



GOVERNMENT & POLITICS

HOUSING ISSUES

## Proposed work requirement for federal housing assistance advances in Arkansas House

Housing authority administrators say the bill conflicts with federal law and cannot supersede it anyway

BY: **TESS VRBIN** - FEBRUARY 2, 2023 10:00 AM



(Getty Images)

A legislative committee approved a proposed Arkansas law on Wednesday that would require able-bodied adults to work or volunteer part-time to receive federal housing assistance.

House Bill 1196 passed on a split vote after state lawmakers and witnesses debated the legality of the proposal and the feasibility of implementing it.

Public housing benefits are administered by local agencies that receive federal funding and must follow U.S. Department of Housing and Urban Development (HUD) regulations. Housing authority directors told the Arkansas Advocate they do not believe the state has a place in the administration of housing assistance.

The bill's text states that it "is intended to preserve limited resources for truly needy Arkansans."

Rep. Kendon Underwood (R-Cave Springs), the bill's sponsor, reiterated this to the House City, County and Local Affairs Committee. Waiting lists for housing assistance, including Section 8 housing choice vouchers, can last longer than two years, so anyone able to pay for housing with their own earned income should be able to leave the waitlist and shorten the wait time, Underwood said.

"Those who are on those waiting lists include veterans, the homeless, those with disabilities, the elderly and victims of domestic violence," he said.

The bill applies to adults between the ages 19-64 and exempts people with disabilities and participants in drug and alcohol treatment programs.

However, federal law regarding public housing **already requires** adult residents of public housing to work or volunteer for eight hours per month. A housing authority can choose not to renew a lease if the tenant does not comply but cannot terminate a lease before it expires.

House Bill 1196 would conflict with this rule by requiring housing authorities to terminate lease agreements within 60 days of discovering noncompliance unless the tenant starts working again.



Housing authorities are a grantee of the federal government. In my opinion, the state is interfering where it has no business.

*- Kenyon Lowe, board chairman of the Housing Authority of Little Rock*

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This conflict would create a liability for housing authorities and put their federal charters at risk if they do not follow federal law closely enough, said Kendall Lewellen, an attorney with the Center for Arkansas Legal Services, a nonprofit law firm that represents low-income Arkansans in civil cases.

"Reasonable people can disagree about whether the work requirements contemplated under this bill are a good idea, so I'm here to discuss whether they are legal," Lewellen said. "The short answer is that they are not."

Federal law overrides state law, according to the supremacy clause of the U.S. Constitution.

Lewellen told the Arkansas Advocate last week that the bill could also increase public housing agencies' workload beyond their capacities.

"Housing authorities tend to be understaffed and underfunded, and they already have a lot of reporting requirements and other things that they have to do," she said. "This is just imposing an additional burden on them that I suspect they do not want or they would have tried to do something like this themselves."

The Fort Smith Housing Authority would have to hire at least one new full-time employee to monitor compliance with a 20-hour work requirement, executive director Mitch Minnick said in an interview.

"It would be an extreme administrative burden to public housing authorities, especially small [ones] that have one or two employees to run their entire programs, not to mention the potential of this creating an additional barrier for low-income Arkansans to affordable housing," Minnick said.

Additionally, the bill would require housing authorities to seek HUD approval "to the extent necessary to carry out" the work requirement.

HUD did not respond to a request for comment as of Thursday evening.

## Incentives and priorities

Work requirements do not alleviate poverty and are "based on the false notion that people who benefit from public assistance don't have an incentive to work" without such a rule in place, said Laura Kellams, interim co-executive director of Arkansas Advocates for Children and Families.

"We know it's easier for people to get and maintain stable employment if they first have stable housing, so we maintain that we shouldn't take it away from those who have trouble getting back on their feet," Kellams said.

Housing authorities are allowed to prioritize certain groups, such as disabled and elderly people. Minnick said besides these two groups, the Fort Smith Housing Authority prioritizes people who have worked at the same job for at least six months and average 30 hours per week.

The Conway Housing Authority also prioritizes disabled and elderly applicants for housing assistance, Executive Director Diedra Levi said. She does not expect to change the way the agency administers housing aid if House Bill 1196 becomes law despite any conflicts with federal rules.

"We're going to always follow what HUD says, period," Levi said.

Low-income women with children would be particularly affected by the bill, she said, since the bill does not exempt parents of children older than 4 months and does not provide assistance with childcare.

Underwood said at the committee hearing that there are programs that subsidize childcare, but Rep. Ashley Hudson (D-Little Rock) said they might not be enough.

“Even with subsidies, daycare is often so expensive or waitlists are so long that it’s difficult to get your child into daycare,” Hudson said.

## Previous work requirements

Arkansas currently requires adult recipients of the Supplemental Nutrition Assistance Program (SNAP), commonly referred to as food stamps, to work unless they are over 50 years of age or have dependent children.

The same stipulations applied to a Medicaid work requirement that Arkansas implemented in 2018. The program, called Arkansas Works, [cut 18,000 people](#) from coverage before being struck down.

Kellams said 97% of the 18,000 people met the work requirement or qualified for an exemption but “got caught in the red tape.” She said House Bill 1196 would create the same problem.

“With even stricter rules on this one, we would see even more people who qualify who would be kicked off [housing aid],” Kellams said.



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Rep. David Ray (R-Maumelle) asked Kellams if she saw work requirements for public benefits as “punitive,” and she said “No.”

“It was so hard to work through the bureaucratic system to show that [Medicaid enrollees] were working or in training,” she said.

[A federal judge ruled against](#) the work requirement in 2019 after the Southern Poverty Law Center filed lawsuits against it and a similar proposal in Kentucky.

Arkansas received a new Medicaid waiver in December 2021 to revamp the program, now called ARHOME. It does not include a work requirement.

Gov. Sarah Huckabee Sanders [said while campaigning](#) last year that she will work with the state Legislature to submit a new Medicaid work requirement to the federal government. She [appointed Kristi Putnam](#), one of the strongest proponents of Kentucky’s proposed Medicaid work requirement, as secretary of human services last month.

## ‘Money grab’

The Arkansas Division of Workforce Services sent the bill to the U.S. Department of Labor on Tuesday, Rep. Carol Dalby (R-Texarkana) said.

The department responded during Wednesday’s committee meeting and were “not identifying any conformity issues” with federal labor laws, Dalby said. She added that she supported the bill.

Even so, the bill still conflicts with HUD rules, said Rep. Andrew Collins (D-Little Rock), who voted against the bill.

“This work requirement is ultimately not going to do what we hope it’s going to do,” he said. “It’s only going to create more problems, and it’s probably going to be thrown out [in court].”

Kenyon Lowe, board chairman of the Housing Authority of Little Rock (known as the Metropolitan Housing Alliance), also said the bill is unconstitutional and called it a “money grab.”

“I don’t see how they’re going to enforce this,” Lowe said. “Housing authorities are a grantee of the federal government. In my opinion, the state is interfering where it has no business [and] trying to control federal dollars.”

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Tess Vrbin came to the Advocate from the Arkansas Democrat-Gazette, where she reported on low-income housing and tenants’ rights, and won awards for her coverage of 2021 flooding and tornado damage in rural Arkansas. She previously covered local government for The Commercial Dispatch in Mississippi and state government for the Columbia Daily Tribune in Missouri. A Midwesterner by birth, she graduated from the University of Missouri’s journalism school in 2019.

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