



Board of County Commissioners

July 9, 2019

Submitted via www.regulations.gov

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:

As Boulder County Commissioners, we are grateful for the opportunity to comment on the proposed changes regarding “verification of eligible status” published in the Federal Register on May 10, 2019 by the U.S. Department of Housing and Urban Development (HUD). Please accept these comments and our strong opposition to this rule change that would threaten the health and wellbeing of families of immigrants, communities of color, and citizen and noncitizen children.

HUD'S PROPOSED RULE

HUD’s proposed rule would prohibit “mixed-status” families from living in public and other subsidized housing. Mixed-status families are households that include both members who are eligible and ineligible for housing assistance based on their immigration status. Both statute and regulation allow families to live together in subsidized housing even if one family member is ineligible so long as the housing subsidy is decreased to exclude the ineligible person from the assistance. Importantly, just because a household member is an “ineligible” immigrant, it doesn’t mean that they are undocumented. Immigrants can have legal status and still not be eligible for public housing and Section 8 programs.

The rule would further require all residents under the age of 62 to have their immigration status screened through the Systematic Alien Verification for Entitlements Program (SAVE), which is operated by the Department of Homeland Security. Families with

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members who are deemed “ineligible” will be evicted from subsidized housing after 18 months or sooner.

THE RULE'S POTENTIAL IMPACT

More than 55,000 children face eviction under the proposed rule.

HUD's proposed rule would force families of mixed immigration status to break up to receive housing assistance, to forego the assistance altogether, or face termination from the programs. This rule will directly impact thousands of immigrant families' access to housing and will have a chilling effect that puts thousands more at risk of homelessness. **HUD's own analysis shows that more than 55,000 children, who are U.S. citizens or who are otherwise eligible to receive housing benefits, could face eviction under the proposed rule.**

The rule would have a destabilizing effect for some Boulder County families and our communities if enacted. As we know, housing is a key stabilizing force and an essential social determinant of health for our community members.

While HUD claims the agency proposed the rule out of concern for long wait lists, this rule will reduce the number of subsidies provided to families. By getting rid of mixed-status families, HUD's analysis shows that millions of new dollars would have to be provided to families with all eligible members. To make up for the higher costs, HUD would be forced to reduce the quality and quantity of assisted housing.

The proposed rule also will be administratively burdensome to implement for housing authorities and private owners of Section 8-assisted properties. Housing providers will be forced to focus their resources on terminating and evicting families, while diverting resources away from property maintenance and employment-related resident services they already provide. These additional burdens could deter private housing providers from participating in the Section 8 programs, worsening the affordable housing crisis.

WHAT THE RULE IS REALLY ABOUT

The proposed rule is not about keeping undocumented immigrants from benefiting from federal housing assistance. The law already prohibits undocumented immigrants from accessing these subsidies. This proposal is another in a long line of attempts by the administration to vilify and instill fear in immigrants throughout the country. The proposed rule further would continue to engender fear and chaos among immigrants and their families.

Blaming struggling families will not fix the affordable housing crisis. The real issue is the lack of sufficient funding to ensure that every family who is eligible for HUD assistance has access to one of the most basic of human rights – a safe, accessible, and affordable place to call home. If the federal government was truly concerned about the affordable housing crisis, it would not have repeatedly proposed severe cuts to housing assistance.

To address our affordable housing crisis and ensure everyone has a safe, accessible, and decent affordable place to call home, the Executive branch along with Congress should make significant new investments in affordable housing resources, rather than blame families of modest means, regardless of their immigration status, and evict thousands of families and children from stable housing.

Sincerely,



Elise Jones
Chair



Deb Gardner



Matt Jones