further, under #3B, the APA calls for the preservation of private assisted housing against the threat (demand) of conversion to market rate rentals, condo conversions, or other non-residential uses.

*Note to SEWRPC and Advisory Committee: CED recommends the addition of a recommendation that focuses on housing preservation*

APA’s General Policy Position #5 focuses on encouraging a diverse and innovative housing stock to meet the needs and demands of the growing populace. Under this position, the APA encourages local communities to begin thinking outside of the single-family to multi-family unit box, to look at alternatives like single-room occupancy developments, mixed-income housing, shared residences, accessory apartments, and so on, in order to create more housing opportunities for low-income households, elderly households, or households with at least one member with a disability.

Further discussion of the APA’s policy guidelines is provided in Chapter 2 of the SEI (Affordable Housing), Chapter 3 (Fair Housing/Opportunity), Chapter 4 (Job/Housing balance), and in Chapter 5 (Accessible Housing). A copy of the APA’s Policy Guide on Housing is provided in Appendix __.

**PRELIMINARY REGIONAL HOUSING PLAN RECOMMENDATIONS FOR SUBSIDIZED AND TAX CREDIT HOUSING**

**Subsidized and Tax Credit Housing Recommendations**

In total, there are 10 recommendations related directly to Accessible Housing within the preliminary RHP, as follows:

1. Support Federal initiatives to simplify subsidized housing programs to make more efficient use of resources. Public Housing Authorities and entitlement jurisdictions should continue working with Federal agencies and Congress to maintain funding levels for housing and related programs.
2. Administrators of voucher programs, county and local governments, and housing advocates should continue to work with Federal agencies and Congress to increase funding levels for additional housing vouchers to help meet the demand for housing assistance in the Region. There are currently 45,676 housing choice vouchers and subsidized housing units in the Region, compared to a potential need for 187,395 vouchers to help proved housing for 100,111

\(^{17}\) Joint Center for Housing Studies of Harvard University *America’s Rental Housing: Meeting Challenges, Building on Opportunities*, April 2011. Accessible online at [http://www.jchs.harvard.edu/americas-rental-housing](http://www.jchs.harvard.edu/americas-rental-housing)
extremely-low income households (incomes less than 30 percent of the Regional median income, or less than $16,164 per year) and an additional 87,284 very-low income households (incomes between 30 and 50 percent of the Regional median income, or $16,164 to $26,940 per year).

3. Communities with major employment centers should seek and support new multi-family housing development using LIHTC and other available funds to provide workforce housing for households earning 50 to 60 percent of the Region’s median annual household income.

4. Communities in economic need priority sub-areas and subsidized workforce housing need priority sub-areas should work with HUD or their entitlement jurisdiction to secure HUD Housing and Community Development Program and other available funds to provide additional housing in the community that is affordable to extremely and very low-income households. Local public housing authorities whose jurisdictions include priority sub-areas shown on Map XII-12 should seek to provide assistance through subsidy programs that can encourage housing development for households at a variety of income levels, such as the Section 8 Housing Choice Voucher program, LIHTC developments, and the Choice Neighborhood program.

5. WHEDA should study models in other states of how to best reach extremely-low income households and incorporate that target population in the Qualified Allocation Plan (QAP) used by WHEDA to award LIHTC funding.

6. HUD should consider modifications to the Section 8 Housing Choice Voucher program to remove financial disincentives for administering vouchers regionally. Administrators of voucher programs in the Region should work together to develop a regional Section 8 Housing Choice Voucher program if modifications are made to the program at the Federal level.

7. It is recommended that the Governor and State Legislature amend the Wisconsin Open Housing Law to recognize housing vouchers as a lawful source of income.

8. WHEDA should consider revising the criteria used to determine LIHTC awards to potentially award allocation points based on a lack of affordable housing in a community and/or the type of jobs and associated income levels in the community, to award points in communities identified as priority areas on Map XII-12, and to award points to non-elderly housing developments in communities with a job/housing imbalance. Projects should not be penalized if there is a lack of community support for the project.

9. In order to provide housing for very-low income households, communities should develop partnerships with non-profit organizations to provide affordable housing, and/or assist in assembling small parcels, remediating brownfields, and disposing of publicly-owned parcels at a reduced cost for development of new affordable housing.

10. Establish a regional Housing Trust Fund for Southeastern Wisconsin (HTF-SW) with a focus on county-specific policy goals that will help achieve the objectives of the regional plan, e.g., to assist in the acquisition of land and development of affordable housing. Addressing the Region’s housing needs will require greater public sector coordination, greater private sector participation, and interjurisdictional collaboration that address both the supply side of the equation and the demand side. The foundation of the HTF-SW could be formed initially through the merger of the existing Housing Trust Fund of the City of Milwaukee, Milwaukee County Special Needs Housing Trust Fund, and Milwaukee County Inclusive Housing Fund, and expanded to communities in other Counties, and ultimately all seven Counties in the Southeastern Wisconsin Region. A combined fund could ease the administrative burden for applicants, spread the funding burden across larger population and tax bases, raise the profile and scale of the fund, and have more potential to attract donors.
Each recommendation was evaluated in light of its potential or probable impact on providing financial assistance for housing given the existing and projected data provided within the RHP as well as information documented on current socio-economic and housing trends. Specifically, CED specifically looked at the potential positive or negative impacts that each recommendation could have on environmental justice communities.

ANALYSIS OF SUBSIDIZED and TAX CREDIT HOUSING RECOMMENDATIONS

As stated in Chapter 1, this study is an evaluation of the recommendations set forth in the RHP, to determine their socio-economic impact on the Southeastern Wisconsin region based on the framework set forth by SEWRPC:

1. What positive social and economic impacts to environmental justice populations, if any, would be expected from implementation of the plan recommendation?
2. If positive social and economic impacts would be expected, would environmental justice populations receive a proportionate share of benefits, compared to the regional population as a whole?
3. What adverse social and economic impacts to environmental justice populations, if any, would be expected from implementation of the plan recommendation?
4. If adverse social and economic impacts would be expected, would impacts on environmental justice populations be disproportionally high, compared to the regional population as a whole?
5. If adverse impacts would be expected, what steps could be taken to mitigate disproportionally high social and economic effects on environmental justice populations?

There is a considerable amount of overlap between the recommendations; additionally, there is a considerable amount of overlap between different recommendations that support different plan categories. In order to evaluate the recommendations in an efficient manner, CED identified key categories or ‘tools’ that the recommendations fall into, that support the overall key objective.

Subsidized and Tax Credit Housing: Key Objective

The proposed recommendations of the RHP related to subsidized and tax credit housing are designed to further the following principal objective:

- Increase distribution of subsidized housing units throughout the Region

In combination, the 10 recommendations for subsidized and tax credit housing have been designed to encourage housing affordable to low-income households within the existing and proposed sewer service areas (areas of existing and planned urban development), which can support higher-density residential and commercial and industrial development.

Many of the recommendations or tools in this topic area are complementary and coincide with tools and further discussion in SEI Chapter 2 related to Affordable Housing, SEI Chapter 3 related to Fair Housing practices, Chapter 4 related to Job/Housing Balance, and in SEI Chapter 5 related to Accessible Housing.

Tools that Impact the Costs of Development and Housing Prices

Applies to Recommendations: 1, 2, 3, 4, 6, 8, 9
The recommendations associated with impacting costs for subsidized or tax credit housing involve three specific cost reducing goals:

- Reducing overhead costs or finding efficiencies within subsidized housing programs
- Working towards maintaining or increasing funding levels for housing and voucher programs
- Supporting the development of multi-family housing that uses LIHTC and/or other funding mechanisms

Reducing Overhead Costs within Subsidized Housing Programs: Recommendations 1 and 6

SEWRPC clearly demonstrates that the need for public and voucher housing is not being met within the Region and that one of the methods to meet the need is to improve the efficiencies within the system for providing public housing, vouchers, and their supporting services. Although some of the inefficiencies should be dealt with at the PHA, local, or regional level, coordination with Federal and State administering agencies is also necessary.

As stated above, the Government Accountability Office has determined that inefficiencies within the Housing Choice Voucher program and the administration of the program do exist. Under this report, the GAO recommends possible implementation of administrative reforms aimed at streamlining the process and reducing costs within the voucher program. As HUD has an administrative fee study underway, the results should be monitored by the State Division of Housing, WHEDA, and local PHAs.

Recommendations 1 and 6 both call for supporting more efficient and likely cost-effective uses of Federal resources. Cutting administration costs while maintaining current funding levels for the Region’s PHAs would provide more support for low-income tenants, and therefore would benefit environmental justice communities greatly within the Region. Removing the financial disincentives for administering vouchers on a regional basis through cooperation between the local PHAs would likely streamline the voucher process and cut down considerably on administrative costs. For this to be effective, however, funding would need to be maintained at least at current levels so that more low-income households can be served or could participate in either the public housing or voucher program.

Based on the GAO study, although HUD and Congress are looking at ways to reduce costs, it is unclear as to how future funding, including the voucher program, is to be handled at the Federal level. Although both Recommendations 1 and 6 would have a significantly positive impact on EJ populations if implemented, realistically, the impacts of the recommendations may largely depend upon the results of the forthcoming HUD study and the Federal budget.

Maintaining or Increasing Funding Levels for Public Housing and Voucher Programs: Recommendations 1, 2, and 4

Recommendations 1, 2, and 4 focus specifically on maintaining or increasing the funding levels for Federal housing programs. Given the state of the national economy, as well as the political environment in Congress, maintaining current Federal funding levels may be difficult.

To reiterate, based on the GAO study, although HUD and Congress are looking at ways to reduce costs in order to maintain assistance for existing program recipients, it is unclear how future funding of public

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18 More information on HUD’s Administrative Fee Study is available online at the following: http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/adminfee
housing and the voucher program will be handled at the Federal level. The most recent Transportation and Housing and Urban Development (T-HUD) appropriations bill passed by the House of Representatives for FY 2013 (H.R. 5972 passed June 29, 2012) capped most spending on public housing and voucher programs at FY 2012 levels. The Senate version (S.2322) increases funding for vouchers that matches the President’s budget request. The Senate bill has not been acted upon. The National Low Income Housing Coalition published “Changing Priorities, The Federal Budget and Housing Assistance 1976-2005,” in 2004, prior to the Great Recession, and noted that despite the increased need for affordable housing options for the low-and moderately-low income households in the country, “housing assistance funding decisions, which presumably reflect housing policy priorities, take place within a broader budgetary context.” Housing programming is not the only area to have seen significant decreases in funding within the Federal budget.

Recommendations 1 and 2 call for maintaining or increasing funding for existing programs which would both have a significantly positive impact if funding levels can be increased to provide subsidies to an increased pool of participants.

Recommendation 4 specifically calls for the increase and/or the expansion of housing programs to the Region’s priority sub-areas, including CDBG funding and LIHTC for the development of additional housing units, and the expansion of the Housing Choice Voucher program. Additionally, it calls for exploration into HUD’s Choice Neighborhood Program. The Choice Neighborhood Program is a competitive grant program that provides planning and implementation grants for public projects that transform distressed neighborhoods with public housing into mixed-income neighborhoods that link housing improvements with appropriate services, schools, public assets, transportation, and access to jobs. This is a relatively new program, beginning in 2010, and the awards are relatively small, but can be combined with other planning efforts for neighborhood revitalization. Again, Recommendation 4 would likely have a significantly positive impact on environmental justice communities IF it can expand housing choices and opportunities to low-income households.

[Note to SEWRPC and Advisory Committee: CED suggests adding a recommendation similar to Recommendation 4 that includes the Choice Neighborhood Program (successor to HOPE VI) funding for the rehabilitation and preservation of existing housing units in priority areas.]

Supporting Development of Multi-Family Housing Units that Use LIHTC or other Funding Mechanisms: Recommendations 3, 4, 8, and 9

Recommendations 3, 4, and 8 encourage the use of LIHTC particularly in priority areas; specifically, these recommendations focus on lowering the direct costs associated with developing affordable housing units through the use of tax credits and therefore would likely increase the available affordable multi-family unit housing stock. Recommendation 9 focuses on the indirect costs associated with development or redevelopment such as parcel assemblage, brownfield remediation, and discounting publicly-owned lands. The actual costs would be absorbed by other public entities (local communities would likely absorb parcel assemblage while brownfield remediation costs might be local, State, or Federal if grants are applicable).

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As stated above, any programs that increase the number of housing units for qualified low-income renter households will significantly and positively impact environmental justice communities. The development of additional rental units will relieve some of the pressure that is building up in the rental market that undoubtedly is having an increasingly negative impact on very-low income households, given that the supply is not likely to meet the demand. Recommendations 3, 4, 8, and 9 would likely achieve this, and therefore it is likely that implementation would significantly positively impact environmental justice communities.

**Tools that Impact Policies and Zoning**  
*Applies to Recommendation: 7*

These recommendations focus on changes to the laws or policies affecting housing. The evaluation focuses on whether or not the legal ramifications behind proposed policies and/or zoning changes could have a positive or negative impact on environmental justice communities. This includes all recommendations that impact laws, policies, and zoning at state, county, and local levels.

Recommendation 7 states that the Wisconsin Open Housing Law (Section 106.50 of the Wisconsin Statutes) should be amended to recognize housing vouchers as lawful sources of income. Housing Choice Vouchers increase a household’s housing budget and therefore should be considered income for the recipients under the Wisconsin Open Housing Law, so that private landlords would not be able to dismiss a voucher tenant based solely on their source of income. This would allow voucher recipients to gain access to housing that they otherwise may not be eligible for, simply based on their income. This would have a significantly positive impact on the environmental justice communities that participate in the Housing Choice Voucher program.

**Tools that Impact Planning and Programs**  
*Applies to Recommendations: 1, 2, 3, 4, 5, 6, 8, 9, 10*

Each of these recommendations fosters the promotion of subsidized and tax credit goals, and tangentially, fair housing goals through local planning and implementation of programs.

**Local Programming: Recommendations: 1, 2, 3, 4, 6, and 9**  
Recommendations 1, 2, 3, 4, 6, and 9 concern local level changes or improvements in local PHA programs, including working with HUD to improve efficiencies within the existing programs, maintaining funding levels, securing funding that would provide greater housing opportunities regionwide, and investigating and implementing new methods for encouraging more private or non-profit development and partnerships.

At the heart of these combined recommendations is the notion that communities and PHAs in the Region are not likely to see any significant influx of additional funding from the Federal government any time in the near future. This means that all efforts should be made to identify and correct inefficiencies within the programs so that the current funding levels can go as far as possible. Additionally, these recommendations suggest that communities and PHAs continue to secure existing funding streams (subsidies and LIHTC). It has also become imperative that they identify alternative methods of funding (such as public-private partnerships) in order to provide greater housing opportunities regionwide.

Although improvements in local programming would likely lead to positive impacts for environmental justice communities, much of this will depend upon directives from HUD and Congress and future
Federal funding for the subsidy and LIHTC programs. Currently, it is unlikely that additional Federal funds will be available for program expansions, and given that the need has greatly increased over the past decade, and that the demand for low-income housing is projected to increase significantly, it is likely that implementation of Recommendations 1, 2, 3, 4, and 6 may require a significant influx of external funding to have a significantly positive impact on environmental justice communities.

Implementation of Recommendation 9 would not depend upon external funding with the exception of remediating brownfields; only local municipal or non-profit resources, and therefore, would likely have a significant positive impact on EJ populations. Currently the City of Milwaukee’s Department of City Development has developed partnerships with numerous local non-profits including economic development corporations (EDCs) and Business Improvement Districts (BIDs) to facilitate the provision of affordable housing. For example, Riverworks Development Corporation and the Martin Luther King Business Improvement District work with the City of Milwaukee to aid redevelopment efforts that include housing.

State and Regional Programming: Recommendations: 5, 8, and 10
These recommendations set forth program changes to State and regional housing programs. Recommendations 5 and 8 are directed at WHEDA. Recommendation 10 would require intergovernmental agreements for units of government choosing to participate in a regional Housing Trust Fund.

Recommendations 5 and 8 call for changes to the QAP and the criteria that WHEDA uses to allocate LIHTC tax credits. As stated above, the LIHTC program is not geared toward very low-income households and tends not to support housing for those most in need. Recommendation 5 states that WHEDA should study other models to determine a better method for reaching extremely-low income households in order to incorporate those persons into the QAP. Specifically, this targets Category 6 under the QAP, which states the criteria for lowest income residents as households at least 50 percent or below the County median income. Based on this criterion, approximately 37.7 percent of total households would qualify in Milwaukee County.

Recommendation 8 states that WHEDA should revise its LIHTC allocation criteria to award points to non-elderly developments (Category 8) and to address job/housing imbalances in suburban communities. It also recommends that WHEDA not penalize projects with no community support within the QAP (Criteria 3). Given the backlash that many suburban communities have exhibited toward LIHTC developments in the Region, this recommendation would have a significant positive impact on EJ communities. As stated, the LIHTC program should encourage development where it is most needed, and based on other recommendations within this plan, particularly those in relation to job/housing balance and affordable housing, add or remove criteria that would address job/housing imbalances. As SEWRPC points out in Chapter X, LIHTC developments usually garner public support when the focus is on elderly housing development, but tend to create opposition when the development is for family-centered units. Given the goals of job/housing balance, it is critical that family-centered LIHTC housing maintain priority over elderly housing in suburban areas that are job/housing imbalanced and that the public support criterion be waived for cases that support rectifying job/housing imbalances. Implementation of Recommendations 5 and 8 would have a significantly positive impact on EJ populations.

Recommendation 10 calls for the establishment of a Regional Housing Trust Fund for Southeastern Wisconsin. A Regional Housing Trust Fund can streamline the process for development of multi-family housing, remove the administrative burdens for funding applicants, spread the funding burden across multiple jurisdictions, and raise the profile of potential affordable housing projects in order to attract more private investment. This would have a significant positive impact on the Region’s environmental justice communities.

[Note to SEWRPC and Advisory Committee: Although an extensive discussion about homeless needs is provided, none of the recommendations address emergency housing as a housing problem. Based on this, CED recommends that the Advisory Committee and SEWRPC develop one or more recommendations to address emergency housing and homelessness].

SUMMARY – SUBSIDIZED and TAX CREDIT HOUSING

FORTHCOMING
### Environmental Justice Impact Matrix: Subsidized and Tax Credit Housing

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<th>Recommendation</th>
<th>No Impact</th>
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- **No Impact**: recommendation will not have any direct impact, adverse or positive, on environmental justice populations
- **Significantly Negative Impacts**: environmental justice populations are likely to be negatively impacted in greater proportion to the regional population as a whole
- **Adverse Impacts**: environmental justice populations are likely to be negatively impacted in proportion to the regional population as a whole
- **Positive Impacts**: environmental justice populations are likely to receive benefits in proportion to the regional population as a whole
- **Significantly Positive Impacts**: environmental justice populations are likely to receive a greater proportion of the benefits compared to the regional population as a whole.
- **Key Recommendations**: CED identifies these select recommendations as likely having the greatest positive impact on environmental justice populations

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