



May 28, 2019

Regulations Division, Office of General Counsel  
Department of Housing and Urban Development  
451 7<sup>th</sup> Street SW, Room 10276  
Washington, DC 20410-0500

*Submitted at [www.regulations.com](http://www.regulations.com)*

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

To the Office of the General Counsel:

I write to you on behalf of Esperanza Health Centers, a Federally Qualified Health Center that provides primary care, behavioral health services, and wellness programs to low-income, majority-Latino communities on Chicago's medically underserved Southwest side. I greatly appreciate the opportunity to comment on the Department of Housing and Urban Development's proposed rule on mixed status families living in public housing and Section 8 facilities.

I share your concern that the ongoing nationwide housing crisis leaves millions of U.S. households struggling to find affordable housing, and that HUD has a duty to improve conditions for families caught in this dire situation. However, the newly proposed rule, which prohibits families from living in HUD-subsidized housing if even one family member is of ineligible immigration status, merely exacerbates the problem it intends to ameliorate. As HUD's own Regulatory Impact Analysis reveals, adoption of this rule will most likely lead to tens of thousands of families abandoning the only housing they can afford, while necessitating a lowering of housing subsidy services nationwide to the eligible families who remain. No one is well served by such an approach.

Because of my background and education, I have both a personal and professional interest in this issue. I have worked in the field of community health throughout my career, but for the past 17 years I have been proud to work in Chicago's Little Village neighborhood. This vibrant community of Latino immigrants is often referred to as the "Capital of the Mexican Midwest" because of the number of flourishing businesses set up here by immigrants from Mexico and their descendants. Through my knowledge of the community and my education in public health, I know just how harmful this policy change could be for the community I serve as well as for the U.S. as a whole.

I struggle to understand the rationale motivating this proposed rule change. As you know, undocumented immigrants, the vast majority of ineligible individuals contemplated in this rule, are already prohibited by law from receiving federal housing subsidies. Unnecessarily forcing families of mixed immigration status to choose between abandoning their loved ones and facing homelessness is antithetical to HUD's mission to "improve and develop the nation's communities."

Worse, HUD admits that it fully expects many immigrant families will flee public housing even though this rule change will not affect them. Eligibility rules for these programs are complicated and confusing, especially when they intersect with immigration regulations, and no one expects families to understand the intricacies of the proposed rule. Thus families who will remain fully eligible for their housing subsidies will abandon their residences out of fear. This is not idle conjecture; this is the very conclusion HUD reaches in its April 15, 2019 Regulatory Impact Analysis, which states, “HUD expects that fear of the family being separated would lead to prompt evacuation by most mixed households, whether that fear is justified.” For HUD to pursue such a course is irresponsible and reckless.

Furthermore, HUD concludes that enacting the proposed rule will mostly likely result in worse outcomes for all eligible families who remain in subsidized housing. As HUD’s Regulatory Impact Analysis explains, the average income of mixed-status families is more than twenty-five percent higher than that of non-mixed-status families, meaning that subsidies for non-mixed-status families are higher than those for mixed-status families. Thus, if all mixed-status families are rendered ineligible for subsidies and non-mixed-status families replace them, HUD will place itself in a financial bind, as the agency itself concludes in its Regulatory Impact Analysis:

Housing assistance is not an entitlement and the federal budget for housing is not expected to increase because of this rule. Instead, it is likely that the higher per household subsidies would be paid for by reducing average spending on housing assistance for all households, or reducing the number of households served. **The number and quality of public housing units likely could decline as could any additional resident services provided by housing authorities.** (Emphasis added)

In sum, adopting this rule will likely lead to increased homelessness among immigrant families, many of whom will flee subsidized housing even though they would remain eligible for it, and a significant lessening of the “number and quality of public housing units” that remain. In proposing this rule, HUD turns its back on its mission.

The real solution lies in appropriating sufficient funding to ensure that every family eligible for HUD assistance has access to one of the most basic human needs — a safe and affordable place to call home. I urge you to withdraw this rule in its entirety.

Feel free to contact me directly if you would like further information,

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Daniel C Fulwiler', with a stylized flourish extending to the right.

Daniel C Fulwiler, MA, MPH  
President and CEO