

**VISTA AFFORDABLE HOUSING  
PRESERVATION PROJECT:  
INFORMATION AND  
APPLICATION  
2014-2015**

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## **Introduction**

Equal Justice Works seeks community-based nonprofit service organizations to host AmeriCorps Volunteers in Service to America (VISTA) Legal Fellows who will work to preserve at-risk Project-Based Section 8 U.S. Department of Housing & Urban Development (HUD)-assisted properties with the VISTA Affordable Housing Preservation Project (VAHPP). VISTA Legal Fellows will help form and support strong tenant associations that will effectively advocate for their own safe, healthy, and affordable housing.

Specifically, VISTA Legal Fellows will attend membership meetings and present “Know Your Rights and Responsibilities” workshops; interview residents and conduct research to properly identify the legal challenges of each relevant building; develop by-laws and incorporate tenant associations; facilitate meetings and/or mediations between tenant associations, landlords, and HUD representatives; and represent tenant associations at administrative hearings.

Legal Fellows will serve a minimum of one year and have the opportunity to serve for two years. The program is funded for at least two years.

## **About Equal Justice Works**

Equal Justice Works’ mission is to create a just society by mobilizing the next generation of lawyers committed to equal justice. We provide leadership to ensure a sustainable pipeline of talented and trained lawyers are involved in public service. Equal Justice Works provides a continuum of programs that begin with incoming law school students and extend into careers in the law profession. We provide the nation’s leading public interest law Fellowship program and offer more postgraduate, full-time legal positions in public service than any other organization.

## **About AmeriCorps VISTA**

VISTA, commemorating 50 years in 2015, was founded in 1965 as a national service program designed to fight poverty in America. In 1993, VISTA was incorporated into the AmeriCorps network of programs.

AmeriCorps VISTA members are *volunteers*. They are passionate and committed to bringing individuals and communities out of poverty. Members make a year-long, full-time commitment to serve as a volunteer on a specific project at a nonprofit organization or public agency. They focus their efforts to build the organizational, administrative, and financial capacity of organizations that fight illiteracy, improve health services, foster economic development, and assist low-income communities.

## **At-Risk Section 8 Properties**

The 1.7 million low-income households in privately-owned, HUD multifamily housing face serious risks of displacement. More than 200,000 families and elderly and/or disabled individuals live in buildings with expiring 40-year HUD subsidized mortgages, and several

hundred thousand more are affected by Project-Based Section 8 contracts that will expire during the next five years.

The "expiring use" problem arises because the affordability of housing units receiving these subsidies is not permanently assured. The restrictions on rent levels, tenant eligibility, and overall operations only last for a specific time period. When the subsidies end or "expire," owners of most buildings with HUD-subsidized mortgages are allowed to convert to market-rate housing, and can often prepay the mortgage balance at an earlier date. Tenants are forced to relocate, usually with vouchers, and in a market of ever-shrinking affordable housing units. Tenants in "expiring use" and other "at-risk" buildings also face challenges due to aging housing stock and frequently substandard management. In almost all HUD housing developments, tenants remain unorganized and unaware of their legal rights, and may experience intimidation and harassment by property managers or owners.

Once organized, however, tenants can influence owner decisions affecting the affordability of their homes, repairs, and upgrades. They also can advocate for HUD refinancing options, "green rehabilitation" programs, and the ability to participate in contract renewal programs when federal contracts end.

### **Successful Service Models**

From 1995 to 2002, the National Alliance of HUD Tenants (NAHT) initiated and coordinated a successful VISTA program in HUD multifamily housing complexes. NAHT VISTA members helped tenants from more than 520 tenant organizations preserve and/or improve more than 70,000 at-risk HUD apartments, and trained tens of thousands of tenants on their rights and responsibilities.

Additionally, Equal Justice Works supported a Legal Fellowship at the Washington Legal Clinic for the Homeless that provided advice and legal representation to tenant associations and tenants at risk of displacement from more than 3,000 units of affordable housing at two Section 8 Project-Based housing complexes, and preserved two Project-Based Section 8 housing complexes as affordable.

### **NAHT Partnership**

Established in 1991, NAHT preserves and improves affordable housing, protects tenants' rights, develops tenant empowerment, promotes resident control and ownership, improves the quality of life in HUD-assisted housing, and makes HUD accountable to HUD tenants. NAHT also provides administrative and technical assistance, public policy advocacy, training, and materials to a national network of voting member tenant organizations and affiliated area wide HUD tenant coalitions or organizing projects.

NAHT is a key partner of this project, hosting scores of its own AmeriCorps VISTA organizers to preserve Section 8 housing. In many instances, they will provide all local "advance work" by identifying appropriate at-risk Section 8 buildings and organizing tenants, especially when host sites do not already have community lawyers or organizers working with Section 8 buildings.

NAHT will invite VISTA Legal Fellows to attend its Early-Service Training Institute and Annual NAHT Conference. VISTA Legal Fellows will be invited to participate in the bi-weekly NAHT Network teleconference calls, which include state-of-the-art briefings and updates on HUD housing issues, including periodic guest presentations by the National Housing Law Project, Center on Budget and Policy Priorities, and experts from other national organizations.

NAHT's Executive Director will be available to provide on-call technical assistance and training support to participating sites. The Executive Director will offer at least one annual field visit to each participating city to assist with specific training needs, as requested.

NAHT's Project Coordinator will assist host sites with technical assistance, administrative and reporting issues, and sharing "best practice" stories.

### **What support do Equal Justice Works and AmeriCorps VISTA provide?**

#### Allowances and Benefits

- AmeriCorps VISTA Legal Fellows are volunteers who are provided a modest living allowance of between \$11,000 and \$19,800 annually, plus health insurance. *As volunteers, they are not considered "staff" for comparing compensation.*
- AmeriCorps VISTA Legal Fellows are eligible to receive compensation through allowable reimbursable expenses for housing, student loans, food, relocation, transportation, emergencies, and benefits that may total approximately 100% of their living allowance.
- Upon successful completion of the term of service, Fellows may receive a \$5,645 AmeriCorps education award from the National Service Trust administered by the Corporation for National and Community Service (CNCS). If a Fellow has previously served in AmeriCorps, their education award amount could be less, per AmeriCorps regulations. Education awards are valid for seven years and may be used for tuition, student loans, and other educational expenses. For more information about the education award, visit the [AmeriCorps website](#).
- Many Legal Fellows should be eligible for federal student loan forbearance, and some will qualify for student loan assistance, where available.
- Equal Justice Works will provide travel expenses and registration fees for the Equal Justice Works Leadership Development Training and NAHT's Early-Service Training Institute and Annual Conference.

#### Recruiting and Administration

- Equal Justice Works will help host sites identify and recruit candidates by marketing the VISTA positions to our national network of law students/graduates, lawyers, law schools, law firms, and other stakeholders. Host sites will be primarily responsible for the selection of their Fellow(s).
- Equal Justice Works will process payroll for the AmeriCorps VISTA Legal Fellows and maintain a system that tracks the additional support provided by host sites.

#### Training and Support

- Legal Fellows will attend the Equal Justice Works Leadership Development Training, held in October in Washington, DC. At this training, project attorneys will network with more than 100 public service attorneys working nationwide on various issues, including affordable housing. They will receive training on relevant substantive legal issues and organization building, communications, sustainability, and work plan implementation.
- Equal Justice Works VISTA Legal Fellows will be part of a national community of public interest lawyers and the national AmeriCorps network.
- Equal Justice Works' staff provides ongoing support and recognition of the Legal Fellows and assists them in building peer networks that advance their careers and the host organization's capacity.
- Equal Justice Works' staff provides training and technical assistance to host site staff to ensure the VISTA Legal Fellow is managed effectively and efficiently.

#### Supervision

- Equal Justice Works will supervise the entire project by requiring quarterly reporting, engaging NAHT as a monitor, and conducting periodic phone and in-person check-ins with host site staff and Legal Fellows.

#### **What are the host organizations' roles and responsibilities?**

#### Recruitment

- Host sites will interview and select Legal Fellows with guidance from Equal Justice Works. Equal Justice Works will recruit qualified candidates through its network of 5,000 social media followers, 200 member law schools, and the Equal Justice Works Conference and Career Fair in October. Equal Justice Works will consult its database of law students and lawyers interested in affordable housing work and the intersection of law and organizing.

#### Financial and In-Kind Support

- Host sites are expected to match 100% of the Legal Fellows' living allowance in financial and/or in-kind support to off-set housing, student loan, food, transportation, relocation, and any other allowable reimbursable expense (see *Appendix A* for guidelines).

#### Supervision and Training

- Host organizations will identify an experienced licensed attorney who will supervise and support the Legal Fellow(s) and project implementation.
- Host sites will provide job orientation and ongoing training to the Legal Fellow(s) throughout the year. Training will address basic community coordination and topics relating to the particular buildings where the Legal Fellow(s) is working. If training resources are not available within a particular organization, NAHT will provide limited on-site training with interested sites as requested.

#### **Fellowship Activities**

Americorps VISTA Legal Fellows will devote 75% of their time to:

- Providing generalized support and legal information to VISTA organizers;
- Supporting VISTA organizers in developing formal by-laws and incorporating tenant associations;
- Interviewing residents and conducting research to properly identify the legal challenges of each relevant building;
- Attending membership meetings and presenting “Know your Rights and Responsibilities” workshops;
- Facilitating meetings and/or mediations between tenant associations and HUD representatives;
- Drafting correspondence to HUD on behalf of tenant associations;
- Documenting and filing administrative complaints with HUD regarding environmental hazards, substandard management, and general quality of life issues;
- Representing tenant associations at administrative hearings;
- Recruiting and assisting pro bono attorneys to support the project;
- Advising tenant associations and organizing sites regarding the best course of action to build tenant associations and preserve affordable housing;
- Assisting organizing groups to assemble technical assistance teams where tenant ownership or nonprofit financing is determined to be the best course of action;
- Providing litigation support to legal host site staff (can include legal research and writing, client interviews, administrative hearing assistance, discovery, and trial preparation) as it relates to VAHPP;
- Researching, educating, and alerting tenant associations and VISTA organizers to which federally assisted properties are at risk of being lost to contract expiration, termination, foreclosure, or other factors that affect the property's affordability;
- Meeting regularly with tenant associations and VISTA organizers to develop action plans for the preservation of a property;
- Coordinating tenant coalition efforts to engage owners, public officials, and HUD to preserve a particular property;
- Developing partnerships on behalf of tenant associations with local Community Development Corporations (CDCs) that can provide additional resources and guidance in the tenant purchase process;
- Developing training materials and guides on federally assisted housing preservation for future attorneys, organizers, and tenant associations; and
- Drafting publications to document the success and value of attorneys working collaboratively with tenant associations and communities on the preservation of federally assisted housing.

VISTA Legal Fellows must measure and report outcomes, and may engage in other activities that support the project and the host organization, which together may comprise 25% of the Fellows' time.

### **Who can serve as an Equal Justice Works AmeriCorps VISTA Legal Fellow?**

AmeriCorps VISTA Legal Fellows are lawyers or law graduates who graduated from an Equal Justice Works [member law school](#) (all but a few law schools). Fellows cannot have served more

than three prior terms with other AmeriCorps programs, including the Equal Justice Works Summer Corps or Equal Justice Works AmeriCorps JD programs. Applicants may not be current full-time staff attorneys at the host site. They also must pass criminal history background checks, which include the National Sex Offender Public Registry, a state background check in the state of service and state of application for service, and an FBI fingerprint-based criminal history check. Note that a criminal history is generally not a bar to serving as an AmeriCorps member. Every case is evaluated individually. However, presence on the sex offender registry or a conviction of murder is a mandatory bar to serving as an AmeriCorps member.

### **When does the Equal Justice Works AmeriCorps program/contract begin?**

The Equal Justice Works AmeriCorps VISTA grant year begins October 1, 2014, with host sites selecting Legal Fellows between October 1 and December 15, 2014.

### **Important Dates**

- Applications due: **October 31, 2014.**
- Notification: November 15, 2014.
- Service Begins: February 1, 2015.
- Leadership Development Training (required for all Fellows): October 24-25, Washington DC.
- CCF (strongly encouraged for all Fellows): October 24-25, Washington, DC.
- Host site staff webinar trainings: periodically throughout the year.

### **Prohibited Activity**

VISTA Legal Fellows may not engage in any of the prohibited activities outlined in *Appendix B*, which include influencing legislation, religious proselytizing, and assisting a for-profit business.

### **Submission**

Please email a completed application (pages 12-13) to VAHPP@equaljusticeworks.org by the deadline.

For more information about Equal Justice Works AmeriCorps VISTA Fellowships and Equal Justice Works, please visit [www.equaljusticeworks.org](http://www.equaljusticeworks.org).

## **Appendix A**

### **Host Site Financial Support Guidelines**

Financial or in-kind support for VISTA members may be provided under the following conditions:

- Support is offered and available to all VISTA members at a site.
- Cash or checks (unless for reimbursable expenses) are not given directly to the VISTA member.
- Support offered does not violate VISTA’s legislation that mandates VISTA members must, to the maximum extent practicable, make a commitment to live among and at the economic level of the people served.

#### **I. HOUSING**

**a.** A host site may, at its discretion, provide housing support for VISTA members. While there is no maximum threshold established for the amount of assistance, it should be consistent with the VISTA member’s commitment to live among and at the economic level of the people served. Moreover, a host site’s support for housing must be offered to all VISTA members serving at the site.

**b.** Housing support can be provided in the form of a one-time security deposit or as monthly rent. All housing support must be paid directly to the landlord or leasing agent. Host sites and others may not offer money directly to a VISTA member to supplement the VISTA member’s living allowance, or to pay rent, utilities, or other costs. Nor may VISTA members accept third-party payments for utilities or other housing costs other than rent.

**c.** A host site can use a Living Wage Calculator to determine average cost of housing in a particular geographic area (e.g. <http://livingwage.mit.edu/>). For example, the average cost of rent in San Francisco, CA for a single adult could be set at \$1,144 per month.

#### **II. STUDENT LOANS**

**a.** In keeping with the VISTA program’s commitment to provide educational and professional development, host sites may provide support with regards to attending professional conferences and classes—such as the payment of conference fees, travel, lodging and meals, or per diem that applies to standard employees. A VISTA member’s participation in such conferences and classes must not interfere with VISTA service hours or performing VISTA service. Discounting or paying educational costs are also allowable when a mechanism is in place to pay the cost directly to schools or lenders, and/or receipts exist to ensure that such payments are made on behalf of the VISTA member.

**b.** VISTA members should apply for deferment of their federal student loans, and only request assistance from sponsors for private loan payments. A host site should limit their payments to the minimum monthly payment for each private loan, and should not exceed \$250 per month. A VISTA member may not consolidate their private loans into one lump sum payment to be paid by the sponsor. Loan repayment does not apply to a VISTA member’s spouse or other family

member(s).

### III. FOOD

**a. Meal plans/cafeteria:** Host sites may provide meal plans associated with housing or free access to their cafeteria.

**b. Grocery card:** Host sites may provide grocery store gift cards to VISTA members.

i. The grocery card should not exceed \$300 per month and cannot be used to purchase alcohol (see USDA Food Plans:

<http://www.cnpp.usda.gov/Publications/FoodPlans/2014/CostofFoodJan2014.pdf>).

ii. The host site must purchase the grocery card for the VISTA member and maintain the receipt. The card must be specific to a supermarket (not a general gift card i.e. VISA or MasterCard) – e.g. Costco, Stop & Shop, Sam's, Price Chopper, Associated, Wegmans, Albertson's, etc.

iii. The grocery card should be provided on a monthly basis and not in an annual lump sum.

### IV. TRANSPORTATION

**a. Host sites may provide transportation support with the following options:**

i. Parking permits/passes – Host sites may pay parking permit or pass fees associated with a service site.

ii. Public transit pass – If public transit is required for service-related transportation or travel, host sites may provide a monthly or annual public transit pass in lieu of reimbursing the VISTA member for actual transit costs. Host sites may provide VISTA members with transit passes to offset commuting costs provided they use sponsor funds.

iii. Mileage and gas gift cards for use of a privately owned vehicle (POV) – Host sites may reimburse VISTA members at a mileage rate established by the sponsor for VISTA members that use a POV for service-related transportation or travel. VISTAs may not receive gas gift cards in lieu of reimbursement. Host sites may provide VISTA members with gas gift cards to offset commuting costs provided they use sponsor funds.

iv. Each host site shall determine the average cost of travel for the geographic location of their site, and can reimburse VISTA members up to the cost of their commute.

### V. RELOCATION ASSISTANCE

**a. Additional relocation travel assistance** – Host sites may arrange and pay for or reimburse VISTA members for the travel and/or shipping costs that exceed the support provided by CNCS without regard to the number of miles the VISTA member traveled. Host sites must purchase

the travel or reimburse the VISTA member (member provides receipts) for such costs. Only in circumstances of reimbursement may funds be given directly to the VISTA member. Funds may not be given directly to the VISTA under any other circumstances.

**b. Match settling-in allowance** – Host sites may provide an additional settling-in allowance up to the amount set by CNCS without regard to the number of miles the VISTA member traveled. This support can help cover costs associated with settling into a new city that often exceed CNCS’s allowance (i.e., rental or lease application fees, credit check fees, security deposit, first and last month rent, deposits to turn on gas and utilities, etc.). Host sites must pay the funds directly to the landlord or leasing agent, utility company, etc., or reimburse the VISTA member (member provides receipts) for such costs. Only in circumstances of reimbursement may funds be given directly to the VISTA member. Funds may not be given directly to the VISTA member under any other circumstances.

**c. Donated furniture, appliances, equipment** – Host sites may give donated or used items to VISTA members in order to furnish their homes.

## **VI. EMERGENCY**

**a.** Host sites may assist VISTA members who experience emergencies that fall outside the VISTA program’s standard emergency support (e.g., illness of a service animal, medical condition not covered by the VISTA health care plan). This assistance is allowable when it does not present concerns that a reasonable person would perceive favoritism or a conflict of interest on behalf of the parties involved. (e.g., a VISTA member cannot receive preference to “jump the queue” for benefits.)

## **VII. BENEFITS**

**a. Employee benefit programs (health, dental, employee assistance program)** – Host sites may provide VISTA members access to employee benefit programs.

### AmeriCorps Prohibited Activities

While charging time to the AmeriCorps program, accumulating service or training hours, or otherwise performing activities supported by the AmeriCorps program or the Corporation, staff and members may not engage in the following activities:

- (1) Attempting to influence legislation;
- (2) Organizing or engaging in protests, petitions, boycotts, or strikes;
- (3) Assisting, promoting, or deterring union organizing;
- (4) Impairing existing contracts for services or collective bargaining agreements;
- (5) Engaging in partisan political activities or other activities designed to influence the outcome of an election to any public office;
- (6) Participating in, or endorsing, events or activities, which are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials;
- (7) Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;
- (8) Providing a direct benefit to—
  - (i) Business organized for profit;
  - (ii) Labor union;
  - (iii) Partisan political organization;
  - (iv) Nonprofit organization that fails to comply with the restrictions contained in section 501(c)(3) of the Internal Revenue Code of 1986 except that nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and
  - (v) Organization engaged in the religious activities described in paragraph (g) of this section, unless Corporation assistance is not used to support those religious activities;
- (9) Conducting a voter registration drive or using Corporation funds to conduct a voter registration drive;
- (10) Providing abortion services or referrals for receipt of such services; and
- (11) Other activities the Corporation may prohibit.

Individuals may exercise their rights as private citizens and may participate in the activities listed above on their initiative, on non-AmeriCorps time, and using non-Corporation funds. Individuals should not wear the AmeriCorps logo while doing so.

**Additional note:** The AmeriCorps prohibited activities apply to Employment Opportunity Legal Corps Fellows and the volunteers whom they recruit and manage. The prohibited activities do not apply to other staff in the organization.

**VISTA AFFORDABLE HOUSING PRESERVATION PROJECT (VAHPP)  
APPLICATION**

Please complete the following application to be considered for an AmeriCorps VISTA Affordable Housing Preservation Legal Fellow. Please direct any questions to Tai M. Alex at VAHPP@[equaljusticeworks.org](mailto:equaljusticeworks.org).

1. Organization (as shown on income tax return) \_\_\_\_\_
2. Employer Identification Number (EIN) \_\_\_\_\_
3. Organization Address \_\_\_\_\_
4. Organization City/State/Zip \_\_\_\_\_
5. Organization Phone \_\_\_\_\_
6. Website \_\_\_\_\_
7. Organization’s Total Annual Operating Budget \_\_\_\_\_
8. Executive Director \_\_\_\_\_
9. Contact Person for Application \_\_\_\_\_
10. Contact Person Title \_\_\_\_\_
11. Contact Person Email \_\_\_\_\_
12. Contact Person Phone \_\_\_\_\_
13. Number of AmeriCorps VISTA Fellowships requested \_\_\_\_\_
14. The proposed Fellowships should expand but not duplicate services provided by the organization. Will the proposed Fellow(s) expand services?  
 Yes             No             Unsure
15. Has your organization ever hosted any type of Legal Fellow? If yes, please specify in a separate attachment.  
 Yes             No             Unsure
16. Has your organization ever served as a host site for AmeriCorps or VISTA members? If yes, please specify how many and when they served in a separate attachment.  
 Yes             No             Unsure

17. Has your organization ever managed an AmeriCorps VISTA program?

Yes                       No                       Unsure

18. Has the organization discussed the application and project goals with all staff expected to contribute or support the project?

Yes                       No                       Unsure

19. Has the organization identified a supervisor(s) to help the Legal Fellow(s) develop work plans and to oversee their legal work? If yes, please provide their name, position in the organization, biography, and number of years of experience in a separate attachment.

Yes                       No                       Unsure

20. Has the organization identified funding sources to be used as financial in-kind support for each Fellow requested, which is 100% of the Fellow's living allowance (between \$15,000 and \$19,000)?

Yes                       No                       Unsure

21. Please submit a brief narrative (no more than 500 words) describing your organization's current work with Project-Based Section 8 HUD-assisted properties, whether partner community organizations are working with Project-Based Section 8 HUD-assisted properties and in what capacity, and your vision for how an Americorps VISTA Legal Fellow would contribute to the success of preserving safe, healthy, and affordable housing in your community.