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July 9, 2019

Office of General Counsel, Rules Docket Clerk
Department of Housing and Urban Development
Submitted via www.regulations.gov

Opposition to Proposed Rule FR-6124-P-01 (RIN 2501-AD89)

Dear Counsel:

Disability Rights California, the largest disability rights group in the nation, writes to voice our strong opposition to HUD's proposed 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).

DRC helps hundreds of Californians with disabilities to access public housing every year. In our experience, many mixed status American families are comprised of one or more children who have a recognized status and caregivers who do not have a recognized immigration status. Under existing rules, HUD already funds only the members with a recognized status. But under the proposed rule, such children would not be eligible for housing despite their recognized immigration status. The proposed rule puts children with disabilities from mixed status families at particular risk of harm. HUD should leave longstanding rules in place and withdraw the proposed rule in its entirety.

DRC is the protection and advocacy agency for California, established by federal law established to protect and advocate for the rights of all people with disabilities in our state. Last year we helped almost 25,000 people. Hundreds of thousands more were helped because of our litigation, policy work, trainings and publications.

DRC is addressing the California affordable, accessible housing crisis through a variety of means. We provide technical assistance to clients and their advocates. We provide direct legal services to obtain eligibility for a range of benefits and services that foster sustainable housing. We defend evictions that are based on our clients' disabilities. We engage in policy advocacy such as this letter. And when public and private entities refuse to follow the law, we litigate.

People with disabilities comprise a large percentage of the individuals served by HUD programs. People with disabilities often have fewer financial resources than nondisabled cohorts and remain among the country's poorest classes of people. And they all too often face discrimination when seeking jobs and housing. Termination of assistance under the proposed rule could put people with disabilities at heightened risk of homelessness.

DRC agrees that the current waitlist system for access to Public Housing Authorities is unworkable, leaving millions of Americans in the lurch. But HUD's own impact analysis concedes that fewer people will likely reach the end of the waitlist and receive housing under this rule. While we could endorse many proposed solutions to the waitlist problem, this rule is no such proposed solution. Thus, we oppose the rule strongly.

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 segregated facilities into the community, and putting many people with disabilities at risk of unnecessary institutionalization or homelessness.

A combination of current federal and state laws help low income people with disabilities remain in their homes and with their families. Inclusion of people with disabilities is mandated because our country historically forced many out of their homes and instead locked them in institutions. All people should be able to live in safe, accessible housing regardless of immigration status.

Community living makes sound economic sense for the nation. Study after study has proven the obvious: the forced institutionalization of people with disabilities is always drastically more expensive than providing appropriate support to allow them to live in their community. HUD's programs are a vital component to low-cost community living opportunities.

We urge HUD to immediately withdraw its current proposal, and dedicate its efforts to advancing policies that strengthen—rather than undermine—the ability of people with disabilities to support themselves and their families regardless of immigration status. 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.

Please contact me at ben.conway@disabilityrightsca.org for further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Conway", with a long horizontal flourish extending to the right.

Ben Conway
Litigation Counsel, Civil Rights Practice Group
Disability Rights California