

July 8, 2019

Office of General Counsel, Rules Docket Clerk
Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410- 0500

RE: HUD Docket No. FR-6124-P-01, RIN 2501-AD89 Comments in Response to Proposed Rulemaking: Housing and Community Development Act of 1980: Verification of Eligible Status

Dear Secretary Carson:

I am writing on behalf of RESULTS to comment in opposition to HUD's proposed rule to change the "verification of eligible status," published in the Federal Register on May 10, 2019. As an anti-poverty organization, we are deeply concerned about the proposed rule's potential harm to low-income households, particularly immigrant families. We urge that the rule be withdrawn, mirroring the mission of HUD to "create strong sustainable, inclusive communities and quality affordable homes for all."

RESULTS creates the public and political will to end poverty by empowering individuals to exercise their personal and political power for change. We support a network of more than 115 chapters with over 650 active volunteers (and an additional 7,000 members in our e-mail action network) across the U.S. Our grassroots advocates educate members of congress, work with the media, and build awareness within their communities on housing programs and policies, basic nutrition and health programs, along with budget and tax policies. Our grassroots network includes a specific focus on engaging young leaders and elevating the voices of low-income Americans who have firsthand experience of poverty.

As an organization we are focused on effective policies that create opportunity toward the goal of ending poverty, and we are concerned whenever people across the country are unfairly and unnecessarily forced into homelessness and poverty. From the evidence put forward by HUD itself, we feel that this rule change would slash the number of households receiving housing assistance, forcing many deeper into poverty.

We share your stated concern about waitlists for federal housing assistance. Although HUD states that the purpose of this rule is to lessen the waitlist crisis happening across the country, RESULTS feels that this is another example of the administration's attack on immigrant communities while not helping families who are desperate for housing assistance.¹ By HUD's own research, this rule

¹ See, e.g., NAT'L IMMIGRATION L. CTR., *Understanding Trump's Muslim Bans* (updated Mar. 8, 2019), <https://www.nilc.org/issues/immigration-enforcement/understanding-the-muslim-bans/>; Michael D. Shear & Emily Baumgaertner, *Trump Administration Aims to Sharply Restrict New Green Cards for Those on Public Aid*, N.Y. TIMES (Sept. 22, 2018), <https://www.nytimes.com/2018/09/22/us/politics/immigrants-green-card-public-aid.html>; Dan Lamothe, *Pentagon Will Shift an Additional \$1.5 Billion to Help Fund Trump's Border Wall*, WASH. POST (May 10, 2019),

would harm families and children, decrease the number of assisted families, increase housing instability, cost more, and stoke fear within immigrant communities.²

The proposed rule could effectively evict over 100,000 people, 55,000 of whom are children, from their homes. Over 70 percent of those to be evicted are currently eligible for housing assistance. Contrary to the administration messaging, this rule does not prioritize citizens and instead ostracizes citizens in mixed status families.

Harm Children and Families

The proposed rule threatens to undermine the well-being of low-income U.S. citizens along with their family members. If the rule change were enacted, HUD estimates that more than 100,000 individuals in mixed status families would effectively be evicted.³ Unstable housing has far reaching impacts. Research shows that unstable housing can lead to future health problems, increased hospital visits, loss of employment, and higher likelihood of mental health problems in children.^{4,5&6} For adults, unstable housing can also increase the risk of addiction relapses. These consequences can be avoided when stable housing is provided.

The effects on the more than 55,000 children – many citizens – impacted by this proposed rule are long-lasting. Evidence shows that unstable housing interrupts cognitive development in children, leading to poorer outcomes in adulthood.⁷ Additionally, housing instability decreases student retention rates and contributes to homeless students' high suspension rates, school

https://www.washingtonpost.com/national-security/2019/05/10/pentagon-will-shift-an-additional-billion-help-fund-trumps-border-wall/?utm_term=.37360e7cda10; REUTERS, *Exclusive: Trump Administration Proposal Would Make It Easier to Deport Immigrants Who Use Public Benefits*, N.Y. TIMES (May 3, 2019), <https://www.nytimes.com/reuters/2019/05/03/us/politics/03reuters-usa-immigration-benefits-exclusive.html>.

² HUD, Regulatory Impact Analysis, *Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980*, Docket No. FR-6124-P-01 (Apr. 15, 2019).

³ HUD, Regulatory Impact Analysis, *Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980*, Docket No. FR-6124-P-01, at 7 (Apr. 15, 2019).

⁴ Megan Sandel et al., *Unstable Housing and Caregiver and Child Health in Renter Families*, 141 PEDIATRICS 1 (2018), <http://pediatrics.aappublications.org/content/141/2/e20172199>.

⁵ See Will Fischer, *Research Shows Housing Vouchers Reduce Hardship and Provide Platform for Long-Term Gains Among Children*, CENTER ON BUDGET AND POLICY PRIORITIES (October 7, 2015), <https://www.cbpp.org/research/research-shows-housing-vouchers-reduce-hardship-and-provide-platform-for-longterm-gains>; see also Linda Giannarelli et al., *Reducing Child Poverty in the US: Costs and Impacts of Policies Proposed by the Children's Defense Fund* (Jan. 2015), <http://www.childrensdefense.org/library/PovertyReport/assets/ReducingChildPovertyintheUSCostsandImpactsofPoliciesProposedbytheChildrensDefenseFund.pdf>.

⁶ HEATHER SANDSTROM & SANDRA HUERTA, *THE NEGATIVE EFFECTS OF INSTABILITY ON CHILD DEVELOPMENT: A RESEARCH SYNTHESIS* (2013), <https://www.urban.org/sites/default/files/publication/32706/412899-The-Negative-Effects-of-Instability-on-Child-Development-A-Research-Synthesis.PDF>.

⁷ HEATHER SANDSTROM & SANDRA HUERTA, *THE NEGATIVE EFFECTS OF INSTABILITY ON CHILD DEVELOPMENT: A RESEARCH SYNTHESIS* (2013), <https://www.urban.org/sites/default/files/publication/32706/412899-The-Negative-Effects-of-Instability-on-Child-Development-A-Research-Synthesis.PDF>.

turnover, truancy and expulsion.⁸ Taken together, this research suggests that unstable housing limits children's ability to gain the educational skills to help them succeed later in life.⁹

Decreased Assistance and Increased Housing Instability

The proposed rule also decreases the number of households receiving assistance. Although the administration and HUD have portrayed this rule as a method to help citizen families, it ignores the fact that over 55,000 citizen children would lose assistance if this rule were to go into effect. Instead of working to secure additional funds to fully support housing assistance programs, this rule needlessly targets immigrant households. The law, Section 214 of the Housing and Community Development Act of 1980 currently limits access to federally subsidized housing programs to U.S. citizens and a specific list of noncitizen categories. HUD is already in compliance with that law by prorating rental assistance to mixed status households.

HUD's statistics show that 70 percent of mixed status families are composed of eligible children and ineligible parents. There are over 38,000 U.S. citizens and otherwise eligible children in these families. Since these children are not legally able to sign leases themselves, the adult heads of household, including those who do not receive assistance, must sign lease contracts on behalf of their family. If HUD prohibits ineligible adults from living in subsidized units, the proposed rule forecloses the possibility of these U.S. citizens and legal permanent resident children from receiving any housing assistance. Contrary to HUD's claims, the plain language of the statute explicitly states that households with at least one eligible resident should receive *prorated assistance* even if other household members are ineligible. The proposed rule change goes against the congressional mandate of Section 214 to provide prorated assistance to mixed status families. No household should be forced to make the impossible decision between breaking up one's family to secure housing assistance or facing harmful eviction.

The proposed rule also threatens the stability of housing for all people, regardless of immigration status. The current rule requires the 9.5 million households currently receiving housing assistance to provide proof of citizenship, which is costly and unnecessary to program integrity.¹⁰ Requiring proof of citizenship is particularly difficult for certain populations like citizens over 50, citizens of color, citizens with disabilities, and citizens with low-incomes. A 2006 survey¹¹ and a report from

⁸ See Mai Abdul Rahman, *The Demographic Profile of Black Homeless High School Students Residing in the District of Columbia Shelters and the Factors that Influence their Education* 55 (Mar. 2014) (Ph.D. dissertation, Howard University), available at <http://gradworks.umi.com/3639463.pdf> (citations omitted).

⁹ See Mai Abdul Rahman, *The Demographic Profile of Black Homeless High School Students Residing in the District of Columbia Shelters and the Factors that Influence their Education* 55 (Mar. 2014) (Ph.D. dissertation, Howard University), available at <http://gradworks.umi.com/3639463.pdf> (citations omitted).

¹⁰ Housing and Community Development Act of 1980: Verification of Eligible Status, 84 Fed. Reg. 20,589, 20,592 (proposed May 10, 2019) (to be codified at 24 C.F.R. part 5); Donna Cohen Ross, *New Medicaid Citizenship Documentation Requirement is Taking a Toll: States Report Enrollment Is Down and Administrative Costs Are Up*, CPBB (Mar. 13, 2007), <https://www.cbpp.org/research/new-medicaid-citizenship-documentation-requirement-is-taking-a-toll-states-report>.

¹¹ Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification, Brennan Center for Justice (Nov. 2006), http://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf

the Center on Budget and Policy Priorities¹² captured how difficult it was for many people to provide proof citizenship, noting that:

- At least 12 percent of citizens earning less than \$25,000 a year do not have proof of citizenship;
- Many people who do have documentation have birth certificates or IDs that don't reflect their current name or address, such as people who changed their name;
- Eighteen percent of citizens over the age 65 do not have a photo ID; and
- One-quarter of African American citizens lacked a photo ID.
- Nearly half of women citizens lack a birth certificate with their legal name.

In addition, individuals who have formerly experienced homelessness often lose important documents such as photo identification, birth certificates, and social security cards.¹³ Those who are unable to produce the required documents within the designated time period under the proposed HUD rule, will lose their housing assistance, and many will be evicted from their homes. A significant share could become homeless.

These documentation requirements put the nine million citizens currently receiving housing assistance at risk of losing stable housing because of the burdensome requirement of producing documentation. As an organization deeply committed to ending poverty and creating opportunity, with a focus on understanding the root causes of racial wealth inequality, **RESULTS is deeply concerned about the impact of the proposed changes on low-income people and communities of color.** Among the nine million who could be impacted¹⁴:

- Seventy-two percent are people of color
- Sixty-two percent are female
- Forty percent are children
- Twenty-two percent have a disability
- Seventeen percent are seniors

The statistics above suggest that hundreds of thousands, if not millions, of U.S. citizens could experience these harsh consequences under the proposed rule. This proof of citizenship requirement places a heavy burden that could result in needless evictions on both those seeking housing assistance and those currently served by HUD's programs.

RESULTS strongly opposes efforts that harm households with low-incomes and create conditions that lead to further entrenched poverty. The role of the HUD is to protect individuals

¹² Mazzara, A., Center on Budget and Policy Priorities, "Demographic Data Highlight Potential Harm of New Trump Proposal to Restrict Housing Assistance." <https://www.cbpp.org/research/housing/demographic-data-highlight-potential-harm-of-new-trump-proposal-to-restrict-housing>. 2019.

¹³ NAT'L L. CTR. ON HOMELESSNESS & POVERTY, PHOTO IDENTIFICATION BARRIERS FACED BY HOMELESS PERSONS: THE IMPACT OF SEPTEMBER 11 (Apr. 2004), https://nlchp.org/wp-content/uploads/2018/10/ID_Barriers.pdf.

¹⁴ Mazzara, A., Center on Budget and Policy Priorities, "Demographic Data Highlight Potential Harm of New Trump Proposal to Restrict Housing Assistance." <https://www.cbpp.org/research/housing/demographic-data-highlight-potential-harm-of-new-trump-proposal-to-restrict-housing>. 2019.

from homelessness by providing “inclusive” and “quality affordable homes for all.” This proposed rule change goes against current legislation and the founding principles of the department, while putting more than a hundred-thousand children and adults in unstable housing conditions that heighten the risk of homelessness.

Higher Cost and Lower Quality Housing

Three in four households eligible for housing assistance do not receive it.¹⁵ Instead of using resources to increase the number of households accessing housing assistance, this rule is expected to cost more and decrease the quality of affordable housing. HUD estimates that this rule change would create \$200 million in new costs and hurt public housing by reducing the “maintenance of the units and possibility [leading to] deterioration of the units that could lead to vacancy.”¹⁶ With all the negative consequences that could result from this rule change, it is difficult to understand what purpose the proposal serves. We urge HUD to address this critical issue before it published its final rule.

While this rule has been touted as a means to address the housing waitlist crisis, where 3 million individuals currently sit waiting for the availability of housing choice vouchers, the proposed rule would likely worsen the crisis. By HUD’s own assessment, the proposed rule will likely lead to a *decrease* in the number of assisted families. According to HUD, if the agency were to replace the 25,000 mixed status families currently receiving HUD assistance with households comprising of members who are all eligible, this transition would cost HUD from \$372 million to \$437 million annually.¹⁷ To pay for these changes, HUD has surmised that the likeliest scenario would be to reduce the quality and quantity of assisted housing. If this were to happen, the transfer would be from assisted households who experience a decline in assistance to the replacement of other households. With part of the budget being redirected to cover the increase in subsidy, there could be fewer households served under the housing choice voucher program.¹⁸

In addition to the housing cost, there are many additional and potentially unintended costs that could result from this rule change.

- Stable housing is essential for maintaining employment. Immigrants are critical in keeping the U.S. economy healthy and growing. Currently, 17 percent of the total U.S. workforce is made up of foreign-born workers.¹⁹ Statistical analysis shows that low-income immigrants and their families make important contributions to the U.S. economy, and that

¹⁵ Center on Budget and Policy Priorities, “Policy Basics: Federal Rental Assistance.” (November 15, 2017), <https://www.cbpp.org/research/housing/policy-basics-federal-rental-assistance>.

¹⁶ HUD, Regulatory Impact Analysis, *Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980*, Docket No. FR-6124-P-01, at 3 (Apr. 15, 2019).

¹⁷ HUD, Regulatory Impact Analysis, *Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980*, Docket No. FR-6124-P-01, at 11 (Apr. 15, 2019).

¹⁸ *Ibid.*

¹⁹ U.S. DEPT. LABOR, BUREAU OF LABOR STATISTICS, USDL-18-0786, FOREIGN-BORN WORKERS: LABOR FORCE CHARACTERISTICS—2017 (2018), <https://www.bls.gov/news.release/pdf/forbrn.pdf>.

overall, immigration into the United States is a long-term fiscal net positive.²⁰ The proposed rule could cut the economic gains that immigrants are essential to, by creating unstable housing that jeopardizes employment for these households. The proposed rule does not adequately consider these issues, and HUD should study the extended impact this rule could have on the economy before publishing its final rule.

- Access to stable and affordable housing is a basic platform for family and community health, well-being, and dignity, and our communities thrive when everyone has access to a high-quality home. Immigrants and their families are vital parts of the country's social and economic fabric, and we should be building a housing system that creates the conditions for all of us to flourish. Instead, this proposed rule change would harm the health of immigrant families and of our communities as a whole, threatening people with evictions and homelessness and breaking families apart. Federal housing assistance supports over 10.4 million people nationwide. This includes over two million households supported by Housing Choice Vouchers, more than a million households receiving project-based rental assistance and nearly one million households living in public housing. Each of these housing assistance programs provides a crucial source of affordable homes to low-income people in America.²¹ The evidence is clear that affordable housing supports health.²² When families are rental cost-burdened they can't afford to pay for other basic needs like food and health care, which is why problems like food insecurity increase along with housing costs,²³ and many renters delay needed medical care because they can't afford it.²⁴ If the HUD rule is enacted, families may become overburdened with housing costs putting their health at risk. Eviction itself is also linked with negative health outcomes like: depression, anxiety, high blood pressure, and emergency room visits.^{25& 26}
- As stated above, landlords and housing agencies will have to collect documentation proving the citizenship of over nine million residents currently receiving HUD assistance and for future applicants. Additionally, the rule calls for public housing authorities to establish their own criteria to determine whether a family should receive continued or

²⁰ See PANEL ON ECON. & FISCAL CONSEQUENCES OF IMMIGRATION, *THE ECONOMIC AND FISCAL CONSEQUENCES OF IMMIGRATION* (Francine D. Blau & Christopher Mackie, eds., 2017), <https://www.nap.edu/catalog/23550/the-economic-and-fiscal-consequences-of-immigration>.

²¹ CENTER ON BUDGET & POLICY PRIORITIES, *Federal Rental Assistance Fact Sheets* (May 14, 2019).

<https://www.cbpp.org/research/housing/federal-rental-assistance-fact-sheets#US>

²² Nabihah Maqbool, Janet Viveiros, & Mindy Ault, CENTER FOR HOUSING POLICY, *The Impacts of Affordable Housing on Health: A Research Summary* (Apr. 2015), <https://www.rupco.org/wp-content/uploads/pdfs/The-Impacts-of-Affordable-Housing-on-Health-CenterforHousingPolicy-Maqbool.etal.pdf>.

²³ Jason M. Fletcher, Tatiana Andreyeva, & Susan H. Busch, *Assessing the Effect of Increasing Housing Costs on Food Insecurity* (Nov. 12, 2009), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1503043.

²⁴ ENTERPRISE, *Renters Report Housing Costs Significantly Impact Their Health Care* (Apr. 3, 2019), <https://www.enterprisecommunity.org/news-and-events/news-releases/2019-04-renters-report-housing-costs-significantly-impact-their-health-care>.

²⁵ Alison Bovell & Megan Sandel, *The Hidden Health Crisis of Eviction*, CHILDREN'S HEALTH WATCH BLOG (Oct. 5, 2018), <http://childrenshealthwatch.org/the-hidden-health-crisis-of-eviction/>.

²⁶ Robert Collinson & Davin Reed, *The Effects of Evictions on Low-Income Households*, NYU LAW (Dec. 2018), https://www.law.nyu.edu/sites/default/files/upload_documents/evictions_collinson_reed.pdf.

temporary deferral of assistance. All of these requirements will place a significant cost burden on housing authorities and other subsidized housing providers that are completely unaccounted for in the rule.

- There are additional costs posed by this rule including:
 - Formally evicting and terminating the assistance of thousands of mixed status families that HUD estimates would be \$4.4 million.²⁷
 - Unit turnovers because of the chilling effect of this rule on eligible immigrant families who will forgo housing assistance.
 - Fielding questions from tenants fearful about the implications of the proposed rule on their families. Housing providers will have to be prepared to answer consumer questions about the new rule. They will experience increased call volume and traffic from tenants and applicants about the new policies.
 - Updating forms and notices to ensure that they are providing tenants and applicants with accurate information about the potential consequences of receiving certain housing assistance.

Again, many of these issues are not taken into account in the proposed rule. HUD should conduct an in-depth study on each of these issues to understand the full impact of their proposed rule.

Stoke Fear in Immigrant Communities

This proposed rule is shown to have little (if any) positive effects and instead is part of the administrative scapegoating of immigrant communities. The real issue in the affordable housing crisis is the lack of sufficient funding to ensure that every family, regardless of immigration status, has access to one of the most basic human rights — a safe place to call home.

Already, there is documentation that previous administrative proposed rules have had chilling effects on immigrant communities. The Urban Institute found that one in seven adults in immigrant families did not participate in a government assistance program in 2018 for fear of negative consequences in regard to immigration status.²⁸ This is especially concerning because the rules that target immigrant communities, like this HUD proposal and changes to public charge, have not yet gone into effect and are already causing families to withdrawal from anti-poverty programs.

Another study found that among immigrant families 67 percent had an increasing concern about enrollment in programs like housing assistance, and 90 percent of children in these families had increasing anxiety and fear about detention and deportation.²⁹ This proposed rule continues to target these families, likely increasing hesitation about seeking out necessary assistance. As stated above, housing is a public health concern and policies like HUD's mixed status rule

²⁷ HUD, Regulatory Impact Analysis, *Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980*, Docket No. FR-6124-P-01, at 3 (Apr. 15, 2019).

²⁸ Bernstein, H., et al. "One in Seven Adults in Immigrant Families Reported Avoiding Public Benefit Programs in 2018." Urban Institute. <https://www.urban.org/research/publication/one-seven-adults-immigrant-families-reported-avoiding-public-benefit-programs-2018/>. 2019.

²⁹ "California Children in Immigrant Families: The Health Provider Perspective." The Children's Partnership. <https://www.childrepartnership.org/wp-content/uploads/2018/03/Provider-Survey-Infographic-.pdf>.

increase the pressure on our national health infrastructure by forcing families into situations of toxic stress³⁰ because of the threat of facing homelessness.

Importance of Anti-Poverty Programs

The proposed rule targets low-income immigrant households and undermines the mission of National Affordable Housing Act to ensure that “every American family be able to afford a decent home in a suitable environment.”³¹ Our grassroots advocates know – many from lived experience – the importance of stable and affordable housing and feel strongly that we must protect and expand effective housing assistance programs for all those in the U.S.

As noted above, **RESULTS is deeply concerned about the impact of the proposed changes on low-income people and communities of color.** Rather than evidence-based policymaking, the proposed rule would cause great harm to individuals, families, and communities, without a full rationale or calculation of the potential harm.

RESULTS believes that targeting immigrant communities and adding additional barriers for all households in accessing housing assistance creates health, economic, and moral damage in the long and short-term. The Department of Housing and Urban Development should immediately withdraw this proposal and dedicate its efforts to advancing policies that strengthen — rather than undermine — the ability of people to support themselves and their families in the future.

Thank you for the opportunity to submit comments on the proposed rulemaking. Please do not hesitate to contact me to provide further information.

Sincerely,



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³⁰ Cunningham, M. “Reduce Poverty by Improving Housing Stability.” Urban Institution. <https://www.urban.org/urban-wire/reduce-poverty-improving-housing-stability>. 2016.

³¹ 42 U.S.C. § 12701.

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