



CHIRLA

Coalition for Humane
Immigrant Rights

July 9, 2019

Submitted via www.regulations.gov

Office of General Counsel, Rules Docket Clerk
Department of Housing and Urban Development
451 Seventh Street SW, Room 10276
Washington, D.C. 20410-0001

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 Sir/Madam,

On behalf of the Coalition for Humane Immigrant Rights (herein after CHIRLA), I write to express our strong opposition to the Department of Housing Department's (HUD) proposed rule on implementing changes to the "verification of eligible status," as published in the Federal Register on May 10, 2019 (RIN: 2501-AD89; HUH Docket No. FR-6124-P-01), which would drastically restrict eligibility for federal housing assistance based on immigration status. As an organization that focuses on advocating for the just and humane treatment of immigrants, both documented and undocumented, and work to advance the integration of immigrants into our nation's fabric, we urge that the rule be withdrawn in its entirety, and that HUD's long-standing regulation remain in effect.

CHIRLA was founded in 1986, in response to the passage of the 1986 Immigration Reform and Control Act (IRCA) and the need to inform our immigrant community on the policy implementation. Since then, CHIRLA has focused on educating, organizing and mobilizing our community so that our members are not only up to date on developments within immigration policies that could alter their livelihood, but can also serve as agents of social change by advocating for just and modern immigration reform. We serve as a California leading organization with national impact, and aim to achieve a world with full freedom of mobility, full human rights, and a true participatory democracy that is inclusive of immigrants in every extent. Though HUD contends that the proposed rule is a way by which to address the waitlist crisis faced

by Public Housing Authorities nationwide,¹ CHIRLA recognizes that the proposed rule is part of the current administration's agenda to harm immigrant families.²

On May 10, 2019, HUD published a proposed rule that aims to amend a longtime standing policy on eligibility requirements for federal housing assistance based on immigration status, and disallowing those ineligible for federal housing assistance from residing in HUD's public and specified assistance housing programs, such as Section 214 of the Housing and Community Development Act, which include programs such as Public Housing, Section 8 Housing Vouchers, Section 8 Project-Based Housing, Section 236 and Rent Supplement Housing, Section 235 Homeownership Housing, Housing Development Grants for low income units, and the Section 23 Leased Housing Assistance Program. Under current policy, households where family members who are ineligible for housing subsidies, are permitted to live in a home with their family members who are eligible for federal housing subsidies, with a prorated rent to ensure that none of the HUD subsidy is responsible for the ineligible household member's portion of the rent. Ineligible members are not to mean that an individual is undocumented, but rather to mean that some immigrants may have legal status and still not eligible for public housing, as is the case with victims of domestic violence, sexual assault, or other crimes who have U-visas.³

The proposed rule threatens to undermine the well-being of low-income U.S. citizens, immigrants, and their families. The rule would force mixed status families to make an impossible decision—either break up to allow eligible family members to continue receiving assistance or forgo the subsidies so that the families can stay together. Family separations undermine family stability, and leads to toxic stress, trauma, and attachment issues in children. Even a temporary separation has an enormous negative impact on the health and educational attainment of these children later in life, and many parents struggle to restore the parent-child bond once it has been disrupted by a separation.⁴

However, since 70% of mixed status families currently receiving HUD assistance are composed of eligible children and at least one ineligible parent, it is likely that these families will forgo the subsidies to avoid separation. In fact, HUD is banking on this, noting in their regulatory impact analysis that “HUD expects that fear of the family being separated would lead to prompt evacuation by most mixed households, whether that fear is justified.”⁵ Therefore, this rule would effectively evict as many as

¹ Tracy Jan, *Trump Proposal Would Evict Undocumented Immigrants from Public Housing*, WASH. POST (Apr. 18, 2019), https://www.washingtonpost.com/business/2019/04/18/trump-proposal-would-evict-undocumented-immigrants-public-housing/?utm_term=.c6fd40565b83.

² 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), 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)

³ <https://www.regulations.gov/document?D=HUD-2019-0044-0001>

⁴ Laura C. N. Wood, *Impact of Punitive Immigration Policies, Parent-Child Separation and Child Detention on the Mental Health and Development of Children*, 2 BMJ PAEDIATRICS OPEN (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6173255/>.

⁵ 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).

108,000 individuals in mixed status families (in which nearly 3 out of 4 are eligible for assistance) from public housing, Section 8, and other programs covered by the proposed rule.⁶ These mass evictions and departures from housing assistance will cause increased rates of homelessness and unstable housing among an already vulnerable population.⁷

These outcomes will not only hurt families while they struggle to find housing in the short term, but will also lead to reduced opportunities and increased health problems for these families in the long term.⁸ Studies have shown that unstable housing situations can cause individuals to experience increased hospital visits, loss of employment, and are associated with increased likelihood of mental health problems in children,⁹ and can dramatically increase the risk of an acute episode of a behavioral health condition, including relapse of addiction in adults. Having safe and stable housing is crucial to a person's good health, sustaining employment, and overall self-sufficiency. These effects will be particularly prominent in the children, nearly all of whom are U.S. citizens, in these mixed status families. Research has shown that economic and housing instability impedes children's cognitive development, leading to poorer life outcomes as adults.¹⁰ Housing instability is directly correlated to decreases in student retention rates and contributes to homeless students' high suspension rates, school turnover, truancy,¹¹ and expulsions, limiting students' opportunity to obtain the education they need to succeed later in life.

The proposed rule would also hurt elderly immigrants, an estimated 120,000, specifically those who are 62 years old or older as many face health and/or language barriers, amongst other obstacles and cannot produce additional documentation to further indicate their immigration status. The rule would require that U.S. Citizens recipients of HUD assistance under penalty of perjury provide evidence of their citizenship, provide documentary proof of citizenship or nationality, such a birth certificate. This practice is costly and inefficient. Failure to be able to pay for and gather all the necessary documentation would result in seniors evicted from their homes. A survey found that at least 12% of citizens earning less than \$25,000 a year do not have with them proof of citizenship; many of those with documentation have birth certificates or identification cards that do not reflect their current name or address; an 18% of citizens over the age of 65 do not have a photo ID; and 25% of African American citizens lack a photo ID.¹²

⁶ *Id.* at 8.

⁷ PRATT CTR. FOR CMTY. DEV., *CONFRONTING THE HOUSING SQUEEZE: CHALLENGES FACING IMMIGRANT TENANTS, AND WHAT NEW YORK CAN DO* (2018), <https://prattcenter.net/research/confronting-housing-squeeze-challenges-facing-immigrant-tenants-and-what-new-york-can-do>.

⁸ 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>.

⁹ 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>.

¹⁰ 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>.

¹¹ 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).

¹² Ina Jafe, *For Older Voters, Getting the Right ID Can Be Especially Tough*, NPR: ALL THINGS CONSIDERED (Sept. 7, 2018), <https://www.npr.org/2018/09/07/644648955/for-older-voters-getting-the-right-id-can-be-especially-tough>.

Moreover, the National Low Income Housing Coalition estimated that many of the individuals who would be affected are located in New York, Texas and California.¹³ The direct impact of this proposed rule in California would be severe and will separate U.S. born children from their parents. In California, over 23% are seniors, 26% are people who have a disability and 53% are families with children who currently receive Federal rental assistance.¹⁴ In 2017 it was reported that 50% of children or 4.5 million children in California live with at least one parent who is an undocumented immigrant. If the proposed regulation is to be enacted, the proposed rule would leave many of these families separated, without care and force them into homelessness. In the City of Los Angeles alone, the proposed rule could impact 11,000 people and over 2,587 households who are from mixed status families.¹⁵ In smaller cities like Fresno the proposed rule, according to the Fresno Housing Authority, would impact over 1,300 families.¹⁶ The impact in these cities are a glimpse of the total impact that the rule will have in California and the nation as a whole.

The administration is subjecting mixed status families to face eviction from subsidized housing after 18 months, or sooner. This change will have a detrimental impact on U.S. citizen or Legal Permanent Resident children who may soon become homeless if HUD does not withdraw its proposal. Housing is not just a fundamental right but a basic human right that is needed for the stability of a family to continue to prosper. The issue at hand is merely that HUD lacks sufficient funding to ensure that each and every family, regardless of immigration status, have a roof over their head; a home for each family. For the reasons noted above, CHIRLA opposes the HUD's proposed rule and urges HUD to withdraw its proposal without any further delay.

Please do not hesitate to contact Isabel J. Sanchez at isanchez@chirla.org or at (202) 641-1525 to provide further information.

Sincerely,



Angelica Salas
Executive Director, CHIRLA

¹³https://www.washingtonpost.com/business/2019/04/18/trump-proposal-would-evict-undocumented-immigrants-public-housing/?noredirect=on&utm_term=.f8cc058eee60

¹⁴ <https://www.cbpp.org/research/housing/federal-rental-assistance-fact-sheets#CA>

¹⁵<https://www.lahsa.org/news?article=554-hud-proposed-rule-change-on-mixed-status-families-in-public-housing>

¹⁶ <https://www.fresnobee.com/news/local/article230408069.html>