



July 8, 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 Rules Docket Clerk:

I am writing on behalf of the Alliance for a Better Community to express our strong opposition to the U.S. Department of Housing and Urban Development's (HUD) proposed rule change that would "require the verification of the eligible immigration status of all recipients of assistance under a covered program who are under the age of 62."

The Alliance for a Better Community (ABC) is dedicated to advocating for the economic prosperity of the Latino community and the Los Angeles region by promoting policy and legislative solutions that improve the quality of life for Latinos across public education, health, and civic engagement. **ABC opposes the proposed rule for three overarching reasons: 1) the proposed change would negatively affect more than 100,000 individuals, more than half of whom are children; 2) the City of Los Angeles would be among the nation's most negatively impacted cities; and (3) the proposed change would be fiscally unsound.**

Issue 1: The proposed rule would affect 108,104 individuals causing long term socioemotional, economic, and health concerns.

By HUD's own impact analysis, the proposed rule change would affect more than 25,000 mixed-status families, including 55,000

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children.¹ These individuals would have to choose between separating their family to continue receiving housing assistance or forego assistance and stay together. Overall, children are largely negatively affected by these choices. Family separation is detrimental at any age but particularly affects young and adolescent children. Studies find that separations create trauma, increased stress, and negatively affect a child's socioemotional development.² Even temporary separation negatively impacts long term trajectories such as health, economic mobility, and educational attainment.³

However, for families that choose to move, they would also be burdened with finding affordable housing quickly while losing assistance. As a result, many could face homelessness. According to HUD, 70 percent of mixed-status families receiving assistance consist of eligible children and ineligible parents. HUD understands the serious implications of this rule change and is even anticipating most families "will prefer to leave the assisted housing as a family than being separated from one another."⁴ The proposed rule would place thousands of immigrant families at great risk of homelessness, thus preventing their economic stability and limiting their pathway to self-sufficiency.

Issue 2: The proposed rule would affect more than 11,000 Los Angeles residents and place them at risk of eviction, displacement, or homelessness.

A large majority (72 percent) of mixed-status families affected by the proposed rule change are concentrated in California (37 percent), followed by Texas and New York.⁵ According to the Los Angeles Homeless Service Authority, more than 11,000 people in the City of Los Angeles would be affected by the rule change.⁶ Furthermore, the Housing Authority of the City of Los Angeles (HACLA), estimates that approximately 16 percent of the families in HACLA units are at risk of losing their housing due to the proposed rule.⁷ The United States is already facing an affordable housing crisis with unprecedented rates of homelessness. In Los Angeles alone homelessness has increased 12 percent since 2018.⁸ Yet, the proposed rule change will continue to push thousands more to the brink of homelessness.

¹ 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 2, Apr. 15, 2019.

² Dana Rusch, Karina Reyes Reyes, "Examining the Effects of Mexican Serial Migration and Family Separations on Acculturative Stress, Depression, and Family Functioning." *Hispanic Journal of Behavioral Sciences*, November 2012, <https://doi.org/10.1177/0739986312467292>

³ J.J. Cutuli, Christopher Desjardins, Janette Herbers, Jeffrey Long, David Heistad, Chi-Keung Chan., ... Ann Masten, "Academic achievement trajectories of homeless and highly mobile students: resilience in the context of chronic and acute risk," *Child Development*, October 2012, doi:10.1111/cdev.12013

⁴ HUD, *Ibid*

⁵ HUD, *Ibid*

⁶ Los Angeles Homeless Services Authority, "HUD Proposed Rule Change on Mixed-Status Families in Public Housing," May 2019, <https://www.lahsa.org/news?article=554-hud-proposed-rule-change-on-mixed-status-families-in-public-housing>

⁷ The Housing Authority of the City of Los Angeles (HACLA), http://clkrep.lacity.org/onlinedocs/2019/19-0002-s91_reso_05-17-2019.pdf

⁸ Anna Scott, "Despite Increased Spending, Homelessness Up 12% In Los Angeles County," National Public Radio, June 2019, <https://www.npr.org/2019/06/04/729599946/despite-increased-spending-homelessness-up-12-in-los-angeles-county>

Los Angeles County is home to approximately 3.5 million immigrants and has some of the highest housing cost burdens in the state. The proposed rule change is not a solution and will only create a long-term financial burden for counties, such as Los Angeles, to implement first responder systems to support families.

Issue 3: The proposed rule is overall fiscally unsound and does not adequately or comprehensively address housing affordability issues.

According to HUD's impact report, the proposed rule would increase annual costs between \$193 million to \$227 million while at the same time reducing the quantity and quality of assisted housing. Mixed-status families receive prorated benefits and will be replaced by families receiving full benefits, as a result, under the proposed rule *fewer* families will be served. Furthermore, there is a significant waitlist problem with public housing and Section 8 across the U.S.⁹ Housing Authority of the City of Los Angeles (HACLA), for example, has not opened its Section 8 waiting lists in nearly two years.¹⁰ The proposed rule would not alleviate the waitlist crisis, instead, it would compound the issue.

Additionally, supplementary costs are anticipated with the rule change. These costs include cleaning and repairing units for new families, court-related expenses due to evictions, and/or processing new applicants for assistance.¹¹

Conclusion

ABC urges HUD to recognize the intended rule is irresponsible, fiscally unsound, and counterproductive towards establishing long term housing solutions. The proposed rule would compound fear of accessing public services, separate families, and negatively impact local governments. For all the above reasons, we urge you to withdraw this harmful rule in its entirety. Thank you for your consideration of these comments.

Respectfully,



Vanessa Aramayo
Executive Director
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⁹ HUD, Ibid

¹⁰ Alicia Mazzara, "Housing Vouchers Work: Huge Demand, Insufficient Funding for Housing Vouchers Means Long Waits," Center on Budget and Policy Priorities, April 2017, <https://www.cbpp.org/blog/housing-vouchers-work-huge-demand-insufficient-funding-for-housing-vouchers-means-long-waits>.

¹¹ The Housing Authority of the City of Los Angeles (HACLA), Accessed July 2019, <https://affordablehousingonline.com/housing-authority/California/Housing-Authority-of-the-City-of-Los-Angeles/CA004>