



July 9, 2019

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Andrew Hughes  
Chief of Staff  
Office of the Secretary  
U.S. Department of Housing and Urban Development  
451 Seventh Street, SW  
Washington, DC 20410

Re: HUD Docket No. HUD-2019-0044, RIN 2501-AD89, Comments in Response to Proposed Rulemaking: Housing and Community Development Act of 1980: Verification of Eligible Status

Dear Sir:

I am writing on behalf of East Bay Housing Organizations (EBHO) in response to the Department of Housing and Urban Development's (HUD) notice of proposed rulemaking to express our strong opposition to the proposed changes regarding "mixed status" families, published in the Federal Register on May 10, 2019 (Docket No. HUD-2019-0044, RIN 2501-AD89). The proposed rule would significantly change the eligibility requirements for federal housing assistance based on immigration status. The proposed changes to the eligibility of mixed immigration status families to receive even prorated assistance through federal housing programs such as Public Housing, Project-Based Section 8 Rental Assistance and the Section 8 Voucher Program, and imposing new verification and documentation requirements, will adversely affect the housing stability of millions of immigrant families across the country. By HUD's own estimates, the rule, if finalized, would result in the loss of housing assistance for more than 100,000 eligible individuals, including 55,000 U.S. citizen and eligible immigrant children worsening homelessness and poverty.<sup>1</sup> In California, an estimated 436,340 households receive housing assistance from programs covered by the proposed rule, and would be affected either by the increased documentation requirements to prove eligibility for assistance, or the prohibition in the proposed rule for "mixed status families" to receive even prorated housing assistance.<sup>2</sup> This will be horrible for the families directly affected, but it will also have cascading effects for larger communities including housing providers, health and social service agencies and local governments. While HUD claims that this rule change will decrease the wait times for housing assistance, HUD's own analysis shows the opposite. Providing assistance to households where every member is eligible will be more costly than current practice, requiring at least \$193 million more every year in housing assistance from Congress. In the likely event that this additional funding is not forthcoming, this rule change will result in fewer eligible families receiving assistance, not more.<sup>3</sup> **We urge the rule to be withdrawn in its entirety, and that long-standing eligibility policies for HUD programs continue to remain in effect.**

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<sup>1</sup> Department of Housing and Urban Development, "Regulatory Impact Analysis: Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980," April 15, 2019, <https://nlihc.org/sites/default/files/2019-05/Noncitizen-RIA-Final-April-15-2019.pdf>, p.7.

<sup>2</sup> Center on Budget and Policy Priorities Analysis of 2017 HUD Administrative Data.

<sup>3</sup> Department of Housing and Urban Development, "Regulatory Impact Analysis: Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980," April 15, 2019, p.13.



EBHO is a member-driven organization working to create, preserve and protect affordable housing opportunities for low-income communities in the East Bay by advocating, organizing, educating and building coalitions. Through our programs of local policy advocacy, resident and community organizing and building cross-sector coalitions to advance sustainable neighborhoods and housing opportunities for all, we work with neighborhood residents, faith communities, affordable housing developers, service providers and financial institutions. For 35 years, we have worked to provide affordable homes and combat homelessness. However, in the high cost Bay Area, the need for affordable homes and housing assistance remains high. In Alameda County, the lowest income renters without housing assistance spend 55% of their income on rent, a severe burden that leaves little left for other essentials like food and medicine.<sup>4</sup> Further, Alameda County needs 52,591 more affordable rental homes to meet current demand, a demand that is only expected to rise. In Contra Costa County, the situation is similar. There the lowest income renters need to spend 58% of their income on rent and the County needs 32,189 more affordable homes to meet current demand.<sup>5</sup> **Implementing the mixed status family rule will increase poverty and homelessness as families decide to forgo shelter assistance or break up their families by kicking out a family member without status or are forcibly evicted from their homes. The rule will also negatively impact those waiting for housing assistance, as this policy will be more expensive than current policy and result in fewer families receiving assistance.**

**Human needs do not change based on immigration status. The proposed rule is impractical, dangerous and will result in millions of hardworking families forgoing the critical life sustaining benefits of stable shelter provided by the housing assistance programs covered under the proposed rule. Many of these families and individuals will remain eligible for assistance, including, HUD estimates, 55,000 U.S. citizen children,** but they will be unable to meet the increased documentation requirements of the proposed rule in a timely way, or they will succumb to the chilling effect of fear produced by the rule. We 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. The real issue is the lack of sufficient funding to ensure that every family, regardless of immigration status, has access to one of the most basic of human rights- a safe place to call home.

### **The proposed rule will place millions of families at risk of homelessness and harm the U.S. economy**

In depth statistical analysis shows that low-income immigrants and their families make important contributions to the U.S. economy, and that overall, immigration into the United States is a long-term fiscal net positive.<sup>6</sup> The proposed rule will cut into these economic gains by increasing housing instability- essential immigrant workers, particularly those in areas with high rents, rely on stable housing in order to maintain their employment, contribute to local economies, and help their communities thrive. The proposed

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<sup>4</sup> California Housing Partnership Corporation, "Alameda County's Housing Emergency Update", (May, 2019), <https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2019/05/Alameda-HNR-2019-Final.pdf>

<sup>5</sup> California Housing Partnership Corporation, "Contra Costa County's Housing Emergency Update", (May, 2019), <https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2019/05/Contra-Costa-HNR-2019-Final.pdf>

<sup>6</sup> See PANEL ON ECON. & FISCAL CONSEQUENCES OF IMMIGRATION, THE ECONOMIC AND FISCAL CONSEQUENCES OF IMMIGRATION (Francine D. Blau & Christopher Mackie, eds., 2017), <https://www.nap.edu/catalog/23550/the-economic-and-fiscal-consequences-of-immigration>.



rule does not adequately consider these issues, and HUD should study the extended impact the rule will have on the U.S. economy before publishing its final rule.

The rule will impede access to critical housing benefits for thousands of immigrant families, and will create a chilling effect that puts millions of immigrants at risk of homelessness. EBHO stands united with our members and partners against the “mixed family status” rule because it will force immigrants and their families to forgo needed housing assistance. The proposed rule will create a chilling effect- making eligible families afraid to access vital housing programs. Among the most harmed by the proposed rule are children, including a HUD estimated 55,000 U.S. citizen children who would lose the housing access and stability that they and their families rely on, despite remaining eligible under law for such assistance.

Consequences of the rule such as increased housing instability are not cost-free, but instead impose significant financial burdens on communities and the larger society. For example, as the Urban Institute found in a comprehensive literature review in 2013, children who have experienced residential instability have damaged development that often persists throughout life, including higher high school dropout rates and overall lower adult educational attainment, affecting job prospects, earning potential and the overall economy. These societal, economic costs are not accounted for, and must be considered by HUD before a final rule is published.

### **Housing stability is critical to getting families on a pathway to self-sufficiency and leads to better life outcomes**

The proposed rule threatens to undermine the overall well-being of low and moderate income immigrants and their families. The proposed rule will steer many immigrants away from applying for critical housing assistance, and those already participating in these programs will often feel compelled to give up the lifeline assistance that keeps their families one step away from homelessness. Immigrant families, forced with the threat of separation, will be forced from housing assistance programs under the proposed “mixed family status” rule, causing increased rates of homelessness and unstable housing among an already vulnerable population.<sup>7</sup>

This outcome will not only hurt families while they struggle to find housing in the short term, but will lead to decreased opportunities and increased health problems for these families in the long term.<sup>8</sup> Studies have shown that unstable housing situations can cause individuals to experience increased hospital visits, loss of employment and mental health problems.<sup>9</sup> Having safe and stable housing is crucial to a person’s good

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<sup>7</sup> PRATT CTR. FOR CMTY. DEV., CONFRONTING THE HOUSING SQUEEZE: CHALLENGES FACING IMMIGRANT TENANTS, AND WHAT NEW YORK CAN DO (2018), <https://prattcenter.net/research/confronting-housing-squeeze-challenges-facing-immigrant-tenants-and-what-new-york-can-do>.

<sup>8</sup> 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/e/20172199>.

<sup>9</sup> 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 U.S.: Costs and Impacts of Policies Proposed by the Children’s Defense Fund (Jan. 2015)*, <http://www.childrensdefense.org/library/PovertyReport/assets/ReducingChildPovertyintheUSCostsandImpactsofPoliciesProposedbytheChildrensDefenseFund.pdf>.



health, sustaining employment and overall self-sufficiency. These effects will be particularly prominent in children, many of whom are U.S. citizens, who are part of immigrant families. Research has shown that economic and housing instability negatively impacts children's cognitive development, leading to poorer life outcomes as adults.<sup>10</sup> Housing instability leads to decreases in student retention rates and contributes to homeless students' high suspension rates, school turnover, truancy and expulsions, limiting students' opportunity to obtain the education they need to succeed later in life.<sup>11</sup>

### **Housing providers and landlords will be significantly burdened by the rule.**

The rule's impact will not be limited to immigrants and their families. Public housing agencies and other affordable housing providers have already begun to receive questions from tenants fearful about the implications of the mixed family status rule on their families. Housing providers will have to be prepared to answer consumer questions about the new rule. They will experience increased call volume and traffic from tenants and applicants about the new policies. They will also have to update forms and notices to ensure that they are providing tenants and applicants with accurate information about eligibility for certain types of housing assistance. Finally, they will have to request and evaluate additional documents to verify eligibility for housing assistance including birth certificates, passports and This is an administrative cost that has been placed on owners and property managers that is completely unaccounted for in the rule.

Additionally, housing providers are anticipating that the chilling effect of this mixed family status rule will result in many eligible immigrant families to forgo housing assistance, leading to tenant turnover in their assisted units. This turnover poses significant administrative costs for housing providers. Again, these costs and burdens on housing providers are not addressed in the rule. HUD should perform a comprehensive study on the impact the mixed family status rule will have on housing providers and local housing markets more generally, before finalizing the proposed rule.

As we stated above, the proposed changes represented by the mixed family status rule will adversely effect the housing stability of millions of immigrant families across the country, making them fearful to enroll in services and programs to which they are legally entitled. This will have a cascading and deleterious effect on communities, including housing providers, safety net hospitals, local governments and the national economy. The proposed rule will be an obstacle to the economic progress of immigrant families already in the country and lead to deeper poverty and greater homelessness. It will also harm affordable housing providers with the administrative costs of tenant turnover. This is an administrative burden that many providers are not prepared to shoulder. Further, the rule will do nothing to shorten the waiting lists for housing assistance, but may make them longer, as the cost of assisting a family where every member is documented is higher on average than the prorated assistance that is currently provided which excludes assistance to an undocumented family member. This means that **fewer families are likely to receive housing assistance under the proposed rule, as HUD itself admits, not more,** than the number that are assisted under current policy. We urge the Department to immediately withdraw its current proposal, and dedicate its efforts to advancing policies that strengthen- rather than undermine- the ability of immigrants to

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<sup>10</sup> 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>.

<sup>11</sup> 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) (PhD dissertation, Howard University), available at <http://gradworks.umi.com/3639463.pdf> (citations omitted).



## East Bay Housing Organizations

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support themselves and their families in the future. If we want our communities to thrive, everyone in these communities must be able to stay together and get the services and support they need, including critical housing assistance, to remain healthy and productive.

Thank you for the opportunity to submit comments on the proposed rulemaking. Please do not hesitate to contact me with questions or to provide further information, at the contact information below.

Sincerely,

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