

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 Sir/Madam:

We are writing on behalf of the Crescent Halls Residents Association and the Public Housing Association of Residents in response to the Department of Housing and Urban Development's (HUD) proposed rule to express our strong opposition to the changes regarding "verification of eligible status," published in the Federal Register on May 10, 2019 (RIN 2501-AD89; HUD Docket No. FR-6124-P-01). This proposed rule will have a profound impact on public and subsidized housing residents, and particularly on elderly tenants. We urge the rule to be withdrawn in its entirety and for HUD's long-standing regulations to remain in effect.

Crescent Halls Residents Association (CHTA) is an organized tenants' association for the elderly and disabled building for public housing in Charlottesville, Virginia. All of our residents in this building are either elderly or disabled, or both, and will be directly impacted by this proposed rule. Public Housing Association of Residents (PHAR) is duly recognized tenants' association for public housing residents and residents with Housing Choice Vouchers in Charlottesville, Virginia. CHTA and PHAR are both concerned about the impact this proposed rule will have on our community, both at other sites in Charlottesville, and across the country.

Although HUD contends that the proposed rule is a means of addressing the waitlist crisis faced by a majority of Public Housing Authorities nationwide,¹ CHTA and PHAR recognize that the proposed rule is a part of the current administration's coordinated attack on immigrant families.² We all share the concern that millions of U.S. households struggle to find affordable housing in the ongoing nationwide housing crisis, but blaming struggling immigrant families will not fix this problem. Indeed, HUD's own analysis of the proposed rule concludes that fewer, not more, families are likely to receive assistance 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 (last visited July 8, 2019).

² See, e.g., 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 (last visited July 8, 2019); Yeganeh Torbati, "Exclusive: Trump Administration Proposal Would Make It Easier to Deport Immigrants Who Use Public Benefits," Reuters (May 3, 2019), <https://www.reuters.com/article/us-usa-immigration-benefits-exclusive/exclusive-trump-administration-proposal-would-make-it-easier-to-deport-immigrants-who-use-public-benefits-idUSKCN1S91UR> (last visited July 8, 2019); Nat'l Immigration Law Ctr., "Understanding Trump's Muslim Bans" (updated Mar. 8, 2019), <https://www.nilc.org/issues/immigration-enforcement/understanding-the-muslim-bans/> (last visited July 8, 2019); 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> (last visited July 8, 2019).

a result of the rule.³ The real issue is the lack of sufficient funding to ensure that every family has access to one of the most basic of human rights—a safe place to call home. Further, the proposed rule, if enacted, will have a dramatic effect on U.S. citizens as well, resulting in the eviction of individuals who despite being citizens do not have access to the proof that will be newly required, and a decrease in the number of available units and maintenance efforts.

I. The Proposed Rule Will Disproportionately Affect Disadvantaged Populations

CHTA and PHAR share in concerns across the country that this proposed rule is a direct attack on immigrants and an attempt to create a scapegoat for HUD's dearth of resources. In addition to the harm this would unduly cause to immigrant families, the proposed rule also threatens housing security for 9.5 million U.S. citizens currently receiving HUD assistance and all future U.S. citizens seeking these benefits. This will have a particularly large impact on elderly individuals and disabled individuals, but it will also affect other residents and applicants as well.

The proposed rule will have a negative impact on elderly individuals.

In addition to mixed-status families, the proposed rule will have sweeping impacts on elderly residents. Currently federal housing assistance programs provide vital support to 1.9 million older adults who would otherwise be unable to afford the cost of shelter.⁴ Under the current law, to establish eligibility for access Section 214 housing assistance U.S. citizens only need to provide a declaration, signed under penalty of perjury, of their citizenship or nationality status. The proposed rule, by contrast, would additionally require that all residents and applicants provide documentation of their citizenship, such as a birth certificate, a practice that has proven to be burdensome, costly and unnecessary to protect program integrity.⁵ Providing such documentation can be extremely difficult for certain segments of the population. Based on a 2006 survey, it has been estimated that one out of every eight low-income individuals does not have a birth certificate, passport, or other status documentation.⁶ In fact, many elderly citizens, especially elderly African Americans, were never provided a birth certificate in the first place.⁷ Eighteen percent of adults over the age of 65 do not even have a photo identification card.⁸ Obtaining such documentation can be particularly difficult for U.S. citizens over the age of 50, citizens of color, citizens with disabilities, and citizens with low incomes. Older individuals in particular face many challenges in getting this kind of documentation, including difficulties getting to government

³ U.S. Dep't of Hous. & Urban Dev., FR-6124-P-01, *Regulatory Impact Analysis: Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980*, 3 (2019) (available at <https://nlihc.org/sites/default/files/2019-05/Noncitizen-RIA-Final-April-15-2019.pdf>) (last visited July 8, 2019).

⁴ Ctr. on Budget and Policy Priorities, *United States Federal Rental Assistance Fact Sheet*, 1 (May 14, 2019), <https://apps.cbpp.org/4-3-19hous/PDF/4-3-19hous-factsheet-us.pdf> (last visited July 8, 2019).

⁵ Hous. and Comty. Dev. Act of 1980: Verification of Eligible Status, 84 Fed. Reg. 20589 (proposed May 10, 2019) (to be codified at 24 C.F.R. pt. 5); Donna Cohen Ross, *New Medicaid Citizenship Documentation Requirement is Taking a Toll: States Report Enrollment Is Down and Administrative Costs Are Up*, Ctr. on Budget and Policy Priorities (Mar. 13, 2007), <https://www.cbpp.org/research/new-medicaid-citizenship-documentation-requirement-is-taking-a-toll-states-report> (last visited July 8, 2019).

⁶ N.Y. Univ. School of Law Brennan Center for Justice, *Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*, 2 (Nov. 2006), http://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf (last visited July 8, 2019).

⁷ Ina Jafe, "For Older Voters, Getting the Right ID Can Be Especially Tough," Nat'l Pub. Radio: 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> (last visited July 8, 2019).

⁸ N.Y. Univ. School of Law Brennan Center for Justice, *supra* note 7 at 3.

offices to replace lost records or coming up with the funds to replace these records, assuming the records ever existed in the first place.⁹

The proposed rule also places additional documentation burdens on 120,000 noncitizen-seniors age sixty-two or older by requiring them to provide documentation of their immigration status.¹⁰ Being a noncitizen does not prevent an individual from receiving housing assistance; there are a number of immigration statuses under which an individual would be eligible, such as refugees, lawful permanent residents, and VAWA self-petitioners. Presently, noncitizen seniors must submit a signed declaration of their eligible immigration status and proof of age, but they do not have to provide documentation proving immigration status. Many immigrant seniors will struggle in the same way as citizen seniors to produce the additional documentation that will be required if the proposed rule goes into effect.

The proposed rule will have a negative impact on disabled individuals.

People with disabilities comprise a large percentage of the individuals served by HUD programs, including programs covered under the proposed rule. For example, approximately one in three households with Section 8 vouchers are headed by a non-elderly person with a disability and approximately one in five households living in public housing are headed by a non-elderly person with a disability. The lack of accessible, affordable housing is a continuing and significant barrier to integrated community living, making it difficult for people with disabilities to move from facilities for individuals with disabilities into the community, and putting many people with disabilities at risk of unnecessary institutionalization or homelessness. People with disabilities often have few financial resources and remain among the country's poorest.¹¹ At the same time, people with disabilities all too often face discrimination when seeking housing.¹² Termination of assistance under the proposed rule could put people with few options at risk, with tremendous cost to their health, earning potential, well-being and other significant harm.

Additionally, many people with disabilities will be at risk of losing assistance because of the proposed rules new documentation requirements for seniors and citizens. People with disabilities often have additional barriers to accessing proof of citizenship and identity. For example, some people with disabilities do not drive and are less likely to have state-issued identification; in 2012, 7.5 percent of people with disabilities lacked a valid ID compared to less than five percent of people without disabilities.¹³

⁹ Jafe, *supra* note 7.

¹⁰ 84 Fed. Reg. 20589, *supra* note 5

¹¹ See, e.g., Univ. of N.H. Inst. on Disability, "2018 Disability Statistics Annual Report," 9 (2019)

at https://disabilitycompendium.org/sites/default/files/user-uploads/Annual_Report_2018_Accessible_AdobeReaderFriendly.pdf ("In 2017, the poverty rate of individuals with disabilities (ages 18-64) was 29.6 percent. In contrast, in 2017 the poverty rate of individuals without disabilities was estimated at 13.2 percent.") (last visited July 8, 2019).

¹² See, e.g., Nat'l Fair Hous. Alliance, *Making Every Neighborhood A Place of Opportunity: 2018 Fair Housing Trends Report*, 52 (2018) <https://nationalfairhousing.org/wp-content/uploads/2018/04/NFHA-2018-Fair-Housing-Trends-Report-4-30-18.pdf> ("As has been the case in past years, the majority of complaints from 2017 involved housing discrimination against people with disabilities.") (last visited July 8, 2019).

¹³ s.e. smith & Rebecca Cokley, "Reforming Elections Without Excluding Disabled Voters," Ctr. for Am. Progress (Mar. 29, 2019), <https://www.americanprogress.org/issues/disability/news/2019/03/28/468019/reforming-elections-without-excluding-disabled-voters/>.

The proposed rule will have a negative impact on all residents.

In addition to the impact likely to be seen on elderly and disabled tenants, other residents will be affected as well. The 2006 survey described above also indicated that:

- At least twelve percent (12%) of citizens who earn less than \$25,000 a year do not have proof of citizenship; and
- 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.¹⁴

The proposed documentation requirements will be particularly burdensome for recipients of rental assistance who were formerly homeless and people currently experiencing homelessness who could be assisted by Section 214 programs in the future. People experiencing homelessness often lose important documents such as photo identification, birth certificates, and social security cards because they have no safe places to store them.¹⁵ Adding more documentation requirements creates more barriers to housing for those who need it most and could cause many people who have gained stability through rental assistance to return to homelessness.

The inability to provide newly required documents will have a devastating impact on residents.

Individuals who cannot produce the required documents within the required 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 due to lack of affordable options to which they can move upon eviction. The figures above suggest that hundreds of thousands of U.S. citizens could experience these harsh consequences under the proposed 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. Public housing provides one crucial source of homes affordable to over 2 million low-income people in America,¹⁶ and the evidence is clear that affordable housing supports health.¹⁷ When families have to put too much of their income towards their rent, 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,¹⁸ and many renters delay needed medical care because they can't afford it, a particularly problematic issue for elderly and disabled tenants.¹⁹

People who are evicted from their homes, or even threatened with eviction, are more likely to experience health problems like depression, anxiety, and high blood pressure than people with stable

¹⁴ N.Y. Univ. School of Law Brennan Center for Justice, *supra* note 7 at 2.

¹⁵ Nat'l Law Ctr. on Homelessness & Poverty, *Photo Identification Barriers Faced by Homeless Person: The Impact of September 11*, 13 (Apr. 2004), https://nlchp.org/wp-content/uploads/2018/10/ID_Barriers.pdf (last visited July 8, 2019).

¹⁶ Ctr. on Budget and Policy Priorities, *Policy Basics: Public Housing* (Nov. 15, 2017), <https://www.cbpp.org/research/policy-basics-public-housing> (last visited July 8, 2019).

¹⁷ See generally Nabihah Maqbool, et al, *The Impacts of Affordable Housing on Health: A Research Summary*, Ctr. for Hous. Policy (Apr. 2015), <https://www.rupco.org/wp-content/uploads/pdfs/The-Impacts-of-Affordable-Housing-on-Health-CenterforHousingPolicy-Maqbool.etal.pdf> (last visited July 8, 2019).

¹⁸ Jason M. Fletcher, et al, *Assessing the Effect of Increasing Housing Costs on Food Insecurity* (Nov. 12, 2009), available for download at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1503043 (results described in Abstract).

¹⁹ 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 (last visited July 8, 2019).

housing.²⁰ They are also more likely to become homeless, contend with long-term housing instability, and visit an emergency room.²¹ For seniors, even the threat of eviction can have disastrous health effects.²² Relocation alone, even without homelessness, for seniors can cause death, due to, among other things, the extreme toll taken on seniors from “unbearable frustrations, depression and fear of broken social connections,” resulting from being forced to move.²³

Finally, not only would there be an increase in evictions under the proposed rule, but there would also be a decrease in applicants. After Medicaid began implementing a citizenship documentation requirement, there was a sharp decline in Medicaid enrollment. Half of the forty-four states responding to a Government Accountability Office survey indicated that Medicaid enrollment fell because of the citizenship documentation requirement. The GAO also found that states reported increased administrative costs and needing to spend more time providing help to applicants and beneficiaries, increasing their time spent on applications and redeterminations of eligibility.²⁴ Similarly, homelessness presents an incredible cost on the government, one much more significant than the cost of providing affordable housing. HUD’s estimate of the cost of homelessness is \$20,000 to \$50,000 per person per year;²⁵ however, other studies have found even higher costs – a 2009 study compiled data from 65 cities across the U.S. and found that it costs \$35,000 to \$150,000 per year to sustain a homeless individual.²⁶ By contrast, the cost of housing these same individuals ranged from only \$13,000 to \$25,000 a year.²⁷

HUD Secretary, Ben Carson, has defended the proposed rule by stating that “you take care of your own first,”²⁸ indicating that the proposed rule is intended to protect citizens at the expense of non-citizen immigrants; however, HUD’s analysis does not consider the impact this proposal would have on U.S. citizens who do not have access to their birth certificate or other citizenship documentation, so they have not provided any data on the matter.²⁹ As HUD has failed to take into account these added costs and burdens of these new documentation requirements on individuals, it should complete an analysis of these costs and burdens before finalizing the proposed rule.

II. The Proposed Rule Will Reduce the Quality and Quantity of Federally Assisted Units

²⁰ 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/> (last visited July 8, 2019).

²¹ Robert Collinson & Davin Reed, *The Effects of Evictions on Low-Income Households*, N.Y. Univ. Law, 1 (Dec. 2018), https://www.law.nyu.edu/sites/default/files/upload_documents/evictions_collinson_reed.pdf (last visited July 8, 2019).

²² Rhonda K. Dahlman, *Alternatives to Eviction of Elderly Tenants: A How-to Manual*, AARP, 1 (2003), https://assets.aarp.org/www.aarp.org/_articles/foundation/eviction.pdf (last visited July 3, 2019).

²³ David Bogachik, “For seniors, eviction can be a death sentence,” 48hills (Oct. 3, 2017), <https://48hills.org/2017/10/senior-evictions/> (last visited July 3, 2019).

²⁴ U.S. Gov’t Accountability Office, *Medicaid: States Reported That Citizenship Documentation Requirement Resulted in Enrollment Declines for Eligible Citizens and Posed Administrative Burdens*, 2 (June 2007), <https://www.gao.gov/new.items/d07889.pdf> (last visited July 8, 2019).

²⁵ *Regulatory Impact Analysis*, *supra* note 3 at 3.

²⁶ See Molly Moorhead, “HUD secretary says a homeless person costs taxpayers \$40,000 a year,” Politifact at the Poynter Insit. (March 12, 2012), <https://www.politifact.com/truth-o-meter/statements/2012/mar/12/shaun-donovan/hud-secretary-says-homeless-person-costs-taxpayers/> (last visited July 8, 2019).

²⁷ *Id.*

²⁸ Sylvan Lane, “Carson on HUD eviction plan: ‘You take care of your own first’” The Hill (May 21, 2019) <https://thehill.com/policy/finance/444791-dems-rip-carson-for-proposal-to-evict-undocumented-immigrants-from-public> (last visited July 3, 2019). This statement also demonstrates a blatant anti-immigrant intent and may amount to discrimination on the basis of national origin.

²⁹ See *Regulatory Impact Analysis*, *supra* note 3 at 3.

In addition to the impact that the proposed rule would have on tenants due to new documentation requirements, the proposed rule would also have a severe impact on both current and potential future tenants across the board, both in the number of families that receive assistance and the quality of those units.

The proposed rule will reduce the number of families that receive federally subsidized assistance.

Secretary Carson stated that HUD has promulgated the proposed rule in an effort to address the waitlist crisis for subsidized housing faced by most Public Housing Authorities nationwide.³⁰ While it is true that there is a public housing and Section 8 waitlist crisis, the proposed rule would not only fail to alleviate this crisis, but it would actually *worsen* this 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 only eligible members, it would cost HUD from \$372 million to \$437 million annually.³¹ To pay for these new costs of the proposed rule,³² HUD has surmised that:

[T]he likeliest scenario, would be that **HUD would have to reduce the quantity and quality of assisted housing in response to higher costs.** In this case, the transfer would be from assisted households who experience a decline in assistance (in whole or in part) to the replacement households. With part of the budget being redirected to cover the increase in subsidy, there could be fewer households served under the housing choice vouchers program[.]³³

As rent prices skyrocket, residents across the country are struggling to find affordable housing; Charlottesville residents are no exception. HUD defines affordable housing to be when the household spends no more than thirty percent (30%) of their income towards their gross housing costs.³⁴ In Charlottesville, twenty-three percent (23%) of renter-households in Charlottesville who make less than fifty percent (50%) of the area median income, defined by HUD as "very low-income"³⁵ are paying more than half of their household income towards rent, substantially beyond "affordable."³⁶ In 2017, Charlottesville's affordable housing needs included at least 3,318 interventions, which would include the existing stock of affordable housing that largely needs rehabilitation, and unmet needs.³⁷

With affordable housing nearly non-existent in Charlottesville, Section 214 housing is often the only recourse renters have. As it stands, Charlottesville's stock of Section 214 housing is already insufficient, and the potential loss of units and vouchers would be devastating to current and potential future residents.

³⁰ Jan, *supra* note 1.

³¹ *Regulatory Impact Analysis*, *supra* note 3 at 11.

³² Brakkton Booker, "White House Budget Calls for Deep Cuts to HUD," Nat'l Pub. Radio (Feb. 13, 2018), <https://www.npr.org/2018/02/13/585255697/white-house-budget-calls-for-deep-cuts-to-hud> (last visited July 8, 2019).

³³ *Regulatory Impact Analysis*, *supra* note 3 at 3 (emphasis added).

³⁴ Form-Based Codes Inst. and Partners for Econ. Solutions, *Housing Needs Assessment Socioeconomic and Housing Market Analysis*, ii (April 4, 2018), <http://www.charlottesville.org/home/showdocument?id=62034> (last visited July 3, 2019).

³⁵ Virginia Housing Development Authority, "HUD Median Income for Fiscal Year 2018," <https://www.vhda.com/BUSINESSPARTNERS/PROPERTYOWNERSMANAGERS/INCOME-RENT-LIMITS/Pages/HUDMedianIncome.aspx> (last visited July 3, 2019).

³⁶ Form-Based Codes Inst. and Partners for Econ. Solutions, *supra* note 34 at ii.

³⁷ *Id.* at iv.

HUD's own economic analysis shows that the proposed rule will not only fail to achieve its stated goals of addressing the subsidized housing waitlist crisis, but it will in fact exacerbate this very issue. The Regulatory Impact Analysis released by HUD makes it clear that the proposed rule will not further HUD's mission to "create strong, sustainable, inclusive communities and quality affordable homes for all."³⁸ In fact, the proposed rule will do the exact opposite, reducing the quantity of affordable homes on the market.

The proposed rule would lead to a reduction in the quality of federally assisted housing provided by HUD.

It is no secret that public housing conditions are deplorable in many parts of this country.³⁹ Some tenants are living in units that are riddled with mold, rodents, and are in general states of disrepair as a result of decades of underfunding. Experts estimate that there is currently a \$50 billion backlog of desperately needed repairs, and making matters worse, the Trump administration has proposed to eliminate the federal funding used to make (already insufficient) repairs.⁴⁰

Public housing residents in Charlottesville are no strangers to these problems. Although redevelopment is on the horizon, the units across Charlottesville's public housing sites are old and crumbling.⁴¹ Over the years, residents have experienced problems such as issues with the "building's heating and air conditioning, plumbing, cleanliness, . . . elevator maintenance," mold, faulty electrical systems, leaking sewage, broken doors/locks, rat infestations, and improperly hung cabinets. These concerns can regularly go for months unresolved. Even under current funding from HUD, the Charlottesville Redevelopment and Housing Authority (CRHA) does not have sufficient funds to adequately maintain the units.⁴² Currently seven of CRHA's 376 units are offline for substantial rehabilitation, and many more could use major work.

Given this current state of affairs, HUD should focus on using its limited funds to address these uninhabitable conditions faced by so many of its residents. Instead, HUD has taken the opposite approach. In the Regulatory Impact Analysis issued by HUD, the agency acknowledged that the proposed rule could create about \$200 million in new costs and hurt public housing by reducing the "maintenance of the units and possibly [leading to] deterioration of the units that could lead to vacancy."⁴³ In light of the negative consequences of the proposed rule, it is hard to see what legitimate purpose the proposed rule serves. We urge HUD to address this critical issue before it publishes the final rule.

³⁸ U.S. Dep't of Hous. & Urban Dev., "About HUD/Mission," <https://www.hud.gov/about/mission>. (last visited July 3, 2019).

³⁹ Holbrook Mohr & Jeff Donn, "Health and Safety Conditions Worsen in U.S. Subsidized Housing," *Seattle Times* (Apr. 9, 2019), <https://www.seattletimes.com/business/inspections-show-deterioration-of-us-funded-housing-for-poor/> (last visited July 9, 2019); Luis Ferre-Sadurni, "New York City's Public Housing Is in Crisis. Will Washington Take Control?," *N.Y. Times* (Dec. 25, 2018), <https://www.nytimes.com/2018/12/25/nyregion/nycha-hud-deblasio-carson.html> (last visited July 9, 2019); Jill Ripenhoff & Lee Zurik, *Failure to Fix: Mold. Mice. Messes.*, Investigate TV (2018), <http://www.investigatetv.com/failure-to-fix-mold-mice-messes/> (last visited July 9, 2019).

⁴⁰ Pam Fessler, "Trump Administration Wants to Cut Funding for Public Housing Repairs," *Nat'l Pub. Radio* (May 16, 2019), <https://www.npr.org/2019/05/16/723231160/trump-administration-wants-to-cut-funding-for-public-housing-repairs> (last visited July 9, 2019).

⁴¹ Form-Based Codes Inst. and Partners for Econ. Solutions, *supra* note 34 at 43.

⁴² *Id.*

⁴³ *Regulatory Impact Analysis*, *supra* note 3 at 3.

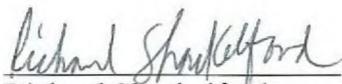
III. The Proposed Rule is in Direct Conflict with HUD's Mission.

“[HUD's] mission is to create strong, sustainable, inclusive communities and quality, affordable homes for all.”⁴⁴ Yet, the proposed policy changes to Section 214 run contrary to every part of this mission. HUD admits that the quality and quantity of housing assistance will be reduced under this proposal.⁴⁵ HUD acknowledges the possibility of homelessness for many of the families impacted by this proposed rule.⁴⁶ There is strong evidence that housing instability, homelessness, and family separation have extremely negative effects on the mental and physical health of adults and children, leading to poorer outcomes in school and work.⁴⁷ This policy would not “create strong, sustainable, inclusive communities.”⁴⁸ This policy would not create “quality, affordable homes for all.”⁴⁹ This policy would not protect America's most vulnerable citizens. Instead, the rule poses a serious risk to the health and wellbeing of America's immigrant and low-income families in Virginia and around the country with little evidence-based justification.

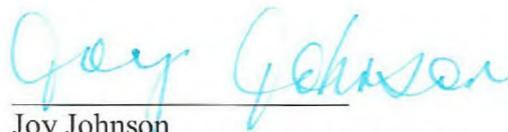
As we have stated above, the proposed rule will have an enormously detrimental effect on the lives and housing for all public and subsidized housing residents. Not only does the proposed rule discriminate against immigrants, but it would result in mass eviction of *eligible* citizen and noncitizen residents who do not have access to newly required documentation, creating more homelessness and severe health concerns for already vulnerable populations. Further, it will result in fewer available units and fewer maintenance repairs, both issues where HUD is already failing to adequately fulfill its obligations and mission. We urge HUD to immediately withdraw its current proposal and dedicate its efforts to advancing policies that strengthen—rather than undermine—the ability of individuals to have access to stable housing. If we want our communities to thrive, everyone in those communities must be able to stay together and get the care, services and support they need to remain healthy and productive.

Thank you for the opportunity to submit comments on the proposed rulemaking. Please do not hesitate to contact Richard Shackelford at (434) 984-3255, Joy Johnson at (434) 984-3255 or Rachel McFarland with Legal Aid Justice Center at rmcfarland@justice4all.org to provide further information.

Sincerely,



Richard Shackelford
President of the Crescent Halls Residents Association



Joy Johnson
Chair of the Board of Directors of the Public Housing Association of Residents

⁴⁴ U.S. Dep't of Hous. & Urban Dev., *Strategic Plan 2014-2018*, 4 (2014), available at <https://www.huduser.gov/portal/publications/pdf/HUD-564.pdf> (last visited July 8, 2019).

⁴⁵ *Regulatory Impact Analysis*, *supra* note 3 at 3.

⁴⁶ *Id.* at 13.

⁴⁷ See generally Eric Martin, *Hidden Consequences: The Impact of Incarceration on Dependent Children*, 278 Nat'l Inst. of Justice 1 (2017), <https://www.ncjrs.gov/pdffiles1/nij/250349.pdf> (last visited July 9, 2019); Univ. of Grenada, *Study warns of enormous impact of evictions on mental health*, MedicalXpress (Jan 17, 2018), <https://medicalxpress.com/news/2018-01-enormous-impact-evictions-mental-health.html> (last visited July 9, 2019); Matthew Desmond & Rachel Tolbert Kimbro, *Eviction's Fallout: Housing, Hardship, and Health*, 94 Social Forces 1 (2015), <https://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.socialforces.2015.pdf> (last visited July 9, 2019).

⁴⁸ See U.S. Dep't of Hous. & Urban Dev., *Strategic Plan 2014-2018*, *supra* note 44 at 4.

⁴⁹ See *id.*