



California Association of Housing Authorities

June 25, 2019

Office of the General Counsel, Rules Docket Clerk
U.S. Department of Housing and Urban Development
451 7th Street, SW, Room 10276
Washington, DC 20410-0001

**RE: [DOCKET NO. FR-6124-P-01, RIN 2501-AD89]: HOUSING AND COMMUNITY
DEVELOPMENT ACT OF 1980: VERIFICATION OF ELIGIBLE STATUS**

To Whom It May Concern:

The California Association of Housing Authorities (CAHA), representing a coalition of the 104 Public Housing Authorities in California that administer some 301,000 Section 8 Housing Choice Vouchers (approximately 14% of all vouchers nationwide) and approximately 27,300 Public Housing units, is submitting comments regarding the above referenced Federal Register Notice concerning the proposed rule that would make changes to HUD's regulations implementing Section 214 of the Housing and Community Development Act of 1980, as amended. CAHA strongly opposes HUD's proposed rule as it attempts to change the process of determining how to provide rental subsidy to "mixed families," which are households comprised of individuals both with and without eligible citizenship or immigration status. **The Department's current regulation, codified by existing law, already prohibits rental assistance to ineligible noncitizens.** Instead, it allows mixed family households to reside in assisted housing under reduced federal assistance via a pro-rated rent calculation, which excludes the ineligible family member. This approach effectively ensures that the ineligible household member does not receive housing subsidy.

The proposed rule would have serious negative consequences, separating families, exacerbating homelessness and decreasing the amount of housing assistance that would otherwise be available. Therefore, CAHA urges the withdrawal of the proposed rule in its entirety.

National Impact

This misguided rule would force families of mixed-immigration status to break-up in order to receive assistance or to forego assistance altogether. Additionally, U.S. citizens and individuals 62 years of

age or older who are not able to provide proof of citizenship and immigration status will face losing their assistance and could become homeless.

HUD's own Regulatory Impact Analysis of the proposed rule details how harmful this rule would be if implemented, affecting over 25,000 mixed status households having at least one ineligible member. While this represents only ½ of 1% of the total assisted households throughout the country, these households are comprised of 108,104 family members of which approximately 55,000 are children. Furthermore, the analysis indicates that HUD expects implementation of the rule would lead to "prompt evacuation" by most mixed-households, due to fear of being separated. Given the insufficient supply of affordable housing and rents that are increasing throughout the country, many of these families would fall into homelessness, which is already a national crisis with associated costs of \$20,000 to \$50,000 per person per year.¹

Impact to California

California would be particularly negatively impacted by this proposed rule as it has the highest percentage of mixed families. According to the National Housing Law Project, California has 436,340 households receiving some form of housing assistance, of which 9,320 have an ineligible non-citizen. This equates to 37% of all mixed-households nationally. California is one of the least affordable states and has the highest percentage of homelessness. The proposed rule would cause the majority of these mixed households to lose their homes and many would likely fall into homelessness.

CAHA recently surveyed its member Housing Authorities as to the impact of the proposed rule and 56 agencies responded that 4,760 mixed households with 12,544 children would be negatively affected. The vast majority of these children are U.S. citizens who are qualified for the housing assistance. Research shows that rental assistance for households with children results in significant positive effects for future child outcomes and family economic security. The Department should give serious consideration to the detrimental impact this rule will have on the children in these families, especially when most of them are U.S. citizens.

CAHA's survey further reveals many senior households would be impacted by the rule, resulting in 1,489 seniors losing their housing assistance. The proposed rule will require noncitizens 62 years of age or older to provide additional documentation of their immigration status and many will be unable to comply due to lost records or never having been issued documents. These seniors live on fixed incomes and will have few, if any, affordable housing options if they are forced to leave their homes. This is especially true in California, where the lack of affordable housing contributes to one of the highest rates of homelessness in the country.

¹ HUD – Regulatory Impact Analysis – Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980, page 16

Effect of Proposed Rule on California Public Housing Authorities

Under the proposed rule, Housing Authorities will have to collect and verify additional immigration information from tenants and applicants. We will also be required to evict families living in Public Housing and terminate Section 8 Housing Choice Voucher participants. Both actions require the Housing Authority to conduct a grievance hearing and eviction requires approval of the courts. HUD's own impact analysis estimates the cost per household at \$3,000. CAHA is very concerned about the increased administrative costs as the Housing Choice Voucher Administrative Fee and the Public Housing Operating Subsidy have been underfunded for years. This Administration has purported to favor a reduction in regulations and administrative procedures, yet the proposed rule institutes the opposite.

As mixed families are terminated from the programs, there will be increased subsidy costs to serve households that qualify for full subsidy. This will most likely cause Housing Authorities to assist fewer households, not more as some advocates of the rule have claimed. In California, this is particularly concerning given the extreme unmet need for affordable housing for very low-income households.

Conclusion

The proposed rule runs counter to HUD's mission and breaks with the sensible policies the Department has had in place for over two decades. It does not promote strong, sustainable and inclusive communities nor does it address the national affordable housing crisis. As stated above, the law is already clear and incontrovertible that ineligible immigrants may not receive housing assistance - which they do not. Why harm children, seniors and families that currently receive proper subsidy under existing laws and regulations? We all share the concern that millions of U.S. households struggle to find affordable housing, but laying the blame on a very small percentage of immigrant families, families who are also comprised of U.S. citizens, will not fix the problem. CAHA asks that the proposed rule be withdrawn.

Sincerely,



Kerrin Cardwell
President
California Association of Housing Authorities