



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 Sir/Madam:

On behalf of People Organized for Westside Renewal (POWER), I am writing to express our strong opposition to the Department of Housing and Urban Development's (HUD) proposed rule 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). The proposed rule, if adopted, would destabilize entire communities where we work, and exacerbate the housing and homelessness crisis in Los Angeles, while inflicting enormous financial and social costs on thousands of families in the neighborhoods where our organization works. We urge the rule to be withdrawn in its entirety.

POWER is a community-based organization in Los Angeles that has worked since 1999 to advance government and corporate policies that will improve the quality of life for lower-income people and families. We work directly with low-income community members to identify the issues that are negatively impacting the community that could be improved through changes to policy. We also train community leaders to use community organizing strategies in order to win those changes to public policy.

Our work focuses on creating and preserving affordable housing, reducing homelessness, improving public education, expanding economic opportunity and improving the environment. We work with several project-based Section 8 and public housing communities throughout Los Angeles, and work with many more families currently on public and subsidized housing waiting lists. In some communities, nearly half of our members are from mixed-immigration status households, and in some of the public housing communities where we work, up to one-third of the total community consists of mixed-status households. The proposed rule, if adopted, would put roughly 11,000 people throughout Los Angeles, including hundreds of our organization's members, at risk of homelessness. This would have the knock-on effect of imposing enormous costs on local

Housing Authorities. Our members are overwhelmingly opposed to this proposed rule and want to see it withdrawn in its entirety.

The current administration and HUD officials have claimed that the motivation for this proposal is to reduce Housing Authority waitlists and to prioritize scarce housing resources for “legitimate Americans.”¹ POWER believes that the proposed rule is part of the administration’s coordinated attack on immigrant families,² and is consistent with its previous attempts to reduce, not increase, housing assistance for low-income renters. The source of the housing crisis, in which only one-in-four income-eligible families receives any assistance from HUD, is due to decades of divestment by the Federal Government, which has starved HUD of the resources it would need to serve every eligible family. Various proposals from this administration, such as reducing the HUD budget (which the current President has proposed every year he has been in office) and eliminating the Public Housing Operating Fund in its entirety (proposed for the 2020 budget), show that the government’s concern over long waitlists is ultimately disingenuous. Immigrant families are being blamed for a housing crisis that this administration is actively trying to worsen, suggesting this policy is part of a broader program to deepen resentment towards immigrants and to inflict harm on immigrant families. Indeed, HUD’s own analysis of the proposed rule concludes that fewer, not more, families are likely to receive assistance as a result of the rule.³

The proposed rule will hurt thousands of individuals in Los Angeles, tens of thousands of individuals in California, and over 100,000 people nationwide, jeopardizing their access to self-sufficiency and better life outcomes.

In the City of Los Angeles, according to the Housing Authority of the City of Los Angeles (HACLA), at least 11,517 individuals would be put at risk of displacement and homelessness if this rule were adopted, including 6,546 individuals living in traditional public housing, 3,971 individuals in the Section 8 Housing Choice Voucher program, and over 1,000 individuals from project-based rental assistance projects administered by HACLA.⁴

In the County of Los Angeles, there are 792 more families who would be at risk of this displacement and homelessness from housing managed by the Los Angeles County Development Authority (LACDC), (formerly the Housing Authority of the County of Los Angeles and Community Development Commission) if this rule were adopted, including 88 families in public housing, 342 families from the County’s Housing Voucher Program, and 362 from the County’s Housing Assistance Program.⁵

¹Julia Limitone, *Ben Carson: Housing for legitimate American citizens a priority*, Fox Business (May 9, 2019), <https://www.foxbusiness.com/politics/ben-carson-housing-for-legitimate-american-citizens-a-priority>.

²See, 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), <https://www.nytimes.com/reuters/2019/05/03/us/politics/03reuters-usa-immigration-benefits-exclusive.html>.

³ HUD, Regulatory Impact Analysis, *Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980*, Docket No. FR-6124-P-01 (Apr. 15, 2019).

⁴ Letter from Douglas Guthrie, President & CEO of HACLA to Hon. Maxine Waters, *et al.*, May 13, 2019.

⁵ Sachi A. Hamai, Los Angeles County Chief Executive Office memo to Los Angeles County Board of Supervisors, *Motion to Oppose the Proposed Rule to Prohibit Undocumented Immigrants from Living in Federally Assisted Housing (Item No. 6, Agenda of May 14, 2019)*, May 10, 2019.

There are likely even more families and individuals in Los Angeles alone that would be impacted. Low-income families throughout Los Angeles County are assisted by over a dozen Public Housing Authorities. Housing authorities serving Long Beach, Pasadena, Inglewood, West Hollywood, and other parts of Los Angeles would also have significant numbers of impacted individuals and families, similar to HACLA and LACDC. Based on requests for service we have received from the public over the last several years, we know that mixed-status families reside in properties managed or administered by each housing authority listed. This data also does not include project-based Section 8 properties administered directly by HUD, such as the “Holiday Venice” or “Breezes del Mar” properties covered by various Housing Assistance Program contracts between HUD and New Venice Partners. These project-based Section 8 communities also have mixed-status families who would be at risk of displacement.

Throughout the State of California, no fewer than 9,320 families would be at immediate risk of displacement if this rule were adopted, according to the Center on Budget and Policy Priorities. Overall, there are 63,390 households receiving housing assistance in the state with at least one non-citizen.⁶ In our work with only a small segment of this group, we have had to devote significant time to explaining to the community what the proposed rule is, and what it is not. We believe, therefore, that even more families are at risk of displacement because they will choose to give up their housing subsidies in anticipation of the rule being adopted, even though they would not actually be at risk of displacement if this rule were adopted.

The proposed rule, if adopted, will put these families and individuals in the impossible and degrading position of having to choose between dividing their family, or being displaced and possibly becoming homeless. In some cases it may be possible for families to remove ineligible individuals from the household so that eligible family members can continue to receive housing assistance. Such family separations, even if temporary, can have enormous, long-term harmful impacts on the family. Most vulnerable in this situation are children, who are highly likely to struggle to develop a bond with their parents. This trauma would inevitably cause them to suffer negative mental and emotional health issues, and to struggle in their education for a very long time, possibly for life.⁷

In most cases, we agree with HUD that it is more likely that entire families will give up housing assistance in order to avoid separation. In its Regulatory Impact Analysis of the proposed rule, HUD said that it “expects that fear of the family being separated would lead to prompt evacuation by most mixed households, whether that fear is justified.”⁸ Therefore, this rule would effectively evict as many as 108,000 individuals in mixed-status families from public housing, Section 8, and other programs covered by the proposed rule, despite some 70% of these individuals actually being eligible for Housing Assistance.⁹

Having to move to a new home, especially when facing the threat of eviction, is a stressful event in any circumstance. It is even more stressful in an extremely expensive housing market like Los Angeles, where there are very few housing opportunities for lower-income people. The immediate amount of harm done in the short-term by this proposed rule should be enough to warrant its immediate withdrawal. However, the

⁶ Alicia Mazzara, *Demographic Data Highlight Potential Harm of New Trump Proposal to Restrict Housing Assistance*, July 1, 2019.

<https://www.cbpp.org/research/housing/demographic-data-highlight-potential-harm-of-new-trump-proposal-to-restrict-housing>

⁷ 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/>.

⁸ 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).

⁹ *Id.* at 8.

long-term impacts of displacement on thousands of families in our communities who will face reduced opportunities and increased health problems will compound this harm substantially.¹⁰

Studies have shown that unstable housing situations can cause individuals to experience increased hospital visits, relapse into addiction, and loss of employment. This kind of instability also increases the likelihood of mental health problems in children.¹¹ Having safe and stable housing is crucial to a person's good health, employment, and overall self-sufficiency. Housing instability has a profound effect on children. Research shows that this instability can impede a child's cognitive development, leading to poorer life outcomes as adults.¹² Housing instability is directly correlated to decreases in student retention rates and contributes to homeless students' high suspension rates, school turnover, truancy, and expulsions. This instability ultimately limits a child's opportunity to obtain the education they need to succeed later in life.¹³

The mixed-status families with whom we work directly have spoken to us about their fears of the impacts of this proposal. Many have told us that they cannot afford to move, and that they will very likely be homeless if this rule is adopted. Others have told us that displacement would mean relocating out of the county, or out of state. Many of these families have school-age children and fear what changing schools will do to their children's educational attainment. Many families have adult children pursuing higher education, who fear that they may not be able to complete their degrees if they are displaced. In nearly every case there is a family member who fears the loss of a job due to displacement and potential relocation or homelessness. The Los Angeles Daily News published a story featuring interviews with a number of our members articulating, in their own words, the various negative impacts they anticipate if this rule were adopted (attached).¹⁴

In the fall of 2011 POWER's members participated in a focus group as part of a Health Impact Assessment to evaluate the health impacts of the proposed Rental Assistance Demonstration (RAD). That study found that there are dramatic, negative impacts from displacing public housing residents from their communities, such as "decreasing social cohesion/social networks", or "exacerbating already poor health outcomes, such as increasing stress."¹⁵ That study involved interviewing some individuals who are still active members of POWER, and focused on the communities that would be directly affected by this proposed rule. We have no

¹⁰ 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>.

¹¹ 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>.

¹² 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>.

¹³ 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).

¹⁴ Elizabeth Chou, *Residents of Pacoima's San Fernando Gardens face eviction under proposed HUD rule*. Los Angeles Daily News, July 2, 2019, updated July 3, 2019, <https://www.dailynews.com/2019/07/02/residents-of-pacoimas-san-fernando-gardens-face-eviction-under-proposed-hud-rule/>

¹⁵ Human Impact Partners, Advancement Project, and National People's Action. *The Rental Assistance Demonstration (RAD) Project: A Health Impact Assessment*. February 2012. Executive Summary, p. 6.

reason to believe that the health impacts of displacement from public housing would be any less severe on families today than they would have been seven years ago.

The proposed rule will hurt children most.

Many of the mixed-status families that we work with are households where those who are entitled to receive housing assistance from HUD are not legally able to sign a lease on behalf of their family due to their age or some other factor. HUD's statistics show that 70% of mixed-status families are composed of eligible children and ineligible parents, which is consistent with the composition of the communities and households we work with in Los Angeles. There are over 38,000 U.S. citizen and otherwise eligible children in these families, and over 55,000 eligible children in mixed-status families overall.¹⁶ Families in this situation will have no option other than to give up rental assistance and face the prospect of homelessness. We anticipate that, in addition to the serious mental and emotional health impacts faced by these children and their families, implementing this proposed rule would have ripple effects that are felt throughout the broader community.

In Los Angeles, most of these children are enrolled in public and charter schools that depend on their attendance to receive their funding. If neighborhood schools experience a sharp, punctuated drop in enrollment, even for a short time, it can be destabilizing to local public and charter schools. With dramatic losses in per-pupil funding, English-learner funding, and Title I funding, we would expect to see dramatic budget cuts that could lead to teacher lay-offs, increased classroom sizes, and reductions in services at impacted schools. In the past we have seen exactly these types of impacts on neighborhood schools when large affordable housing sites were redeveloped or demolished and large numbers of low-income families were displaced from the community all at the same time—even in cases where low-income families eventually returned after new affordable housing was constructed.

If this rule were adopted, these types of impacts would be inevitable at the local schools serving the neighborhoods where we work. HACLA has said that roughly 30% of the families living in traditional public housing in Los Angeles are mixed-status families. Pacoima Charter School (total enrollment 1,350) is immediately adjacent to the San Fernando Gardens public housing community, which consists of 448 households. Many of the mixed-status families we work with in San Fernando Gardens have one or more children enrolled in Pacoima Charter School. The displacement of roughly 135 families from the community would impact the school considerably. Similarly, Braddock Elementary School (enrollment 387) in the Del Rey neighborhood of Los Angeles sits immediately adjacent to the Mar Vista Gardens public housing community, which consists of 601 households. Displacing 180 families from the neighborhood would have devastating impacts on such a small school. These are only two examples of the dozens of public schools that serve large public housing communities in Los Angeles, all of which could face dramatic, destabilizing impacts that would hurt all of their students and faculty, not only those children from mixed-status families that are displaced.

The rule will exacerbate the homelessness crisis in Los Angeles.

Immigrant families live in disproportionately high-cost housing areas, and Los Angeles would be one of the most deeply-impacted areas in the country. HUD has failed to consider this in proposing this rule. Immigrants

¹⁶ See 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 6-8 (Apr. 15, 2019) (73% of eligible family members are children and there are a total of 76,141 eligible individuals in the covered programs, for a total of 55,582 eligible children; 70% of households are composed of eligible children with ineligible parents, for a total of 38,907 eligible children in households with ineligible parents).

and their families face additional barriers in finding affordable housing,¹⁷ and compared to U.S. citizens, immigrant families are more likely to have higher housing costs.¹⁸

Los Angeles is one of the least affordable housing markets in the country¹⁹ and is already in the midst of a deepening homelessness crisis. In the most recent homeless count, homelessness increased by 16% in the City of Los Angeles.²⁰ We have asked our members what they would do if this rule were adopted. The majority of them said that they do not know, but that they do not have anywhere else to go and cannot afford an apartment in the private market. Based on these discussions, we believe that a majority of the 11,000 people in Los Angeles facing displacement if this rule is adopted would become homeless. The next most-likely outcome would be families overcrowding in substandard conditions while becoming more rent-burdened. Only a few of our members had concrete plans about where they could live if they were displaced from their public housing units, and many of them believed that they would remain in Los Angeles, even if they were homeless, rather than relocating to another area.

On November 8, 2016, over 900,000 voters in the City of Los Angeles approved a \$1.2 billion bond measure, Measure HHH, which passed with 77% of the vote. This bond was approved to help create affordable housing for people currently experiencing homelessness, and people at severe risk of homelessness. In March 2017, 69% of Los Angeles County voters approved a 10-year .25% sales tax to help fund homeless services and prevention. As Los Angeles finally begins to make concrete progress, allocating billions of dollars toward ending homelessness, this proposed rule would set us back and increase the number of people experiencing homelessness in our community.

The proposed rule would not only displace people currently receiving housing assistance through HUD, but would bar mixed-status families from seeking assistance in the future. In 2017, POWER members worked with the Housing Authority of the City of Los Angeles to help low-income families sign up for the Section 8 Housing Choice Voucher lottery, which had been opened for the first time in over a decade. During a two-week period, 187,804 applications were received, representing 457,642 total household members.²¹ From those lottery applications, HACLA selected 20,000 families to gain a spot on the Section 8 Housing Choice Voucher waiting list. Based on applicants we assisted directly, we know some proportion of those families who applied are mixed-status families.

Given that 187,804 families applied for 20,000 spots on a waiting list that will probably not reopen for another decade, implementing this rule will have a negligible impact on reducing Los Angeles' rental assistance waiting list backlog. Meanwhile, purging mixed-status families from those waiting lists will only increase the stress on other programs aimed at reducing and preventing homelessness while increasing the administrative burden on the Housing Authority.

¹⁷ See ROBERT WOOD JOHNSON FOUND., *LIVING IN AMERICA* (Katherine E. Garrett ed., 2006),

<https://www.rwjf.org/en/library/research/2006/08/living-in-america.html>.

¹⁸ Eileen Diza McConnell, *Who Has Housing Affordability Problems? Disparities in Housing Cost Burden by Race, Nativity and Legal Status in Los Angeles*, 5 RACE & SOCIAL PROBLEMS 173, 178 (2013), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3784340/pdf/nihms440365.pdf>.

¹⁹ ANDREW AURAND ET AL., NAT'L LOW INCOME HOUSING COALITION, *OUT OF REACH: THE HIGH COST OF HOUSING* 14 (2018), https://nlihc.org/sites/default/files/oor/QOR_2018.pdf.

²⁰ Los Angeles Homeless Services Authority. *2019 Greater Los Angeles Homeless County - City of Los Angeles*. <https://www.lahsa.org/documents?id=3421-2019-greater-los-angeles-homeless-count-city-of-los-angeles.pdf>

²¹ Housing Authority of the City of Los Angeles, *Newsletter*. October 31, 2017. <http://home.hacla.org/news/ArticleID/132/HACLAs-Section>

The City of Los Angeles has over 36,000 people currently experiencing homelessness,²² at least 62% of renters spend over 30% of their income toward rent and 77.8% of the lowest-income families spend over 50% of their income toward rent,²³ and at least 190,000 families live in overcrowded housing.²⁴ In this environment, securing housing for a family who is experiencing homelessness or at risk of homelessness often means that family, often with the help of a caseworker, matching with any opportunity available to find an affordable, healthy, secure apartment to rent. Depriving a subset of families in need of any opportunity to secure federally-assisted housing, while adding up to 11,000 people to the caseload of those at risk of homelessness, is contrary both to HUD's mission and the will of the voters of Los Angeles.

Finally, HUD did not study the environmental impacts that increasing homelessness would have on the Los Angeles community, nor on any other community, when considering this rule. Los Angeles has more than 9,200 people experiencing homelessness unsheltered. We have encampments in greenbelts and other sensitive areas, and encampments across the city lack adequate sanitation services.

The proposed rule does not take into account the unique hardships and costs faced by immigrants in the Los Angeles housing market, nor how the rule could exacerbate our housing and homelessness crisis. It does not consider the impact that homelessness has on the broader Los Angeles community and environment. The rule should be withdrawn until HUD completes an in-depth study of these issues.

The Proposed Rule Will Reduce the Quality and Quantity of Federally-Assisted Units While Placing An Additional Burden on Local Public Housing Authorities

Our organization works in partnership with community leaders and government agencies to help preserve and create affordable housing opportunities and to reduce homelessness in Los Angeles. In addition to state and local government agencies, we rely on local Public Housing Authorities as key partners in implementing successful strategies to address the issues of housing affordability and homelessness. The proposed rule will be detrimental to our work, as it will place increased administrative burdens on Public Housing Authorities, giving them fewer resources to work with communities to end homelessness. It would also reduce the Authorities' ability to provide rental assistance to needy families. HUD itself says that 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 members who are all eligible, this transition would cost HUD up to \$437 million annually.²⁵

To pay for these costs, HUD says:

the 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

²² Los Angeles Homeless Services Authority. *2019 Greater Los Angeles Homeless County - City of Los Angeles*.

<https://www.lahsa.org/documents?id=3421-2019-greater-los-angeles-homeless-count-city-of-los-angeles.pdf>

²³ USC, *Rising Rent Burden in Los Angeles*. <https://usc.data.socrata.com/stories/s/Rising-Rent-Burden-in-Los-Angeles/4wjy-s7d9/>

²⁴ Los Angeles Department of City Planning, *Housing Needs Assessment*. 2010.

<https://planning.lacity.org/HousingInitiatives/HousingElement/Text/Ch1.pdf>

²⁵ 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 11 (Apr. 15, 2019).

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...²⁶

These figures do not account for the entire costs to local Public Housing Authorities. Despite the clear end-result of displacement, HUD must consider how an agency like HACLA will implement such a rule in practice. In addition to reviewing every household it currently assists more intensively, HUD must consider what HACLA would do once all of its mixed-status families have been identified.

Of the thousands of mixed-status families currently living in public housing in Los Angeles, per California law, HALCA would have to issue an eviction notice to each and every household who is no longer eligible to receive assistance under the new rule. Should any of these families remain in the unit beyond the expiration of the notice, HACLA's only option would be to issue Unlawful Detainer notices to those families, and to pursue that Unlawful Detainer in court if the family contests it. For an agency that only issues a handful of evictions per development per year (fewer than 3% of all public housing units in LA receive an Unlawful Detainer notice in any given year, based on data provided to us by HACLA), the prospect of issuing Unlawful Detainer notices to potentially thousands of families in a given year, up to a third of all public housing units, and pursuing even a fraction of those in court, would place an enormous strain on the resources of the Housing Authority.

The administrative burden on Public Housing Authorities would likely continue long into the future, particularly because of the inherent complexity of immigration issues. As an organization that works directly with mixed-status families in public housing in Los Angeles, we know first-hand that immigration issues are much more complex than they appear on the surface. We work with many families who are now mixed-status, but once were not, as well as many more who were once mixed-status, but no longer are.

We do not have Los Angeles data available, but in the state of California there are 9,320 mixed-status families currently. However, there are 63,390 families with one or more non-citizen.²⁷ Given the nature of the immigration system in place in the United States today, it is likely that every year some proportion of current residents could become mixed-status, even if they are not today. In many cases, these lapses in residency status are due to bureaucratic backlogs or small errors in paperwork. They can often be corrected, even if this tends to take some time.

The amount of time it might take to correct or update paperwork in order to regain legal residency status can be long, but it would take far longer to recover access to public or subsidized housing once it is lost. As HUD well knows, waitlists are extremely long, and are not even open in many places. It is counter-productive to displace a family that is currently receiving rental assistance, which might have permanent negative impacts on the family, simply because of a temporary paperwork issue affecting only one family member.

Monitoring and enforcing this rule over time would continue to be a complex and costly burden placed on Public Housing Authorities like HACLA for many years to come. HACLA, like all Public Housing Authorities, is dealing with a huge capital funds deficit, as well as a massive local housing crisis; increasing the monitoring and enforcement burden on the agency without any legitimate purpose will only further reduce housing assistance availability for the community. The proposed rule should be withdrawn until HUD can study these complete costs to Public Housing Authorities and justify those costs toward any legitimate purpose.

²⁶ 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 3 (Apr. 15, 2019) (emphasis added).

²⁷ Alicia Mazzara, *Demographic Data Highlight Potential Harm of New Trump Proposal to Restrict Housing Assistance*, July 1, 2019, <https://www.cbpp.org/research/housing/demographic-data-highlight-potential-harm-of-new-trump-proposal-to-restrict-housing>

The Proposed Rule's Comment Period and Process Was Insufficient

POWER is part of a small group of organizations that work on issues impacting mixed-status families in HUD housing by working directly with those families. The population that would be most directly-impacted by the proposed rule are marginalized in many ways: they are immigrants, low-income renters, recipients of federal housing assistance, and in almost every case they are members of one or more protected classes. In other words, those families who would be displaced if the proposed rule is adopted are also those families with the fewest resources available to help them meaningfully participate in the rule-making process.

As demonstrated by the many examples above it is clear that HUD did not adequately study the potential impacts of this proposed rule. It is unreasonable to ask the public to carry out, in sixty days, the work that HUD should have completed comprehensively in the first place.

The rule-making process also violated Title VI of the Civil Rights Act of 1964. HUD did not provide the proposed rule in any language other than English, despite the fact that many of those directly-impacted families are also Limited English Proficiency (LEP) families. We had to translate the rule ourselves, and produce accompanying materials in languages other than English, before we could begin our community outreach process. HUD's practice of not accepting comments that are not in English added another barrier to participation faced by LEP families.

Conclusion: HUD Should Withdraw the Proposed Rule

HUD's proposed rule changes regarding "verification of eligible status" should be withdrawn immediately. The rule does not serve any legitimate purpose, is bad public policy, and is detrimental to HUD's mission overall.

The proposed rule would have numerous negative impacts on both those families facing separation or displacement as a result of its implementation, as well as the overall community. Health and educational outcomes would be demonstrably worse for these families, and they would be less-able to achieve economic self-sufficiency.

Los Angeles is already facing a housing and homelessness crisis, and the proposed rule would make it worse by reducing opportunities to secure housing for families currently experiencing homelessness. The rule would also add 11,000 additional individuals to the caseload of an already overloaded system.

Los Angeles' public housing communities have many mixed-status families, and displacing as many as 30% of those communities' members in a short period of time would have hugely destabilizing impacts on local schools, businesses, faith communities, and on the overall social cohesion and social networks of those communities.

It is entirely inappropriate to pursue an immigration policy agenda through a housing rule-making process, and yet that is what it appears that HUD is trying to do in this instance, on behalf of the Trump administration. HUD should withdraw this rule, which by its own internal analysis does not achieve its stated aims of addressing the housing waitlist backlog.

Thank you for the opportunity to submit comments on the proposed rulemaking. Please do not hesitate to contact me if you have any further questions.

Sincerely,

A handwritten signature in black ink that reads "Bill Przylucki". The signature is written in a cursive style with a large initial "B".

Bill Przylucki, Executive Director

(310) 439-8564

bill@power-la.org

Enc.



HOUSING AUTHORITY OF THE CITY OF LOS ANGELES

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

2600 Wilshire Boulevard • Los Angeles, California 90057 • (213) 252-2500
TTY (213) 252-5313

May 13, 2019

**PRESIDENT AND CEO
DOUGLAS GUTHRIE**

TRANSMITTED VIA EMAIL

The Honorable Congresswoman Maxine Waters
2221 Rayburn House Office Building
Washington, DC 20515

The Honorable Congresswoman Lucille Roybal-Allard
2083 Rayburn House Office Building
Washington, DC 20515

The Honorable Congresswoman Karen Bass
2059 Rayburn House Office Building Washington,
DC 20515

The Honorable Congressman Tony Cardenas
2438 Rayburn House Office Building
Washington, DC 20515

The Honorable Congresswoman Nanette Diaz Barragan
1030 Longworth House Office Building
Washington, DC 20515

The Honorable Senator Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

The Honorable Congressman Jimmy Gomez
1530 Longworth House Office Building
Washington, DC 20515

The Honorable Senator Kamala D. Harris
112 Hart Senate Office Building
Washington, DC 20510

Dear Congressmembers/Senators:

I am writing to request that the proposed rule to U.S. Department of Housing and Urban Development's ("HUD") regulations implementing section 214 of the Housing and Community Development Act of 1980 be withdrawn. The proposed rule requires verification of the eligible immigration status of all recipients of assistance below the age of 62 who are under a covered program. The proposed rule also specifies that individuals who are not in eligible immigration status may not serve as the leaseholder, even as part of a mixed family whose assistance is prorated based on the percentage of members with eligible status. Third, a household would not receive housing assistance unless every member of the housing unit has eligible immigration status. These proposed rule changes to our public housing and Section 8 programs pose a devastating threat to the housing status of our most vulnerable residents and their families.

In conventional public housing, 6,546 household members or 31 percent of all residents of public housing in the City of Los Angeles live in mixed status households and face the strong likelihood of losing their housing. In our Section 8 Housing Choice Voucher program 3,971 household members face the same probability. Another 1,000 plus residents in project based rental assistance developments in Los Angeles administered by HACLA are also impacted. The net effect of the proposed rule, then, is to throw over 11,000 of our neediest residents out of their homes and, more than likely, onto the street. The vast majority of these residents are children who are US citizens living in a household with at least one adult that is not documented. All of these households have been abiding by current HUD rules that have been in effect for twenty five years.

This proposed rule not only creates profound difficulties for those individuals and families directly affected but also for HACLA as an affordable housing provider.

These difficulties are many and varied but I will cite the three most obvious. First, the rule changes impose huge adverse financial consequences for HACLA's public housing sites where nearly one third of all public housing occupants would be at risk of potential eviction. The cost of lost rent, tenant turnover, likely evictions that would be challenged in court, and rehabilitation of units to prepare for new residents would be millions of dollars in added costs that would not be funded. Second, it promises the severe dislocation of entire communities as well as exacerbating the already chronic homeless situation in the City of Los Angeles. And third, it significantly increases our administrative costs by requiring HACLA and private property owners to collect additional documents verifying the citizenship of assisted residents.

HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. Yet, the proposed rule changes run directly counter to this mission by inflicting fear, stress and harm on our most vulnerable populations. These proposed rule changes are unnecessary, untimely and mean spirited. Accordingly, HACLA unreservedly rejects the changes in the proposed rule and urges HUD to withdraw them from consideration.

Sincerely,



Douglas Guthrie
President and CEO

Cc: Honorable Eric Garcetti, Mayor
Honorable Herb Wesson, President City Council
Honorable Councilmember Mike Bonin
Honorable Councilmember Jose Huizar
Honorable Councilmember Joe Buscaino
Honorable Councilmember Curren D. Price, Jr.
Honorable Councilmember Gilbert Cedillo
Honorable Councilmember Monica Rodriguez
Honorable Supervisor Janice Hahn
Honorable Supervisor Mark Ridley-Thomas
HACLA Commissioner Ben Besley

LOCAL NEWS

Residents of Pacoima's San Fernando Gardens face eviction under proposed HUD rule

With President Trump's threatened immigration raids and new proposed rules on legal status, residents at LA's public housing projects are on edge. All this in a city already grappling with an affordable housing crisis.



5 Questions to Ask Your Digital Advertising Agency

Get the insights

adtaxi

housing. The policy change could result in the evictions of 11,000 in Los Angeles County. (Photo by Sarah Reingewirtz, Pasadena Star-News/SCNG)

By **ELIZABETH CHOU** | echou@scng.com | Daily News

PUBLISHED: July 2, 2019 at 6:00 am | UPDATED: July 3, 2019 at 7:17 am

As her children gather around their dinner table, Josefina ladles out platefuls of one of their family's favorite snacks — hot dogs strung through with spaghetti noodles.

The mother of six said she learned to make the unusual dish through watching a video on YouTube. It takes a quick moment to figure out that she had poked several sticks of uncooked spaghetti into the hot dog segments before tossing them into boiling water.

ADVERTISING



The dish satisfies as a mid-afternoon meal for her children, the youngest of whom is a 1-year-old engrossed in a cartoon on a smartphone. The others are eating intently and quietly, after spending the earlier part of their summer day chasing around their noisy, white and black kitten, and taking turns pushing each other about on a cart outside their five-bedroom apartment.



The family's living room walls are festooned in school craft projects, trophies and medals. In one corner, a Christmas lights display designed by the father, Mateo, hangs from the ceiling. Josefina said her children are doing well in school, and she has a dream "for every child she has."

"For the older one, I want him to be successful and one day get a good job," she said of her 15-year-old son.

It feels like a typical day, but there are many worries weighing on Josefina and her husband's minds about whether their efforts to help their children lead a normal life could come to an end.

While their children are U.S. citizens, the parents are in the country illegally. Mateo is from Guatemala. He said he crossed the borders of two countries, and walked by foot into Arizona's deserts to get to the United States. Josefina was 17 when she and her siblings made their way into the U.S from Mexico, by crossing over a mountain, also by way of the U.S. border at Arizona.

"In our country there is not enough food, jobs," Josefina said of the reason she came to the U.S. "(The fact that) we could come to this country, is like a blessing."

Mateo works the night shift as part of the sanitation department at a food company that makes sandwiches and other ready-made meals, to earn enough to pay the rent for their five-bedroom apartment at San Fernando Gardens, a public housing complex in Pacoima managed by a city agency. Josefina said she does her part by volunteering hundreds of hours a year at her children's school. The parents do not receive federal assistance, but are able to afford the apartment because their children are eligible for the the funding.

In recent weeks, President Donald Trump has threatened raids by the Immigration and Customs Enforcement agency and news blared on television of more young children being held in substandard living conditions at immigration detention facilities.

But the nerves of many residents at the Pacoima public housing complex, like Josefina and Mateo, have been on edge for an additional reason.

More than 100,000 people across the country, including an estimated 55,000 children who are legal residents and citizens, could be evicted due to the immigration status of some members of their households, under rules proposed in April and published in the federal registry in May by the U.S. Department of



About a quarter of the more than 400 families living at San Fernando Gardens face the possibility of being booted from their apartments and becoming homeless, if the rules were to be adopted. Josefina and Mateo's family is one of them.

In Los Angeles, more than 900 families, many of them with children who are U.S. citizens or who have legal immigration status, could be forced out from apartments overseen or issued Section 8 vouchers, according to the Housing Authority of the City of Los Angeles, the housing agency that operates San Fernando Gardens and 13 other public housing sites in the city.

The average household income is \$24,424 annually at the public housing that HACLA oversees, compared to the citywide average of \$54,501 a year, according to demographic data from the housing agency.

U.S. Housing and Urban Development Secretary Ben Carson defended the proposed rule in May against accusations that it was "cruel," saying that the goal is to prioritize U.S. citizens who are on years-long waiting lists.

Douglas Guthrie, the director of HACLA, said that the majority of those affected would be children, many of them U.S. citizens, a point that was made by U.S. HUD officials themselves.

The families that would be affected "have played by the rules," Guthrie said. "There's not one dollar of federal funding that is supporting an undocumented resident."

Those families also pay higher rents than those in which all members of the family are citizens or legal residents, and are eligible for aid as a result, he said.

"This is intentionally targeting the immigrant community in the most mean-spirited way possible," he said.

Guthrie said that agencies have allowed families, in which the members have "mixed" immigration status, to live in public housing. The rule dates back to 1994 and refers to a statute from the early 1980s, he said.

RELATED STORY: [After losing job, missing LADWP payment, she's being evicted from San Fernando Gardens public housing](#)

The idea that thousands of people could be pushed out of their homes in Los Angeles alone, due to the proposed rule, is almost unthinkable for public housing officials and city leaders already grappling with how to house the more than 36,600



Guthrie joined other advocates and six Los Angeles City Council members who took an official stance opposing the rule last week outside City Hall. They urged members of the general public to submit comments to the federal government. They hoped to garner enough comments via the website <https://www.keep-families-together.org/> to persuade HUD to drop the proposed policy.

But even amid the effort to defeat the policy, residents of the San Fernando Gardens public housing, such as Nora, are worried that any discussion about their potential eviction could scare their children and put them under unnecessary stress.

Her eldest “is listening to everything that is happening,” Nora said.

If her family were to be evicted from their three-bedroom apartment, they could become homeless, and it would not be for the first time. But Nora said she is putting on a brave face.

“I want to demonstrate to my children that I am not worried, or they will get worried too,” she said.

Nora and her husband moved out of her mother's place five years ago after their family had gotten larger. But they could not find an apartment they could afford. For about a year they slept in their car, or crashed at the home of any friend who would take them in, until they were finally accepted for an apartment at San Fernando Gardens.

When Nora looks around the housing complex, she said she sees many children running around. She suspects many more families “are going to go through the same thing,” she said.

In addition to the threat of eviction, some of the families at San Fernando Gardens said their lives have been affected by Trump's announcements that ICE raids would occur in several cities, including Los Angeles.

Sundays are usually when the family goes out for a walk or to get something to eat, said one resident, Mirna, but they stayed indoors a couple weekends ago, when a raid had been scheduled, but then called off.

Those types of incidents rattle their family, as do loud knocks on their door. Usually it is only the mail man, but her children fear that she would leave them, Mirna said.

While Carson has said that priority needs to be given to U.S. citizens, Mirna said



Her husband does piecework sewing, and as a family they collect cans and bottles for additional change to pay for their \$900 rent. At one time, she was cleaning bathrooms, Mirna said.

“As immigrants we do every job, because we have a need,” she said.

But even faced with eviction, some families said that they did not wish for their children to have to leave their schooling to help with rent and household expenses. Mirna said that one of her older sons has already volunteered to help bring in money, but she told him no.

Imelda, another resident, said she told her children the same.

“The older one wants to work so she can help, but I don’t want them to stop going to school,” she said. “When they start working they don’t want to keep going to school. Once they start getting money, they don’t want to go to school anymore.”

“They will have a better lifestyle, if they can keep going,” she said.

But some of the younger residents said they will not have much of a choice but to interrupt their education, in order to help their family pay rent at an apartment outside of public housing.

Leticia Duarte, 22, said that if her family were to be evicted, she would need to go to work full-time, instead of pursuing a sociology degree at Mission College. Others in her family have educational goals as well, including her brother, 16-year-old Nicolas, who said he has plans to study engineering.

Their family of nine people moved to San Fernando Gardens from a two-bedroom apartment in Panorama City, Duarte said.

“It was very crowded, and it didn’t bother us at the time,” she said. “But coming here, having five bedrooms, you notice the difference. Everybody has their own space.”

Duarte said that she feels lucky to be an American citizen, taking for granted opportunities that her parents lacked in their home country.

“I can’t say I’ve suffered like my parents,” she said. “We don’t know what they went through. I think here, we’ve had everything we’ve needed. We go to school for free. Over there, they didn’t. They had to stop going to school at 16.”



Enter your email to subscribe

SUBSCRIBE

Tags: **Donald Trump, immigration, poverty, Top Stories LADN**

Elizabeth Chou

Elizabeth Chou has reported on Los Angeles City Hall government and politics since 2013, first with City News Service, and now the Los Angeles Daily News since the end of 2016. She grew up in the Los Angeles area, and formerly a San Gabriel Valley girl. She now resides in the other Valley, and is enjoying exploring her new San Fernando environs. She previously worked at Eastern Group Publications, covering Montebello, Monterey Park, City of Commerce, and Vernon.

[Follow Elizabeth Chou @reporterliz](#)



SPONSORED CONTENT

Inhuman Pregnancy Stuns Science World [↗](#)

By Upbeat News

upbeat

Woman with giant belly stunned the doctors when they realize what's really going on with her.

VIEW COMMENTS

Join the Conversation



libelous, defamatory, obscene, vulgar, pornographic, profane, indecent or otherwise objectionable to us, and to disclose any information necessary to satisfy the law, regulation, or government request. We might permanently block any user who abuses these conditions.

If you see comments that you find offensive, please use the “Flag as Inappropriate” feature by hovering over the right side of the post, and pulling down on the arrow that appears. Or, contact our editors by emailing moderator@scng.com.

