Rural Voices

HAC’s 25th Anniversary

25 years
A Foundation for the Future

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The Magazine of The Housing Assistance Council

HAC
Housing Assistance Council
Dear Friends,

1996 is the Housing Assistance Council's twenty-fifth anniversary. When people reach a milestone they like to reflect on their past and envision the future. The Housing Assistance Council is no different. The cover story reviews our twenty-five year commitment to rural housing and how issues facing the development of affordable housing have been managed. We look at the accomplishments and improvements that have been made; however, we emphasize that all the good work and projects completed over the years have not gotten us to the final stages of solving affordable rural housing dilemmas. Nonetheless, the numerous people who have worked in this field have laid the foundation for a more productive future.

This issue also takes a good look at how some innovative people in Texas are trying to solve the problems that occur in colonias along the U.S./Mexican border; how Native American loan packagers help build links between Indian reservations and federal monies; and how rural housing development's future is in line with the development of the information superhighway.

The Housing Assistance Council is proud to announce that it is one of the winners of The National Excellence Awards for the City Summit. The award is sponsored by the National Preparatory Committee for Habitat II and supported by the U.S. Department of Housing and Urban Development. The City Summit is the United Nations-sponsored international shelter conference, to be held in Istanbul, Turkey, in June 1996. HAC would like to thank the many local developers of affordable rural housing without whom our work and this award would not have been possible.

The response to the first issue of Rural Voices was tremendous. We hope our second issue will be received just as well as the first; and as always, we welcome your comments.

Richard Tucker
Chairman, Board of Directors

Moises Loza
Executive Director

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Ed. note: The purpose of this column will be to provide occasional reflections on the state of housing policy as it affects rural communities. The HAC News continues to track developments on a more immediate basis. The HAC News is published every two weeks. Subscriptions are free; contact HAC at the address shown on page 21.

In recent months much attention in housing has focused on spending — i.e., appropriations — levels for HUD and rural programs. But there is also activity on the authorizing side in Congress, where policy is created or amended before separate spending decisions are made. Major changes in federal housing programs, particularly those of the U. S. Department of Housing and Urban Development, are coming, and they could usher in new policy directions that are the most significant since the 1930s.

On January 10 the Senate, by voice vote, passed S. 1260, one of two very significant housing reauthorization bills currently under consideration in the Congress. The House of Representatives also will be considering a major bill, H.R. 2406, this year. During 1995 the Congress had begun consideration of substantial HUD reform, including possible elimination of the department. As usually is the case with legislation, parallel but different bills developed, one in the House and one in the Senate. The two bodies' Banking Committees have jurisdiction over housing and reported out bills, in late October in the Senate and early November in the House. The two bills represent different approaches but clear departures from current policy. This sets the stage for further work on the bills — and on other housing policy reform — in 1996, the second session of the 104th Congress. This activity also occurs within the context of a new Republican-led approach to housing and other domestic discretionary programs.

To be added to this mix is the fact that the Clinton Administration also is working on "Blueprint II," a revised proposal for HUD Reinvention.

The Senate bill's main sponsor was Housing Subcommittee Chair Connie Mack (R-FL). The Senate bill, like the House measure, deals mostly with public housing. The most prominent feature of S. 1260 is that it would consolidate into two block grants most current public housing programs. One block grant would be for operations, while the other would go to capital expenditures. Public housing authorities (PHAs) could use as much as 20 percent of the capital funding for operations. Authorities would have to prepare and submit
comprehensive plans annually and then use the funds according to those plans. Indian housing authorities also would be required to prepare comprehensive plans under separate HUD regulations.

S. 1260 also would:

- Combine Section 8 vouchers and certificates into a single program of tenant-based assistance.
- Prohibit the construction of any new public housing units except to replace demolished projects.
- Create two levels of income eligibility for public housing occupancy. (Fifty percent of the units in a given year would have to go to households with incomes at 30 percent of area median income or less. The other fifty percent of the units could go to families with incomes of up to 80 percent of median.)
- Allow local decisions on public housing tenant selection after doing away with federal preferences.
- Reauthorize the drug elimination grant program until the end of fiscal year 1998.
- And ban from elderly housing any disabled people with a history of alcohol or drug abuse if the housing authority determines that the presence of such individuals would pose a health or safety hazard.

Two significant items that were proposed and debated but not included in the final bill were elimination of I-nJD and use of HOME funds for public housing. No funding amounts were included in S. 1260. The authorizers' intention is to leave those decisions to the appropriating committees.

Passage of H.R. 2406 in the House Banking Committee was led by its principal sponsor, Housing Subcommittee Chair Rick Lazio (R-NY). Among other measures, the bill:

- Cuts the Section 8 administrative fee to 6.5 percent from the current levels (8.2 percent for the first 600 units managed and 7.8 percent for further units).
- Deregulates public housing authorities that are in good financial shape.
- Eliminates the public housing one-for-one replacement rule.
- Ends the low-income preference rule for public housing tenancy, which has grouped together very poor families in often troubled projects.
- Gives a "death sentence" to very distressed housing authorities.
- And replaces severely troubled public housing projects with vouchers, if it can be shown that either adequate private units are available or the vouchers will be less expensive than continuing to support the project.

The HUD "Blueprint II" is still in the drafting stage, but Secretary Henry Cisneros described some of its highlights in a recent interview with the newsletter Housing and Development Reporter. The plan will include more integration of the HOME program into HUD's homeownership efforts, consolidation of McKinney aid-to-the-homeless programs, and a number of changes in public housing:

All of this combination of possible new directions — House and Senate bills, plus any HUD proposals, set against the background of Presidential and Congressional elections — will play out during 1996.

Joe Belden is the Deputy Executive Director of the Housing Assistance Council.
The Housing Assistance Council celebrates its twenty-fifth anniversary in 1996. This year HAC will be examining its many past accomplishments, taking stock of the present, and planning for the future. The context surrounding rural housing development has changed in some significant ways over the last 25 years, and in other ways has remained much the same.

The quality of rural housing has improved during these 25 years, but it remains a serious problem. Affordability problems have increased significantly in rural areas, as incomes have not kept up with the rising costs of housing. A decades-long decline in rural population has reversed. Yet long-term poverty continues in far too many rural areas, and is concentrated in the same places in 1996 as in 1971: Indian Country, the Mississippi Delta, the U.S.-Mexico border, and Appalachia. Homelessness is now recognized as a rural problem. There seems to be a greater variety of local organizations working to improve rural housing conditions now than 25 years ago, and national entities have begun recently to recognize that rural needs must be addressed separately.

Why Rural Housing?

HAC’s basic mission has not changed since the organization’s founding in 1971. The organization’s current mission statement makes its purpose very clear:

The mission of the Housing Assistance Council is to improve housing conditions for the rural poor, with an emphasis on the poorest of the poor in the most rural places.
HAC's founders recognized that the public and policymakers were generally ignorant about the nature and extent of rural housing problems, that rural housing problems were unlike urban housing problems, and that therefore strategies should be formulated specifically to deal with them. Rural residents suffered disproportionately from housing quality problems such as overcrowding and insufficient plumbing. The disparity was particularly severe for persons of color living in rural areas. The difficulties of finding solutions to rural housing problems were compounded by the lack of resources in many rural areas. Federal funds went disproportionately to large cities and even the programs of the U.S. Department of Agriculture's Farmers Home Administration (FmHA), which were targeted to rural areas, did not reach the poorest rural residents. (As noted below, targeting in FmHA programs, like some of the other concerns existing in the early 1970s, has since been improved.)

In 1971, as in 1996, inadequate resources in rural areas extended well beyond the amount of federal funds available. Even rural places with some private sector housing activity — builders, developers, architects, building supplies providers — had less of that activity than urban areas. Less housing credit was available in rural areas for production of either single-family or multifamily units. Rural communities often lacked infrastructure such as roads, water lines, and sewer facilities. They often lacked building and zoning codes as well or, where codes did exist, they were often not enforced. Local officials and government staff in rural places often worked part time and did not have the knowledge needed to overcome the hurdles they faced.

Then and now, however, low-income rural residents' strengths could help them overcome these impediments, so long as appropriate assistance was available. At least in one sense, the stereotypes were true: rural residents took great pride in their communities and their roots. They helped each other whenever possible. They believed strongly in self-help as well. This attitude, for example, has made the FmHA/RHS mutual self-help housing program an extremely effective one, as home purchasers reduce their costs by putting their own sweat equity into building their own and their neighbors' houses.

To address these problems and take advantage of these possibilities, additional assistance was clearly needed in rural areas, and the Housing Assistance Council was created to provide it. The federal Office of Economic Opportunity (OEO) provided $4 million for HAC in 1971, including $3 million to capitalize the Rural Housing Loan Fund (RHLF) to provide predevelopment loans to rural housing developers. In 1973, Congress dismantled OEO and transferred HAC to the jurisdiction of the Department of Housing and Urban Development. The RHLF has since been joined by three additional loan funds, with capital totaling approximately $12 million by the beginning of 1996. Lending remains a key component of HAC's work.

Training and technical assistance have also been basic parts of HAC's functions since its inception. Recognizing that rural areas need more experienced housing organizations and confront a scarcity of government assistance funds, HAC has always sought to increase local capacity to meet local needs. Formal training sessions are part of the solution to increasing capacity. Ongoing technical assistance is another part. HAC staff with significant experience in rural housing have always been available for consultation by telephone or in person, on-site when necessary, to help local organizations analyze and develop strategies to use available
funds most effectively. While HAC provides support, the local groups do the real work needed to produce better housing.

To enhance its ability to respond to local needs, in 1973 HAC opened field offices in Atlanta and Albuquerque. Those regional offices were joined the next year by a third, near San Francisco. Each office provides localized training and technical services to housing organizations in its region. Regional staff have particular knowledge of the way housing programs are administered in their areas, and of the needs and strengths of those who live there, including Native Americans, Mississippi Delta residents, farmworkers, and residents of the colonias along the U.S.-Mexico border. Their work complements and enriches that of the national office.

HAC has also provided research and information services throughout its history. Informing policymakers and other non-rural people about rural housing problems, while keeping rural housing groups aware of relevant national happenings, has been a crucial part of HAC’s work. Rural Voices, of course, is the most recent example of HAC’s research and information work. The HAC News — “that little yellow newsletter” — has been published since 1972. Research reports, analyses of programs and policies, and technical manuals about specific programs have provided crucial information about all aspects of rural housing to local developers, federal policymakers, and everyone in between.

In 1982, HAC expanded its functions into a new area with the creation of a subsidiary, Rural Housing Services, Inc. (no relation to the Rural Housing Service, the name adopted by the U.S. Department of Agriculture in late 1995 for the federal office administering the programs formerly run by the Farmers Home Administration and then briefly by the Rural Housing and Community Development Service). RHS, Inc. provides development and syndication assistance to local housing organizations seeking to produce rural rental housing using the Low Income Housing Tax Credit.

HAC enters its 25th year knowing that through all these functions it has provided substantial assistance in the improvement of housing conditions for lower income rural residents. An examination of changes in rural population and housing trends indicates the context within which we have worked throughout our history, and the challenges we face in our second quarter-century.

A Changing Population

The numbers of residents of both rural and urban areas have increased since HAC’s founding, and the number of housing units has grown as well. Both have experienced higher rates of growth in urban areas than in rural places. Over the same time period, certain demographic changes have affected the population nationwide. One such change is a large increase in the rate of female-headed households, who are disproportionately poor and poorly housed. The 1990 Census reported that these families made up only 13 percent of all nonmetro family households, but almost 40 percent of all nonmetro families living in poverty in 1989. Similarly, 10 percent of all nonmetro woman-
maintained households had physical housing problems in 1993, compared to only 6 percent of married-couple households, according to the 1993 American Housing Survey. (See Figure 1.) The poverty rate in rural areas has fallen since 1970, although the rates of decrease slowed significantly in the 1980s. (See Figure 2.) The poverty rates of rural Hispanic and American Indian persons have actually increased since 1980.

**Housing Conditions Changing as Well**

Some housing conditions have changed very little since 1970. The rate of homeownership in rural areas, for example, was much higher than in cities in 1970, and remained so in 1990. The proportion of mobile homes among owner-occupied units—and among all rural units—increased strikingly during these two decades. Mobile homes were about 8 percent of all occupied rural housing units in 1970, and by 1990 had jumped to 17 percent. While mobile homes increased in cities as well, they have remained a much smaller portion of the housing stock there.

The decennial Census in 1970 documented some of the serious housing quality problems present in rural areas. (See Figure 3.) More than one-fifth of rural households lived with incomplete plumbing or in overcrowded conditions (more than one person per room). This rate of housing problems was twice as high as in urban areas. Overcrowding was slightly more common in rural areas than in cities, and incomplete plumbing occurred more than five times as often.

By 1990, both overcrowding and the lack of complete plumbing had improved nationwide. Just over 5 percent of households in both rural and urban areas experienced these problems. The rate of overcrowding in rural areas actually dropped below that of cities. However, even though far fewer rural residents lacked plumbing than in 1970, the rate of incomplete plumbing remained five times higher in rural areas than in urban places.

Other housing quality indicators have also improved since HAC's founding. The American Housing Survey (AHS, formerly the Annual Housing Survey) reported in 1973, its first year, that metropolitan and nonmetropolitan housing units experienced about the same rates of problems with holes in floors, open cracks or holes in interior walls, and broken plaster or peeling paint. Nonmetro units were slightly more likely to have exposed wiring, and much more likely to have some rooms without electric outlets. By 1993, the rate of nonmetro homes without electric outlets in all rooms had decreased sharply and the rates of the other problems had fallen slightly. All these problems were about as common in nonmetro areas as in metro areas.

Even as housing quality has improved, however, housing affordability problems have worsened in rural areas. Housing cost data generally were not included in calculations of rural housing problems in the 1970s, but by the time of the 1990 Census the cost burden rates in rural areas approached those of cities. (See Figure 4.) Cost-burdened households are those paying more than 30 percent of income for monthly housing costs, including utilities but not telephone. (Until 1981, cost burden was defined as paying more than 25 percent of income for housing costs, but the Department of Housing and Urban Development changed the definition in conjunction with federal budget reductions—not because housing had become more affordable.)
25 Years of Housing Progress

The improvements in rural housing quality are attributable in large part to federal housing programs, particularly those administered by the Rural Housing Service/Rural Economic and Community Development (formerly the Farmers Home Administration, or FmHA). FmHA increased its rural housing loan disbursements 500 percent between 1970 and 1980, from $793.7 million to $4.2 billion. The number of substandard units (measured by overcrowding and lack of complete plumbing) during the same period fell by 1.2 million. Between 1980 and 1990, the number of substandard housing units still declined, but by only 700,000 units — about half the rate of decline of the previous decade. FmHA funding levels also dropped by 42 percent from 1980 to 1990 (from $4.2 billion to $2.3 billion), suggesting a strong correlation between federal rural housing expenditures and rural housing quality.

Changes to the FmHA/RHS programs during the past 25 years have made some important strides towards meeting rural housing needs. First, the Rental Assistance (Section 521) program was created to address one of HAC's early concerns, the agency's inability to meet the needs of the lowest income rural residents. In 1977 the Housing and Community Development Act made persons with disabilities eligible for homeownership repair funds (Section 504), and required that 60 percent of the major programs for single-family home purchase (Section 502) and multifamily housing production (Section 515) serve low-income people. The programs were further targeted in 1983, when the Housing and Urban-Rural Recovery Act mandated that 40 percent of Section 502 homes must be sold to very low-income persons. The 1983 legislation also created the first new rural housing program in many years, the Section 533 Housing Preservation Grant program. Restrictions on prepayment of Section 515 mortgages, first enacted in 1979, were improved in 1987 by the Emergency Low Income Housing Preservation Act. Most recently, in 1990 the Cranston-Gonzalez National Affordable Housing Act created a deferred mortgage program for Section 502 borrowers (not funded in fiscal 1996) and set aside funds for underserved rural areas. It also made RHS/FmHA programs more accessible to Native Americans by protecting Tribal land, if acquired by RHS from a defaulting borrower, against sale to persons not connected with the Tribe. It prohibited RHS from selling or transferring either allotted land or Tribal trust land except to a member of the Tribe, a Tribal housing authority, or the Tribe itself.

Some positive changes in HUD programs have improved their service to rural areas, as well. The Housing and Community Redevelopment Act of 1974 required that at least 20 percent of HUD-assisted housing funds go to nonmetropolitan areas. The Community Development Block Grant (CDBG) program, also initiated in that bill, was further targeted by the Housing and Community Development Act of 1977, which created the Small Cities program. The Cranston-Gonzalez National Affordable Housing Act in 1990 set aside 10 percent of CDBG funds for use in the colonias. The HOME program, created by 1990 Act, provides housing funds to rural areas through state governments and intermediary organizations. The 1990 Act also required states and localities to develop Comprehensive Housing Affordability Strategies, replaced in 1995 by Consolidated Plans, for meeting housing and development needs.

Low-income housing efforts benefited, too, from the savings and loan bailout legislation in 1989. The Financial Institutions Reform, Recovery, and Enforcement Act included provisions for targeting low-income housing and nonprofits in disposition of the property of failed thrifts. It created the Affordable Housing Program of the Federal Home Loan Bank system. Also, it revised the system for rating lenders' service to their communities under the Community Reinvestment Act (CRA) of 1977, and required...
CRA ratings to be made public for the first time.

The past 25 years have not presented a steady stream of improvements in housing programs and conditions, of course. Perhaps the darkest hour of this period occurred in 1986 when, after several years of low budget requests, the Reagan Administration presented a budget requesting zero funding for FmHA programs. Congress authorized $2 billion, significantly less than the programs’ $4.3 billion authorization in 1979.

Looking to the Future

At a national rural housing conference towards the end of 1996, HAC will invite the nationwide rural housing community to join in celebrating HAC’s 25th anniversary, and in looking to the next 25 years and beyond in the struggle to improve living conditions for low-income rural Americans.

In some ways, the future looks much like the past. Native Americans, migrant farmworkers, families toiling on small farms and in small-town businesses, persons of color, children, and elderly persons still live in dilapidated houses, all too often without indoor plumbing, and increasingly at costs they cannot reasonably afford. Yet they are still often overlooked by policymakers and the media. The role of state governments in administering national housing programs increased substantially over the last 25 years, particularly given the CDBG and HOME programs, and would grow further if block grants replace other federal programs, as proposed (to varying extents) by both the Administration and Congress. At the same time, politicians from all parties, on all levels of government, have promised since the 1970s to reduce government and its spending, and are still trying. As they have for the past 25 years, these efforts seem likely to impact the poor disproportionately.

In other ways, the future will pose new challenges unlike those of the past. Energy costs no longer present the serious problem they posed in the early 1970s, but the development process has become increasingly complex and expensive, in part because of new requirements intended to address clean-up costs of old environmental problems like hazardous wastes and lead paint. Technological solutions to some of these problems may be developed, and information technology certainly has affected the dissemination of knowledge and data to rural areas.

Homelessness is recognized as a significant problem, in rural areas as well as in cities, and as a problem among women and whole families, not just single men. The number of female-headed families has greatly increased in both cities and rural areas, and many of these households, both women with children and elderly women living alone, face costs for basic items including housing that far outrun their limited incomes.

The role of private enterprise in producing subsidized housing has increased, but its future is uncertain as the Low Income Housing Tax Credit, the primary vehicle for private investment in the production of assisted rental housing, faces possible elimination. Some private developers have sought to remove their rural rental properties from the assisted housing stock, and, while restrictions on prepayment have been put in place, some concerns remain about their cost and effectiveness. Emphasis on the private sector is evident as well in proposals to replace HUD’s tenant subsidy programs — important in rural areas as in cities — with vouchers for tenants to find housing in the private market, which in many rural areas contains almost no available units in decent condition at reasonable prices.

The future role of private lenders is uncertain as well. There is now a trend towards government guarantees of mortgage loans made by banks and savings and loans — initially less expensive for the government, but not reaching those with incomes too low to qualify for private loans or those living in areas where private lenders do not operate or choose not to provide housing credit. At the same time, private credit provided by banks and S&Ls may become less available for those at all income levels as small lenders fail and large regional institutions take over smaller lenders, healthy or ailing.
Programs developed during the past 25 years to encourage lenders to make loans for affordable housing and community development, like the Community Reinvestment Act and even the Federal Home Loan Banks' Affordable Housing Program, are now under attack in Congress.

Nonprofit organizations remain crucial in the improvement of rural housing conditions, as they have been for the past 25 years. Any future success will depend on the continued viability of local nonprofits, even as the types and needs of housing organizations change. New organizations are becoming involved in housing efforts, often nonprofit service providers that see a need to expand emergency shelter, job training, health care, and other services into housing. Housing groups, too, are working to provide a “holistic” approach to their clients’ needs, linking housing with supportive services such as day care and counseling. New nonprofit resources are appearing on the national level as well; for example, the Local Initiatives Support Corporation (LISC) recently joined HAC in the rural arena with a spin-off organization called Rural LISC.

Amidst all the concern about the resources that will be available to continue improving housing conditions for low-income residents of rural areas, there is one certainty for the future of rural housing: HAC will be there. As it has done in the past, the organization will change its size in response to the availability of funds and will adjust its programs in response to alterations in its constituents’ needs. Whatever happens, HAC will certainly continue to work with local organizations towards accomplishing its mission, towards improving housing conditions for the rural poor, with an emphasis on the poorest of the poor in the most rural places.

Leslie R. Strauss is the Director of Research and Information at the Housing Assistance Council.

ENDNOTES

[1] Data in this article is drawn from the decennial Census and the Annual Housing Survey or American Housing Survey, as noted in the text, relying in part on the analyses published in Taking Stock: Rural People and Poverty from 1970 to 1983 (Housing Assistance Council, 1984) and Taking Stock of Rural Poverty and Housing for the 1990s (Housing Assistance Council, 1994). Linda Kravitz and Sue Phillips, who prepared the data analyses for the 1984 and 1994 books, respectively, thereby contributed greatly to this retrospective.

[2] The AHS measures additional housing quality problems as well, but many of the items measured have changed over time and cannot be compared from the early 1970s to the early 1990s.
Like many Americans, Mrs. Hernandez (not her real name) dreamed of owning a piece of land, and her own home. In 1987, she located a plot of land, made a downpayment, and started making monthly payments...

This is where the similarities between Mrs. Hernandez and most homebuyers end. By 1994, Mrs. Hernandez found that the principal balance on her lot had increased by $8,000, in a subdivision with unpaved roads, inadequate sewage and drainage systems, and makeshift shacks. Mrs. Hernandez lives in El Cenizo, a colonia located outside the city of Laredo on the Texas-Mexico border.

Fortunately, thanks to a creative bankruptcy reorganization plan, a unique offer by the Texas State Department of Housing and Community Affairs through its then Executive Director, Henry Flores, and the work of a new community development loan fund, Mrs. Hernandez’ situation and the conditions in her community are beginning to change.

After looking at the conditions and real estate system which have come to characterize colonias, this article will examine the unique plan formulated to solve some of the problems plaguing the residents of this community, and the efforts of one community development loan fund in the actual implementation of the plan.

Since U.S. Bankruptcy Judge Richard Schmidt approved the bankruptcy reorganization plan for El Cenizo one year ago, colonias have begun to gain the attention of the national press. Both The New York Times and 60 Minutes, for example, have focused on conditions in these communities, which are some of the poorest in the country.

Located along the U.S./Mexico border, colonias are isolated, rural subdivisions characterized by substandard housing, inadequate sewage disposal and drainage systems, lack of access to clean water,
and unimproved roads. In Texas, an estimated 340,000 residents live in these communities and the miserable conditions, usually out of necessity. The low income level of colonia residents (the average yearly income for a colonia household in Texas is about $6,738) makes rents in cities beyond their means, and traditional homeownership financing methods impossible to secure.

In the classic “colonia real estate system,” developers contract to sell small parcels of undeveloped land in remote areas at prices and financial arrangements affordable to the poor. Only a small downpayment is required (usually from $50 to $100); the developer finances the transaction; and monthly payments are much more affordable than other housing alternatives.

Unfortunately, while these arrangements may appear attractive to potential lot owners at first sight, the road to homeownership is often filled with pitfalls. Virtually all families “purchase” their lots under a contract for deed, where no equity transfers until the buyer has paid off the entire purchase price. Buyers using contracts for deed cannot obtain home construction or improvement loans because without an equity position against which to secure a loan, no lending institution will offer financing. Purchases under the contract for deed are usually not recorded, nor do developers guarantee clear title, leading to a myriad of title problems for colonia residents. It is not uncommon, for example, to discover that multiple residents have purchased the same piece of property from one developer.

Colonia residents are often not discouraged from making late or intermittent payments, which then enables the developers to charge late fees and compounded interest and results in payment schedules which contrast starkly with traditional amortization schedules. Because of these late fees and interest payments, residents can find themselves with principal balances which are higher than the original purchase price, despite years of making payments on the property. Rather than realizing their dream of homeownership, colonia residents face a nightmare of excessive indebtedness, with no realistic opportunity to catch up.

El Cenizo, the focus of the bankruptcy litigation, was plagued by many of the problems common to colonias along the border. Cecil McDonald, the colonia developer and debtor in the bankruptcy case, sold small lots at a cost of $6,000 to $7,000, at 12 percent interest. In an April 2, 1995 article in The New York Times, McDonald openly acknowledged that the contract for deed system gave him “the flexibility to let residents skip payments by adding them to the principal, then charging interest on interest.” Even after making up missed payments, the added interest would leave many of the 600 plus families deeper in debt. One resident, whose original purchase price was $7,000 in 1987, for example, found herself with a balance of $10,000 in 1995. Conditions in El Cenizo are often likened to those in developing countries: unpaved streets, open sewage running in the streets, and shanty-like homes.

The bankruptcy reorganization plan approved by Judge Schmidt addresses many of the problems facing El Cenizo residents, and provides a model for improving conditions in colonias all along the border. Judge Schmidt held a hearing in the colonia to personally explain the plan to residents, which they overwhelmingly approved by a vote of 500-4.

Under the plan, the Texas Department of Housing and Community Affairs (TDHCA) would use its nonprofit housing corporation to “buy-out” and refinance the colonia lots. It cost $500,000 to buy all the contracts for deed and an extra $25,000 for incidentals, all of which should be recuperated in one year. All contract payments previously made by the residents were to be credited, resulting in much lower principal balances, many zero balances, and absolutely no balances higher than the original purchase price. Residents would be able to convert their contracts for deed to notes and deeds of trust; the interest on payments would drop from 12 percent to 8 percent; and residents’ payments would be channeled to two “community improvement funds,” one for the colonia’s streets and drainage, and the other for a revolving home improvement loan fund.

When the time came for TDHCA and its housing corporation to implement the court’s plan, a new nonprofit community development loan fund, Tejas Community Credit Opportunities, Inc. (Tejas) offered its services to TDHCA. Specifically, Tejas offered to contract with TDHCA for an eight-month start-up period to design and implement a pre-loan counseling program and to set up the new loan collection system in the colonia.

Tejas was created by attorneys and housing advocates familiar with the legal and economic problems faced by colonia residents. In creating a financial institution, the founders of Tejas intended to pro-
provide credit opportunities, housing assistance, loan servicing, and loan counseling designed to meet the needs of low-income borrowers, as well as the community education that would be a necessary part of successful access to capital, credit, and homeownership opportunities.

Tejas knew that part of the developer’s “success” in the past had been based in part on the residents’ lack of information; the success of a new, fair system would have to be based on residents’ thorough understanding of the new system and their participation in it.

Under the bankruptcy plan, the first step in the implementation of the new system would be the conversion process, where each lot owner would have the opportunity to convert his or her contract for deed to a note and deed of trust through a traditional real estate closing.

Designed to run concurrently with the conversion process, Tejas developed and implemented an extensive pre-loan counseling program based upon a 20-minute video created to both educate and motivate residents. During the two-month period while the closings were conducted, Tejas held daily small-group (15-20 residents each) sessions to explain the closing process and the documents residents would be signing. The video and accompanying staff presentations also outlined the financial basics of mortgage payments, such as the amortization process and tax escrow system. In addition, beyond the individual benefits that residents would see and feel in making timely payments under the new system, staff also stressed the benefits to the community, emphasizing how residents’ payments would be channeled back into the community through the two improvement funds. Finally, staff also emphasized how El Cenizo’s new system, if it was successful, could become a model for improving conditions in other colonias along the border.

Once residents had converted their contracts, their first mortgage payments under the new system were due in May 1995. In addition to its pre-loan campaign, Tejas also contracted with TDHCA to set up an on-site office in the community for ongoing collections, loan servicing and counseling. In designing its loan collection program, Tejas worked to tailor its services to the unique needs of the community. Tejas realized, for example, that the majority of residents would be making their payments in person, and in cash, and accessibility would be vital to the success of the program.

Tejas opened an office in the El Cenizo Community Center, located in the heart of the community. Knowing that the majority of El Cenizo residents are monolingual Spanish speakers, Tejas hired bilingual staff who could give residents a detailed explanation of their receipt and payment breakdown in Spanish, and encourage residents to inquire about any matter that they may not understand. Recognizing, also, that a significant number of El Cenizo lot-owners are migrant farmworkers, Tejas quickly set up a post office box, to which these workers could mail their monthly payments, while they migrated north for the summer.

In addition to personal, accessible collection services, Tejas also recognized that an effective loan counselor would be an important part of its start-up services. The Tejas loan counselor, with over ten years of experience in loan collections, would personally contact lot-owners as soon as they appeared delinquent, frequently visiting the clients’ homes to discuss the problems and ways they may be cured.

As Tejas staff repeatedly told El Cenizo residents during pre-loan counseling presentations, the new system in El Cenizo, if successful, could be considered a model in addressing problems in colonias all along the border. In bringing interest down to a reasonable rate, enabling residents to obtain deeds to property, and channeling residents’ payments back into their own community, the bankruptcy reorganization plan approved by Judge Schmidt addressed a number of obvious problems in the colonia. In designing and implementing the start-up phase of the new system, Tejas was careful to address some of the more subtle issues that would be critical in truly changing the situation in El Cenizo. Through its pre-loan counseling program, Tejas ensured that residents were informed about the changes to be implemented, educated about the basics of a fair financial system, and motivated to participate successfully in the new system.

Tailored to meet the unique needs of colonia residents, Tejas’ loan servicing and counseling program achieved a stellar collection rate, demonstrating that poor people can successfully participate in a fair financial system.

Leslie Newman is on the staff of Tejas Community Credit Opportunities and currently working with Proyecto Azteca as a Technical Assistance Provider.
It's no secret that isolation is a barrier to the production of decent affordable housing in rural America. It's expensive to ship building materials to isolated areas. It's expensive to build or extend water and waste water facilities to isolated areas. And, it's expensive to call people all over the United States to find that one piece of information that may help overcome some barriers to producing or rehabilitating decent affordable housing.

But there is an easy way to cut costs. Part of the answer to cutting long term cost, without compromising high quality standards, is low-cost access to information: information that lets rural housing providers know what kind of funding is available, how federal housing programs work, and what rural housing innovations are successful and can be copied. The answers to some of rural housing providers' questions are on the only highway with exits in every town.

By now most people have heard of the information superhighway on the news, have seen portrayals in movies, or have used it. Those who have used it already know that the information superhighway isn't a mysterious monster with big brother style information about everybody's life for a super villain to use against humanity. It's also not a digitized red light district with pornography around every bend. There are no road signs, accidents, speeders, slow pokes, or drivers. What is on the information superhighway is a network of people providing information to others. This network is a loose structure of interactive forums, where users communicate with each other, and data sources that are like libraries where users search for information.
The Internet has been touted as the way of the future, a fast-paced necessity for people on the move, the hallmark of the information age. Down here on earth, away from the confusing hype, it is a simple practical way to get information. Currently the most practical use, and most widely used feature, of the Internet is electronic mail, e-mail. E-mail works like a fax-post office combination. Everyone has a mail box, address, and carrier and the process is all done over the phone. With e-mail, users can send and receive huge documents; and, unlike faxes, the documents are always legible and changes can be made easily. Unlike the post office, e-mail is fast and documents don't get lost easily. Even if e-mail is sent to the wrong address it can still be retrieved. Users have the luxury of pulling mail out of the mail box, which is something most people wish they could have done at least once.

Having an e-mail address also gives rural housing providers access to a listserv which basically is a mailing list with information specific to an agenda. For instance, The Aspen Institute sends Rural Update through a listserv, as part of their Rural Telecommunications Initiative; the update highlights what Internet sites provide information pertaining to rural issues.

How does one get an e-mail address? Commercial online services such as America Online, CompuServe, and Prodigy provide e-mail, forums, and interactive sites to communicate with other people online. Except for their access to the World Wide Web, none has much information specific to affordable rural housing. A popular online service for social service providers is HandsNet. HandsNet offers various forums on housing, homelessness, legal, welfare, and children's issues. HandsNet operates its service on a membership basis and has begun to make forays onto the World Wide Web to make its information more accessible.

HandsNet subscribers pay a membership fee. Only members have access to the island of information offered by HandsNet. The information is posted in forums by forum managers for members to see. Forums are like bulletin boards. Forum managers take their best material and post it on the bulletin boards for members to stop by and read. Members can also send e-mail to forum managers if they have any questions or comments about the information.

The Housing Assistance Council manages a forum on HandsNet with information about rural housing and community development. The forum includes information about Rural Housing Service and HUD programs, legislative updates, upcoming rural housing conferences, and Federal Register notices. Other forums include rural issues, housing and development, the HOME program, a news wire service and much more.

The greatest resource for online information is the World Wide Web. The Web offers housing developers information on financing sources and introductions to programs and services from government agencies, government sponsored enterprises, and banks. The USDA's division of Rural Economic and Community Development, Fannie Mae, Bank of America, and HUD all have Web pages. Universities with rural studies programs also have sites on the Web. For example, Kansas State University maintains a Web page for its Rural Clearinghouse for Lifelong Education and Development. It contains links to over one hundred rural Internet resources as well as some full-text articles. This means affordable rural housing providers don't need to wait for federal agencies to catch up; the information is already being distributed.

Because widespread use of the Internet is relatively new, there are still some problems that need to be dealt with. Access is one of the more common problems among rural users. Most of the carriers have access phone numbers in population centers but not in extremely remote areas. This created problems for people like Tom Carew of Frontier Housing in Kentucky. Until recently when he logged on to HandsNet, it was a long distance call. Now carriers like HandsNet offer 800 numbers for users without local telephone access. To use an 800 number, subscribers are charged a low monthly flat fee as an addition to their monthly subscription, rather than paying enormous long distance costs. Solutions are underway for greater access to rural areas; many universities and libraries offer some affordable Internet access.

Other efforts are underway to provide some rural counties with easier access. The Sierra Planning Organization and Economic Development District (SPO/SEDD) in Auburn, California is a nonprofit organization with jurisdiction over four Sierra Nevada counties: Placer, Nevada, Sierra, and Eldorado. SPO/SEDD is participating in the Telecommunications and Information Infrastructure Assistance Program, administered by the National Telecommunications and Information Administration. Through this program SPO/SEDD will provide local dial-up access to sites in
the rural areas they serve. They contact local libraries, chambers of commerce, schools, and city halls about setting up access sites. Rick Hatcher of SPO/SEDD is developing a resource book dedicated to the region to promote participation and use of the new sites.

The United States may wish to follow Canada's example. Canada's government recently awarded $6 million in grants to 271 communities for the development of free, community-based Internet service providers that will assure universal and affordable access in rural areas.[8]

A short-term drawback to getting on the information superhighway is need for computer hardware. Many nonprofit housing developers are not equipped with computers that have sufficient memory or fast enough modems to explore the full use of an online service or the Internet. Here, the issue is to evaluate which tools to use and how. An old IBM 286 computer and a reasonably priced 9600 bps modem can still offer the ability to use e-mail, contact listservs and newsgroups, research some data sources on an online service, and perform file transfers.

At the moment the Internet is an excellent source of information, which helps housing providers stay on top of program and financing changes. In the future one can foresee housing developers seeking their financing online. Soon, they will be able to download a predevelopment loan application from the Housing Assistance Council and receive technical assistance upon submitting it. It's a possibility that housing providers can access Bank of America's Web page and start the process of obtaining a construction loan or permanent financing by accessing the Rural Economic and Community Development Web page. The technology for these possibilities already exists. But rural America cannot be left out. Rural America needs to speed onto the superhighway and take command of the information that will help produce more decent affordable housing.

Andres L. Saavedra is a Housing Specialist with the Housing Assistance Council. Diego A. de la Garza is an Information Specialist for the Housing Assistance Council.

[8] For information on the Rural Telecommunications Initiative contact Timothy Walter at 202-736-5834, or timothy@aspeninst.org
[9] For information on HandsNet call 408-257-4500 or visit their Web page at http://www.handsnet.org/handsnet
[14] For information on the Telecommunications and Information Assistance Program call 202-482-2048 or visit their Web page at http://www.ntia.doc.gov
By Susan Peck

Housing development for lower-income households presents numerous barriers including NIMBYism, difficulties in obtaining funding with deep enough subsidies and buildable land, and problems securing adequate water/sewer service. In Indian Country, these barriers are exaggerated by issues of land restrictions and Tribal government authority. In small, rural communities, which are the norm in Indian Country, the commitment to improving housing conditions exists, but the “capacity” to find and implement solutions is sparse.

There are federal program resources specifically available to Native Americans living on Reservations, but these resources are diminishing even as the need for housing is expanding. Knowledge of alternative resources is limited, due primarily to the isolation of most Indian communities and the perception that these resources cannot or will not serve the unique conditions that exist in Indian Country. “Building Indian Housing in Underserved Areas,” a project of the Housing Assistance Council begun in 1991, started with the premise that the skills and advocacy of trained Native Americans, designated by their respective Tribes, would be paramount in any effort to bring alternative housing resources to Indian Country.

In the early 1960s, the federal government began to respond to the acute housing needs of Native Americans living on Reservations. Department of Housing and Urban Development (HUD) and Bureau of Indian Affairs (BIA) programs developed then are vital to addressing the housing needs of many Native Americans today. These programs are intended for low- and very low-income Native Americans. Private mortgage financing for higher income families only recently became accessible to Native Americans living on trust or allotted lands; this resource is still in its infancy and probably will serve only a small portion of the generally lower-income households on Reservations. Moreover, HUD and BIA housing funds have been declining for years, while the need for housing in Indian Country continues to rise.

Historically, the former Farmers Home Administration (FmHA, now the Rural Housing Service, or RHS) provided very little housing assistance to Native Americans although many of them were eligible for aid: most of Indian Country is rural and served by the agency, and its residents generally are low-income. For years, however, FmHA was concerned with its ability to transfer or liquidate a loan should there be a default or foreclosure, so it was not actively marketing its housing programs to Native Americans on trust lands. “Trust land” is held in trust by the federal government for use by a specific Tribe, so a lender foreclosing on a defaulted loan cannot take title to the land and sell it to recoup the lost loan funds. Tribes, not wanting to lose their land to this kind of alienation, were equally reluctant to pursue FmHA/RHS funds.

Tribes, therefore, had little or no knowledge of or interest in the agency’s housing resources. In the early 1990s, with Indian Housing Authority waiting lists for HUD-financed housing sometimes extending to ten years, and BIA new construction and rehabilitation money greatly diminished and only intended for the poorest families, there was the recognition among

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A new home built by the Cheyenne River Sioux Tribe.
several Tribes of the need to pursue other avenues of funding, among those the homeownership and home repair programs of the Rural Housing Service.

At about the same time, the Cranston-Gonzalez National Affordable Housing Act of 1990 (NAHA) contained two provisions that gave strong impetus to the “Building Indian Housing in Underserved Areas” project. One was initially recommended in the 1970s as a means of providing Tribes with the legal certainty that trust land leased to its members for the development of housing financed with a mortgage would not be subject to alienation should there be a default or foreclosure on the mortgage. Section 509(d) of the Housing Act of 1949, as amended by NAHA, prohibits RHS from selling or transferring either allotted (land specifically granted to a member of a Tribe) or Tribal trust land to anyone who is not a member of that Tribe, a Tribal Housing Authority or the Tribe itself. Thus, Congress removed a longstanding barrier to Tribal acceptance of RHS’s housing resources on restricted lands.

The second important provision in NAHA created “RHTSA,” or the Rural Housing Targeting Set-Aside program. This program reserves a portion of funds in RHS’s major housing programs for use in counties that are determined by formula to be underserved by the agency’s resources. The importance of this set-aside of funds is clear: the designated areas, generally underserved because they lacked the knowledge and technical capacity to gain access to RHS programs, would not have to compete for funds with other areas of their respective states in which the capacity to package loans and grants was greater. The initial list of 100 RHTSA counties contained many with Indian Reservations, including a cluster in the Upper Plains area.

“Building Indian Housing in Underserved Areas” got its technical boost from these two legislative provisions, but Housing Assistance Council staff was aware that Tribal commitment and local capacity-building to package RHS loan and grant applications would be the true heart and soul of the endeavor. Tribes, for the most part, lacked RHS program knowledge and the staff resources to explore and implement new program assistance; moreover, there was the issue of longstanding distrust of federal agencies in general and of RHS in particular, based on the experience of some Tribal members with the former FinHA’s farm programs. Bridging the barrier of distrust would become an important role of the Native American loan packagers.

At various forums, HAC’s Ruth Jaure, now the Executive Director of the National American Indian Housing Council (NAIHC), approached Tribes and Tribal Housing Authorities about the resources of the RHS. In the course of this informational effort, four Tribes or Tribal entities essentially selected themselves to become part of the capacity-building project. Their eagerness to seek new resources and to devote staff to the project was apparent.

Funding for the project was secured from the Northwest Area Foundation of St. Paul, Minnesota, whose eight state service area encompassed the four Tribes that became part of the project. Currently, the following Tribes or their entities are participating: the Northern Cheyenne Tribe - HIP program (Montana), the Cheyenne River Sioux Tribe (now through its new nonprofit, Oti Kaga Inc., South Dakota), the Standing Rock Housing Authority (North and South Dakota), and The Lakota Fund (Pine Ridge Reservation, South Dakota). Each participating Tribe or Tribal entity receives a stipend for monthly personnel costs, and reimbursement for travel, non-HAC-provided training, and equipment/publications. HAC provides training and assists the packagers in working out problems with the Rural Housing Service.

In the four years that “Building Indian Housing in Underserved Areas” has been operating, there have been significant changes in the policies of the Rural Housing Service to accommodate the unique conditions found in Indian Country. The path to these changes has been humpy, littered with technical debris and human bias, but change has occurred and there are Native American families now living in RHS-financed housing on trust lands that would not
have had the same opportunity only a few years ago. These families, and their Native American packagers, have paved the way for many more families to find alternative housing assistance.

Key technical issues that called for resolution included the type of appraisal used on trust land and acceptance of certain lease provisions. Few Reservations are located in easily accessible and economically productive areas. These factors affected RHS staff assessment of appraised value which, generally, was below actual development costs. Because RHS uses appraised value to determine the amount it is willing to loan, the appraisal is crucial in making mortgage loans affordable. If the appraisal is too low to cover costs, either the applicant must find other resources to fill the gap — hardly a realistic solution for generally low- and very low-income households — or be rejected.

The Native American packagers consistently protested many applicants' inability to obtain appraisals in amounts at least equal to actual building costs. They pointed out the remoteness of the building sites and the lack of competitive contractor bids, both leading to higher costs than in more readily accessible communities. These and other arguments led the agency to reconsider how cost appraisals were being performed in Indian Country.

RHS issued an Administrative Notice, AN 3036, that defines the meaning of a cost appraisal in remote rural areas, including the provision that "external depreciation based on the remoteness of the site" (economic obsolescence) would not be an appraisal factor. This policy change has opened homeownership opportunities for Native Americans on trust land.

A second technical issue was based on RHS's discomfort with some provisions in leases under which the Tribes provide land to individual households. Honoring land restrictions is at the heart of Section 509(d), which prohibits the agency from contributing to the alienation of trust land through foreclosure, yet it is legally important to follow some acceptable procedure for disposing of property in adherence to Section 509(d) should foreclosure become necessary. This dilemma arose with the Cheyenne River Sioux Tribe when RHS staff realized that Tribal law requires that foreclosure proceedings be handled in Tribal court rather than state court. The Attorney General's office was called in to resolve the issue, and the agency was told that Tribal court was acceptable as long as a Tribal-foreclosure law was in place. To clarify this issue for future Tribal/RHS relations, the agency issued AN 3152, which restates the Attorney General's opinion and urges the agency to work closely with Tribes to overcome obstacles in a lease that might adversely affect the government's security interest. The Cheyenne River Sioux Tribe packager worked countless hours gathering legal documents from the Tribe's attorney and presenting them to the federal government.

Resolving these "technical" matters has been challenging but achievable. Matters of "attitude," on the other hand, do not readily lend themselves to resolution by Administrative Notice. Yet how people relate to each other and their level of commitment to getting the job done have been of significant importance to achieving alternative housing assistance for Native Americans on trust land. At an introductory meeting between RHS and Tribal staff, the RHS representative remarked that his prior efforts to encourage Tribal members to file loan applications went unheeded, and he felt that the potential applicants simply did not "trust" him. The focus of the HAC project has been to teach the necessary technical skills to Native Americans who, in turn, would work directly with the applicants with whom they shared a common framework of experience and culture. Issues of income, credit, household composition and even housing style and location preference have been raised and conveyed to federal government staff through the Native American packagers, with explanations of situations that RHS staff previously did not understand.

A key issue for some governmental staff has been accepting the fact that not every applicant has or is willing to seek "fee simple land" (unrestricted ownership) rather than trust land, although fee simple
ownership would make application of the RHS programs easier.

Packagers have had to explain treaties, the purpose of restricted lands, the nature of lease income, and a host of other issues that federal government staff either did not know about or did not appreciate.

As the “go-between” between the applicant and the government, the packagers have had to walk a fine line. Clearly, their defined role has been as advocates for the applicants, but at times the applicants have mistaken the packagers for the government and some applicants have complained to their Tribal Council that the packagers were delaying or rejecting their applications. On the positive side, at a recent “retreat” between the packagers and RHS staff, RHS employees remarked on the higher level of application activity in Indian areas where there are trained Native American packagers than in areas where there are not. In their words, the applicants “trust” the packagers; RHS staff still has to do its work, but can rely on the packagers to bridge any information gap. With the many personnel changes that occurred as a result of reorganization within the Department of Agriculture, of which RHS is a part, new RHS staff working in Indian Country are relying on knowledgeable and experienced Native American packagers to move applications forward.

The commitment to making the RHS programs work in Indian Country is obvious among the Native American packagers, and their commitment is being matched by that of the Rural Housing Service. Policy changes and other directives to the field offices and frequent outreach to Tribes are among the ways the agency has exhibited this commitment to improving its service to Native Americans. Perhaps the most significant outcome of this project — aside from the fact that families are now living in improved housing conditions financed by an entirely new resource in Indian Country — is public recognition by the RHS leadership that much of the progress in serving Native Americans living on trust land has been the result of the hard work and persistence of Native American packagers. Local capacity-building is paying off.

Susan Peck is the Regional Director for the Housing Assistance Council’s Western Office.

RECENT PUBLICATIONS

Fitting the Pieces Together:
An Examination of Data Sources Related to Farmworker Housing

Housing professionals, and even most of the public, generally know that farmworkers — particularly migrant workers — and their families suffer from serious housing problems. Unfortunately, however, there is no up-to-date nationwide study providing data on farmworker housing conditions, costs, or needs. A new report from the Housing Assistance Council, Fitting the Pieces Together: An Examination of Data Sources Related to Farmworker Housing, attempts to fill part of this gap by compiling existing information not previously available in a single publication. The report examines eight national sources of farmworker data, as well as several state and local studies, to determine what can be learned from fitting together the available pieces of data.

The report concludes that the characteristics of the farmworker population vary considerably from place to place. For example, while 42 percent of farm laborers in the U.S. in 1993 were migrants, counts in individual states showed non-migrant farmworker populations ranging from 14 to 78 percent. The vast majority of farmworkers are U.S. citizens or have legal status in this country. In most places, they are more likely to be young, male, and Hispanic than other types of workers. A majority are married, but many migrants travel without their families. Farmworkers, especially migrant workers, often earn extremely low incomes. One-third or less obtain housing from their employers, and much of that is substandard. For those whose employers do not provide shelter, dilapidated and severely overcrowded buildings are often all that is available or affordable.

Fitting the Pieces Together is available from HAC for $6.00.
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The Housing Assistance Council (HAC) is a national nonprofit corporation founded in 1971 and dedicated to increasing the availability of decent housing for low-income people in rural areas.

HAC strives to accomplish its goals through providing seed money loans, technical assistance, training, research and information to local producers of affordable rural housing. HAC maintains a revolving loan fund providing vital seed money at below market interest rates to rural housing developers. Developers can use these funds for site acquisition, development, rehabilitation or new construction of rural, low- and very low-income housing. HAC has a highly qualified staff of housing specialists who provide valuable technical assistance and training, and research and information associates who provide program and policy analysis and evaluation plus research and information services to public, nonprofit, and private organizations. HAC's subsidiary Rural Housing Services (RHS) syndicates rural housing developed with the Low Income Housing Tax Credit.