



The Bipartisan Infrastructure Law: Implications for Affordable Housing



Uplook Advisors

Introduction

The \$1.2 trillion Infrastructure Investment and Jobs Act (a.k.a. Bipartisan Infrastructure Law [BIL]) was signed into law by President Biden in November 2021.

As the most comprehensive federal investment in infrastructure in decades, the law has significant implications for affordable housing finance and development.

NCSHA engaged UpLook Advisors to provide an assessment of areas of opportunity in BIL programs for affordable housing leaders, as of August 2022.

Our purpose is to spur further analysis and collaboration among housing and infrastructure stakeholders.

Methodology

UpLook Advisors (UA) analyzed the BIL's legislative language and history and federal agency funding notices and other information.

UA also reviewed reports and analyses by private-sector and non-governmental organizations analyzing aspects of the BIL.

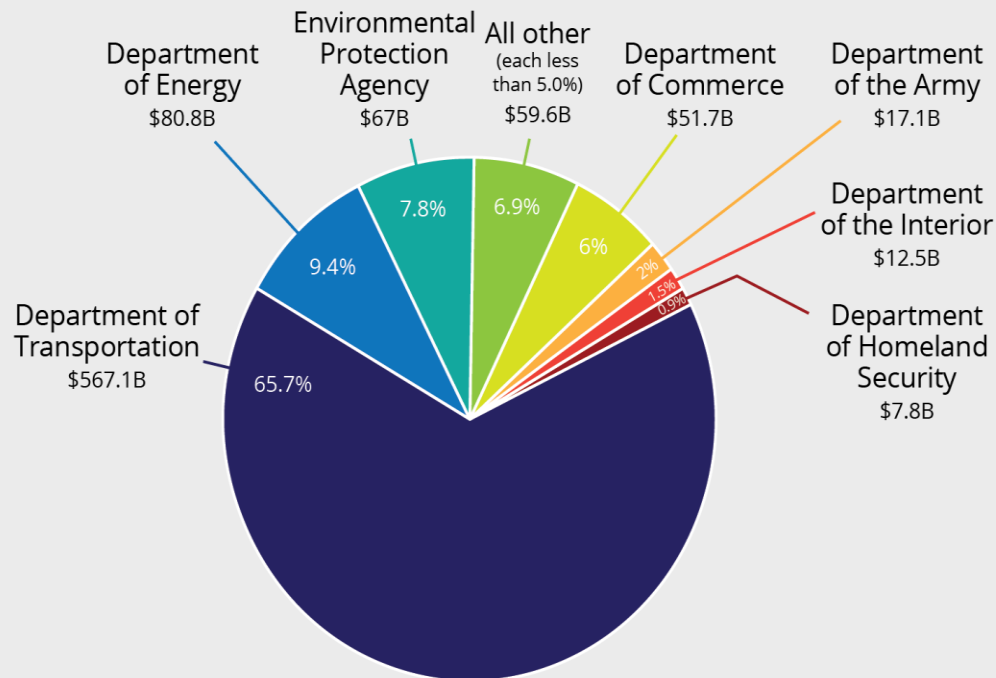
In addition, UA conducted 20 interviews with infrastructure and housing experts, including federal, state, and local officials.

NCSHA staff provided additional analysis.

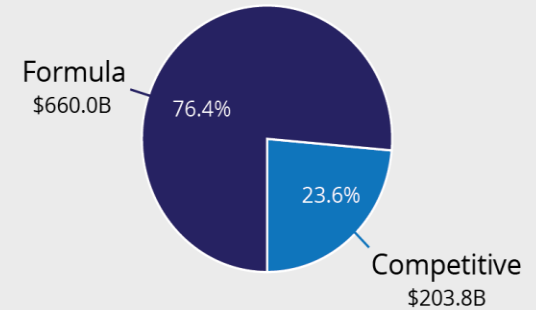
See *Acknowledgements and Additional Resources* for more information.

BIL Funding Amounts, Agencies, and Types

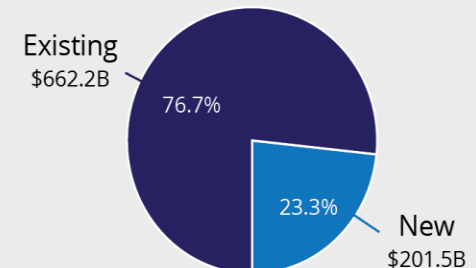
SUMMARY OF LIKELY PROGRAM SPENDING



COMPETITIVE VS. FORMULA



EXISTING VS. NEW



BIL Focus Areas and Housing Implications

Transportation programs through the Department of Transportation (DOT)

- Investments in road and bridges, funding for transportation-oriented development and “community connectivity”

Clean water programs through the Environmental Protection Agency (EPA)

- Investments in clean water infrastructure, with a focus on disadvantaged communities

Energy efficiency and environmental resilience programs through the Department of Energy (DOE), Department of Health and Human Services (HHS), and Federal Emergency Management Administration (FEMA)

- Investments in single- and multifamily home energy upgrades, home energy assistance, and disaster and hazard mitigation

Broadband programs through the Federal Communications Commission (FCC) and National Telecommunications and Information Administration (NTIA)

- Investments in affordable broadband access and “digital inclusion”

Key Transportation Programs for Housing

TRANSPORTATION INVESTMENT PROGRAMS	AGENCY	TOTAL APPROPRIATED	ELIGIBLE RECIPIENTS
Charging and Fueling Infrastructure	USDOT	\$2.5 billion	States, MPOs, local governments, etc.
Congestion Relief Program	USDOT	\$250 million	States, MPOs, local governments
Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation Projects (PROTECT)	USDOT	\$1.4 billion	States, MPOs, local governments, etc.
Healthy Streets Program	USDOT	\$500 million	States, MPOs, local governments, etc.
Reconnecting Communities	USDOT	\$1 billion	States, MPOs, local governments, etc.
Transit-Oriented Development Planning Program	USDOT	\$68.8 million	States and local governments

Transportation Implications for Housing

Bill's transportation investments have the potential to directly and indirectly impact affordable housing in the following areas:

- Investments in overall community infrastructure (roads, bridges, public transportation)
- Planning and pre-development funding for:
 - Transit-oriented development (TOD) projects ([see here](#))
 - Increasing affordable transportation options ([see here](#))
 - Enhancing “community connectivity” (see next slide)

Opportunities for housing stakeholder engagement include:

- Collaboration with state infrastructure coordinators and state and regional metropolitan planning organizations on affordable housing priorities
- Advocacy of housing needs and opportunities in local transportation planning processes
- Exploration of a TOD vehicle for new partnerships with private and mission-oriented investors

Program Spotlight: Reconnecting Communities

This \$1 billion DOT-administered pilot program’s goal is to “reconnect communities by removing, retrofitting, or mitigating transportation facilities like highways or rail lines that create barriers to community connectivity, including to mobility, access, or economic development.”

Planning grants will be available to fund the study of removing, retrofitting, or mitigating an existing facility to restore community connectivity; public engagement; and other transportation planning activities. State, local, and tribal governments, metropolitan planning organizations (MPOs), and nonprofits are eligible to apply.

Capital construction grants will be available to fund efforts to remove, retrofit, mitigate, or replace an existing eligible facility with a new facility that “reconnects communities.” Facility owners are eligible to apply.

For More Information

DOT Website: [Reconnecting Communities Pilot Program – Planning Grants and Capital Construction Grants](#)

Key Clean Water Programs for Housing

CLEAN WATER INVESTMENT PROGRAMS	AGENCY	TOTAL APPROPRIATED	ELIGIBLE RECIPIENTS
Assistance for Small and Disadvantaged Communities	EPA	\$510 million	Public water systems, tribal water systems, and states serving small (<10k), disadvantaged communities
State Competitive Grants for Underserved Communities	EPA	\$250 million	States
Lead Inventorying Utilization Grant Pilot Program	EPA	\$10 million	Municipalities served by water systems with 30% of service lines known or suspected to contain lead
Grants for Construction and Refurbishing of Individual Household Decentralized Wastewater Systems for Individuals with Low or Moderate Incomes	EPA	\$250 million	Nonprofits

Clean Water Implications for Housing

BIL's clean water investments have the potential to directly and indirectly impact affordable housing in the following areas:

- Treatment of non-potable water can generate long-term savings for residents and owners of multifamily affordable housing ([see here](#)).
- EPA plans to “ensure that disadvantaged communities benefit equitably from its historic investment in water infrastructure” and will collaborate with state water revolving fund programs “to share models, examples, and build state capacity to target resources to disadvantaged communities” ([see here](#)).
- Other clean water investments targeted to disadvantaged areas (see slide 12).

Clean Water Implications for Housing

Opportunities for housing stakeholder engagement include:

- Collaboration with state infrastructure coordinators and environmental and health agencies on statewide housing dynamics
- Linkages of clean water investments to housing-based wealth-building efforts, including homeownership opportunity and retention, particularly in communities of color

Program Spotlight: Disadvantaged Communities

The EPA-administered Emerging Contaminants in Small or Disadvantaged Communities program provides funding to states and territories “to benefit small or disadvantaged communities in scoping, planning, testing, and remediating emerging contaminants in drinking and source water.”

The BIL provided \$5 billion for the program. In June EPA announced availability of \$1 billion in grant funding and gave states and territories up to 60 days to submit six letters of interest in response.

EPA said, “In late Summer of 2022, the Grant Program will release documentation to assist states and territories in the development and implementation of their respective programs and project awards.”

For More Information

EPA Website: [Emerging Contaminants in Small or Disadvantaged Communities Grant](#)

Key Resilience and EE Programs for Housing

RESILIENCE & ENERGY INVESTMENT PROGRAMS	AGENCY	TOTAL APPROPRIATED	ELIGIBLE RECIPIENTS
Flood Mitigation Assistance Grants	FEMA	\$3.5 billion	State and local governments
Building Resilient Infrastructure and Communities	FEMA	\$1 billion	State and local governments
Cost Effect Codes Implementation for Efficiency and Resilience	DOE	\$225 million	Relevant state agency
Weatherization	DOE	\$3.5 billion	States
LIHEAP	HHS	\$100 million	States

Resilience and EE Implications for Housing

BI's resilience and energy-efficiency investments have the potential to directly and indirectly impact affordable housing in the following areas:

- Single and multifamily home improvements through weatherization ([see here](#))
- Resident stability through home energy assistance ([see here](#))
- Reducing risks associated with disasters and natural hazards ([see here](#))
- Training to meet more demanding building energy codes (see slide 16)

Resilience and EE Implications for Housing

Opportunities for housing stakeholder engagement include:

- Coordination of weatherization funds with other affordable housing resources for rehabilitation; many state HFAs administer federal weatherization and similar programs
- Coordination of energy assistance with other housing resources for homeowner stability; 43 state HFAs administer the federal Homeowner Assistance Fund
- Partnerships between housing agencies and state emergency management and disaster preparedness entities for more efficient planning and delivery of assistance

Program Spotlight: Building Codes

A forthcoming DOE-administered \$225 million competitive grant program will support the implementation of building codes that advance energy efficiency and resilience. Eligible applicants will be states and/or state partnerships.

This program, to be rolled out later in 2022, is intended to enable state and/or regional partnerships to train builders, architects, and others in the design and construction fields to meet updated building energy codes, train local officials, and support effective compliance and data collection.

It also is intended for the implementation of codes for use in new or renovated residential stock, including multifamily buildings.

[For More Information](#)

DOE website: [Building Codes Implementation for Efficiency and Resilience](#)

Key Broadband Programs for Housing

BROADBAND INVESTMENT PROGRAMS	AGENCY	TOTAL APPROPRIATED	ELIGIBLE RECIPIENTS
BEAD Program	NTIA	\$42.45 billion	
Digital Equity State Capacity Grant Program	NTIA	\$1.44 billion	Formula funding to implement plans and promote digital inclusion
Digital Equity Competitive Grant Program	NTIA	\$1.25 billion	Competition to implement digital equity and inclusion
Digital Equity State Planning Grant Program	NTIA	\$60 million	Formula funding to develop digital equity plans
Enabling Middle Mile Infrastructure	NTIA	\$1 billion	
Tribal Broadband Connectivity Program	NTIA	\$2 billion	New grants, and additional funding to existing awardees
Community Connect Program	USDA/ RUS	\$2 billion	
Private Activity Bonds for Rural Broadband	UST	\$600 million	Private activity bonds for broadband investment
Affordable Connectivity Program (ACP)	FCC	\$14.2 billion	

Broadband Implications for Housing

BIL's broadband investments have the potential to directly and indirectly impact affordable housing in the following areas:

- The Broadband Equity, Access, and Deployment Program is a formula-based grant program for states, territories, and the District of Columbia to provide wi-fi or reduced-cost internet access to multifamily housing units, among other purposes ([see here](#))
- The NTIA is administering a \$60 million State Digital Equity Planning Grant Program for states and territories to develop “digital equity plans” ([see here](#))
- Increasing broadband affordability and access for recipients of federal housing assistance (see slide 20)

Broadband Implications for Housing

Opportunities for housing stakeholder engagement include:

- Ensuring affordable housing stakeholders, including property owners and residents, are aware of broadband access resources
- Partnerships between housing agencies and state digital equity offices (where they exist) to access and deliver broadband assistance to affordable housing properties and residents

Program Spotlight: Affordable Connectivity

The BIL created the Affordable Connectivity Program (ACP) to offer low-income households discounts on their internet service bills and an opportunity to receive a discount on a computer or tablet from participating providers.

FCC has created a one-year pilot program, “Your Home, Your Internet,” with the goal of “increasing awareness of the Affordable Connectivity Program among recipients of federal housing assistance.” Households are eligible to receive the ACP monthly discount and a one-time discount of up to \$100 to purchase a computer or tablet if they contribute toward the purchase of the device.

HUD has announced that ACP does not count as income for determining family rent or impact their eligibility for HUD assistance.

For More Information

[FCC Fact Sheet: Affordable Connectivity Program Your Home, Your Internet Pilot Program](#)

[HUD Press Release on Action to Expand Broadband to Low-Income Households](#)

Conclusion

In addition to implications in BIL funding areas, additional considerations include:

- The need for gap financing for projects in the existing pipeline, as costs continue to rise due to supply chain issues and inflation
- The potential to create longer-term financing vehicles for affordable housing (i.e., revolving loan funds) with one-time investments; potential exists for rental and homeownership programs
- The potential to scale pilots in both energy efficiency retrofitting and broadband deployment to meet the needs of multifamily owners and operators, including affordable or subsidized housing
- The opportunity for cities and counties to make one-time investments in physical infrastructure (sewer, water, environmental mitigation) to prepare for future economic growth and/or transitions
- Uses of State and Local Fiscal Recovery Funds (authorized under the American Rescue Plan) to leverage BIL and other funding

Acknowledgments and Additional Resources

UpLook Advisors and NCSHA are grateful to the following for their time in interviews for this project:

Andy Berke (NTIA), Annika Brindel (American Council for an Energy Efficient Economy), Sarah Brundage (HUD), Paula Cino (National Multifamily Housing Council), Mark Colon (NTIA), Amanda Clarke-Fromberg (NTIA), David Dworkin (National Housing Conference), David Eichenenthal (Public Financial Management), Eric Enderlin (New York City Housing Development Corporation), Ismael Guerrero (Mercy Housing), Philip Kash (HR&A Advisors), Chrystal Kornegay (MassHousing), Jessica Lynch (National Association of Home Builders), Marion McFadden (Enterprise Community Partners, former), Shara Mohtadi (DOE, former), Ericka Poethig (White House Domestic Policy Council), Andrea Posner (Stewards of Affordable Housing for the Future), Margaret Salazar (HUD), Elizabeth Strojan (New York City Housing Development Corporation), Janet Woodka (EPA, former), Mariia Zimmerman (DOT).

Additional BIL resources UpLook Advisors and NCSHA found particularly useful:

[Brookings Federal Infrastructure Hub](#)

[National Governors Association: IIJA Implementation Resources](#)

[National Council on State Legislatures: Infrastructure Investment and Jobs Act: Implementation and Key Resources](#)

[White House Guidebook to the Bipartisan Infrastructure Law](#)

About NCSHA and UpLook Advisors

NCSHA

The National Council of State Housing Agencies (NCSHA) is a nonprofit, nonpartisan organization created to advance, through advocacy and education, the efforts of the nation's state HFAs and their partners to provide affordable housing to those who need it.

UpLook Advisors

Laurel Blatchford is the founder and principal of Uplook Advisors LLC, an independent advisory firm focused on organizational strategy, program design and execution, and catalyzing innovation in the nonprofit and government sectors.

Laurel previously was Managing Director and Senior Advisor at Blue Meridian Partners and President of Enterprise Community Partners. She also served as a senior political appointee in the Obama Administration and in the Bloomberg Administration.