



AMERICAN PUBLIC HEALTH ASSOCIATION

*For science. For action. For health.*

July 03, 2019

*Submitted via [www.regulations.gov](http://www.regulations.gov)*

Office of General Counsel, Rules Docket Clerk  
Department of Housing and Urban Development  
451 7<sup>th</sup> 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 the American Public Health Association, a diverse community of public health professionals who champion the health of all people and communities, I appreciate the opportunity to submit comments in response to the Department of Housing and Urban Development's Notice of Proposed Rulemaking, "Verification of Eligible Status." We are strongly opposed to the proposed changes and fear that the immediate and lasting effects this policy would bring about for individuals, their families, and the population at large would be at the expense of public health. We urge that the rule be withdrawn in its entirety, and that HUD's long-standing regulations remain in effect.

This policy not only targets undocumented immigrants, but also has the potential to directly impact millions of immigrants and American citizens, and would indirectly impact all parties involved with public housing assistance including residents, workers, and taxpayers. Although HUD contends that the proposed rule is a means of addressing the waitlist crisis faced by a majority of Public Housing Authorities nationwide,<sup>1</sup> HUD's own analysis of the proposed rule concludes that fewer, not more, families are likely to receive assistance as a result of the finalized rule which, in turn would result in increased rates of homelessness in the United States, costing the country millions, if not billions of dollars.<sup>2</sup> 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. Housing subsidies, such as HUD's housing choice vouchers, are critical to assisting individuals in accessing safe, affordable

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<sup>1</sup> 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](https://www.washingtonpost.com/business/2019/04/18/trump-proposal-would-evict-undocumented-immigrants-public-housing/?utm_term=.c6fd40565b83).

<sup>2</sup> 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).

housing without being too cost burdened to meet other basic needs such as food and transportation.<sup>3</sup>

Moreover, if finalized, the rule would significantly change HUD's existing regulations and also impose new documentation requirements by further restricting eligibility for federal housing assistance based on immigration status for populations who are already vulnerable to housing displacement. Key vulnerable populations include children, seniors with fixed incomes, communities of color, survivors of gender-based violence and gender non-conforming groups. With more individuals experiencing housing insecurity, rates of homelessness engagement in risky behaviors, and health care demands are likely to increase, placing a greater burden on public assistance and safety net programs.<sup>4</sup>

**The proposed rule will increase the number of people living in unstable housing and increase homelessness, thus posing a major threat to the public's health.**

Stable, safe housing is a major determinant of health. In 1991, the United Nations declared adequate housing to be a fundamental human right.<sup>5</sup> This proposed rule would effectively evict as many as 108,000 individuals in mixed status families (in which nearly 3 out of 4 are eligible for assistance) from public housing, Section 8, and other programs.<sup>6</sup> These mass evictions and departures from housing assistance will further entrench already vulnerable populations into economic and social despair.<sup>7</sup>

Vouchers and public housing assistance are associated with increased household spending on food and health care, reduced malnutrition, reduced lead exposures, lower risk of asthma, and reduced stress and mental health problems.<sup>8</sup> One study demonstrated that 100% of nonelderly, nondisabled subsidized housing residents were employed or in job training and 98% of students in grades 3-8 met or exceeded state standards in core subjects.<sup>9</sup> This data suggests that housing vouchers are working to improve trajectories for families who've previously been disadvantaged.

Taking away public housing assistance from these families would cause a major threat to their health and safety, and an increased medical financial burden. The increased cost of their individual health care causes a major strain on the overall health care system, thus threatening to become a significant public health concern.

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<sup>3</sup> American Public Health Association. (2017). Housing and Homelessness as a Public Health Issue. (APHA Policy 20178) Washington, DC

<sup>4</sup> Burt, M. R., Khadduri, J., & Gubits, D. (2016) Are Homeless Families Connected to the Social Safety Net?, Issue brief No.2016-33. (Bethesda, MD: Office of Planning, Research and Evaluation, U.S. Department of Health and Human Services). <https://aspe.hhs.gov/system/files/pdf/198426/HomelessSafetyNet.pdf>.

<sup>5</sup> Tars, Eric. Housing as a Human Right. National Low Income Housing Coalition. 2018:1-13

<sup>6</sup> *Id.* at 8.

<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> *ibid*

<sup>9</sup> Center for Promise, Tufts University School of Arts and Sciences. Transforming East Lake: Systematic Intentionality in Atlanta. Washington, DC: America's Promise Alliance; 2015.

Housing instability refers to the phenomenon whereby an individual has to move frequently, is unsure on a regular basis where they are going to be living and can include various forms of homelessness. The relationship between housing instability and health is clear, as it can result in increased rates of chronic mental and physical health conditions, barriers to health care, increased risk of co-occurring disorders, increased use of emergency and health services, and increased treatment costs.<sup>10</sup> Furthermore, homeless people are subject to street violence, increased tobacco use, exposure to alcohol and other drugs, and overcrowded and unsafe conditions at housing shelters and other temporary placement arrangements.<sup>11</sup> This proposed rule would further exacerbate the housing crisis.

Individuals struggling with housing instability have more negative health outcomes in part because they have fewer resources than people with stable housing to access medical care. The resources include lack of health insurance or ability to pay out-of-pocket medical costs; transportation; easily accessible treatment facilities nearby (in both urban and rural areas), and childcare.<sup>12</sup> Individuals experiencing homelessness have significantly higher emergency department admission rates, are three times more likely to return to that same department within 3 days of discharge, and are more likely to ride in an ambulance to the hospital.<sup>13-14</sup> Homelessness is also associated with lower rates of employment, which also has a significant influence on health and well-being.

**The proposed rule will be detrimental to the short-term and long-term health and well-being of tens of thousands of children.**

Housing stability, affordability, quality, and neighborhood location impact the degree to which children's basic needs can be met. The proposed rule threatens to undermine the health and well-being of low-income U.S. citizens, immigrants and their families. The proposed rule would force mixed status families to make an impossible decision—either break up to allow eligible family members to continue receiving assistance or forgo the subsidies so that the families can stay together. Seventy percent of the mixed status families that are receiving housing assistance have eligible children (ages 17 and younger) and 1 or more ineligible parent. Since these children lack the legal capacity to sign leases themselves, the adult heads of household, including those who do not receive assistance, must sign these contracts on behalf of their family. However, by prohibiting the ineligible adults from living in subsidized units, the proposed rule forecloses the possibility of these U.S. citizen and lawful permanent resident children from receiving any housing assistance under the covered housing programs. This proposed rule would add insult to injury by further limiting access to housing assistance for families with children. HUD estimates

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<sup>10</sup> American Public Health Association. (2017). Housing and Homelessness as a Public Health Issue. (APHA Policy 20178) Washington, DC

<sup>11</sup> American Public Health Association. (2018). Achieving Health Equity in the United States. (APHA Policy 20189) Washington, DC

<sup>12</sup> Priester MA, Browne T, Iachini A, Clone S, Dehart D, Seay KD. Treatment access barriers and disparities among individuals with co-occurring mental health and substance use disorders: an integrative literature review. *J Subst Abuse Treat.* 2016;61:47–59.

<sup>13</sup> Bharel M, Lin W-C, Zhang J, O'Connell E, Taube R, Clark RE. Health care utilization patterns of homeless individuals in Boston: preparing for Medicaid expansion under the Affordable Care Act. *Am J Public Health.* 2013;103:S311–S317.

<sup>14</sup> Ku BS, Scott KC, Kertesz SG, Pitts SR. Factors associated with use of urban emergency departments by the U.S. homeless population. *Public Health Rep.* 2010;125:398–405.

that 55,000 children will be displaced and at-risk of homelessness as a result of implementation of this rule. The U.S. Department of Education identified 1.3 million homeless children in the 2016-2017, which is a 70% increase since the 2007-2008 school year.<sup>15</sup> This proposed rule will increase housing instability for tens of thousands of school-aged children and increases their risk of poor health and economic outcomes across their lifespan.

Children and youth that have unstable housing conditions are at greater risk for poorer health outcomes, including risky sexual behavior leading to teen pregnancy, STIs and HIV, substance abuse, violence, and mental health issues.<sup>16,17,18,19,20</sup> Children and youth with unstable housing conditions are also less likely to have consistent health coverage and are reluctant to seek health services or medical treatment.<sup>21-22</sup> As a result, minor, treatable or preventable illnesses or injuries go untreated and progress into more severe health problems with higher financial and emotional costs.<sup>23</sup>

Housing instability is a major barrier to educational achievement for youth. Housing instability greatly reduces children's success in school and increases the likelihood of dropping out by 87%.<sup>24</sup> Educational attainment is inextricably linked to health outcomes and is one of the greatest predictors of health. The proposed rule would add a major barrier to the education of over 55,000 children, increasing the propensity for these students to dropout. Not only are high school dropouts costly to the health of the individual, but each dropout from high school costs the U.S. more than \$163,000 in lost tax revenue over a lifetime.<sup>25</sup> One study estimates that if the dropout rate were cut in half nationally, the US would save over \$56 billion on healthcare costs including those related to heart disease, obesity, smoking, and alcoholism.<sup>26</sup> In addition, eviction and other

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<sup>15</sup> "Federal Data Summary School Years 2014-2015 to 2016-2017, National Center for Homeless Education, February 2019, <https://nche.ed.gov/wp-content/uploads/2019/02/Federal-Data-Summary-SY-14.15-to-16.17-Final-Published-2.12.19.pdf>.

<sup>16</sup> Perlman S, Willard J, Herbers JE, Cutuli JJ, Eyrich Garg KM. Youth homelessness: prevalence and mental health correlates. *J Soc Social Work Res.* 2014;5:361-377.

<sup>17</sup> Terry MJ, Bedi G, Patel N. Healthcare needs of homeless youth in the United States. *J Pediatr Sci.* 2010;2:1.

<sup>18</sup> Heerde JA, Hemphill SA, Scholes-Balog KE. 'Fighting' for survival: a systematic review of physically violent behavior perpetrated and experienced by homeless young people. *Aggress Viol Behav.* 2014;19:50-66.

<sup>19</sup> Petering R, Rice E, Rhoades H, Winetrobe H. The social networks of homeless youth experiencing intimate partner violence. *J Interpers Viol.* 2014;29:2172-2191.

<sup>20</sup> Terry MJ, Bedi G, Patel N. Healthcare needs of homeless youth in the United States. *J Pediatr Sci.* 2010;2:1.

<sup>21</sup> Busacker A, Kasehagen L. Association of residential mobility with child health: An analysis of the 2007 National Survey of Children's Health. *Matern Child Health J.* 2012;16(1):78-87. doi: 10.1007/s10995-012-0997-8.

<sup>22</sup> Terry MJ, Bedi G, Patel N. Healthcare needs of homeless youth in the United States. *J Pediatr Sci.* 2010;2:1.

<sup>23</sup> Vanderleest J. Medically uninsured and the homeless. In: Johnson N, Johnson L, eds. *The Care of the Uninsured in America.* New York, NY: Springer; 2009:153-160.

<sup>24</sup> Erin S. Ingram, John M. Bridgeland, Bruce Reed, and Matthew Atwell, *Hidden in Plain Sight: Homeless Students in America's Public Schools* (Washington, DC: Civic Enterprises and Hart Research Associates, 2016), <http://www.americaspromise.org/report/hidden-plain-sight>.

<sup>25</sup> Rumberger RW, Losen DJ. *The High Cost Of Harsh Discipline And Its Disparate Impact.* [https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prisonfolder/federal-reports/the-high-cost-of-harshdiscipline-and-its-disparate-impact/UCLA\\_HighCost\\_6-2\\_948.pdf](https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prisonfolder/federal-reports/the-high-cost-of-harshdiscipline-and-its-disparate-impact/UCLA_HighCost_6-2_948.pdf). Published June 2, 2016. Accessed June 7, 2017.

<sup>26</sup> DeBaun B, Roc M; Alliance for Excellent Education. *Well and Well-Off: Decreasing Medicaid and Health-Care Costs by Increasing Educational Attainment.* <http://all4ed.org/wp-content/uploads/2013/08/WellWellOff.pdf>. Published July 2013. Accessed June 7, 2017.

forms of housing instability, such as having to move frequently, are particularly harmful for children.. Unstable housing means that kids are more likely to have behavioral problems and to struggle in school, and in classrooms where the student population changes quickly and frequently, all students can fall behind.

Housing instability can also act as a barrier to education because if the student is constantly moving or staying temporarily in different locations, transportation to school may become a major issue and barrier to getting to school regularly.

It is vital that policy changes do everything possible to reduce and eliminate barriers to education for students in order to improve their health and economic outcomes across their lifespan. Further, stable housing can strengthen parenting and support early childhood development and education. The United States and this administration have repeatedly emphasized a commitment to family values and stability; this proposal is a clear threat to families and the traditional family structure. Family separations undermine family stability, and lead to toxic stress, trauma, and attachment issues in children. Even a temporary separation has an enormous negative impact on the health and educational attainment of these children later in life, and many parents struggle to restore the parent-child bond once it has been disrupted by a separation.<sup>27</sup>

Research shows that rental assistance for households with children results in significant positive effects for future child outcomes and family economic security. Housing assistance lifts about a million children out of poverty each year,<sup>28</sup> and can improve a child’s chances for long-term economic mobility—one study finds that children in households receiving Housing Choice vouchers have higher adult earnings and a lower chance of incarceration.<sup>29</sup> Housing assistance also improves child health—children of families receiving housing assistance had a 35% higher chance of being labeled a “well child,” a 28% lower risk of being seriously underweight and a 19% lower risk of food insecurity.<sup>30</sup> Access to affordable housing provides stability for families and frees up income for other necessities. Low-income households with children that pay more than half of their monthly income on rent spend considerably less on other basic necessities—they spend \$200 less per month on food, nearly \$100 less on transportation and about \$80 less on healthcare.<sup>31</sup>

This rule takes the opposite approach by taking away housing assistance from thousands of children and families, ignoring research from leading experts regarding what is best for the well-being of the nation’s children and families. Evicting families or forcing them to separate will not

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<sup>27</sup> 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/>.

<sup>28</sup> Liana Fox, “The Supplemental Poverty Measure: 2017,” September 2018, <https://www.census.gov/library/publications/2018/demo/p60-265.html>.

<sup>29</sup> Andersson, Fredrik and Haltiwanger, John C, et. al. “Childhood Housing and Adult Earnings: A Between-Siblings Analysis of Housing Vouchers and Public Housing.” National Bureau of Economic Research, Working Paper No. 22721, September 2018, <http://www.nber.org/papers/w22721>.

<sup>30</sup> Elizabeth March, “Rx for Hunger: Affordable Housing,” *Children’s Health-Watch; Medical-Legal Partnership*, December 2009, [http://www.vtaffordablehousing.org/documents/resources/435\\_RxforhungerNEW12\\_09.pdf](http://www.vtaffordablehousing.org/documents/resources/435_RxforhungerNEW12_09.pdf).

<sup>31</sup> “The State of the Nation’s Housing 2018”, Joint Center for Housing Studies of Harvard University, tabulations of US Bureau of Labor Statistics, 2016 Consumer Expenditure Survey, 2018, [http://www.jchs.harvard.edu/sites/default/files/Harvard\\_JCHS\\_State\\_of\\_the\\_Nations\\_Housing\\_2018.pdf](http://www.jchs.harvard.edu/sites/default/files/Harvard_JCHS_State_of_the_Nations_Housing_2018.pdf)

only harm children's health today, but well into the future. We need policies that expand, not reduce, access to stable homes for families with children in order to ensure all children have opportunities to be healthy and reach their highest potential.

**The proposed rule will disproportionately impact already vulnerable populations and communities burdened by health and economic disparities.**

*Older Adults and seniors*

Federal housing assistance programs provide vital support to 1.9 million older adults who would otherwise be unable to afford the cost of shelter.<sup>32</sup> Seniors with fixed incomes are especially at risk of serious harm if they live in mixed status families and lose rental assistance because they have such limited resources to spend on other basic needs, including food, medicine, transportation and clothing.<sup>33</sup> The more income people put towards housing, the less likely they are to spend on food and their health, thus increasing the likelihood that they will become malnourished and decreasing their chances at leading a healthy life.<sup>34</sup> The aging population is at special risk because they are more likely to have health needs that may be costlier; this will force them to choose between adequate housing and their health.<sup>35</sup> The proposed rule would also make it impossible for many intergenerational families to live together and share resources that enable them to succeed. It ignores the critical roles many grandparents play in caring for their grandchildren and other family members, as well as the role adult children play in caring for their aging parents and relatives.

Furthermore, the proposed rule adds new documentation requirements that will be particularly burdensome on older adults.<sup>36</sup> The proposed rule will require all U.S. citizens to provide proof of citizenship, and will also require noncitizens 62 years old or over to provide additional documentation of their immigration status. Older individuals face many challenges in getting this kind of documentation, including difficulties getting to government offices to replace lost records, coming up with the funds to replace these records and some may have never been issued these documents in the first place.<sup>37</sup> Historically, documentation requirements have proven to be costly practices with no improvements to the integrity of the program or practice being addressed.<sup>38</sup> In this case, the proposed documentation requirement is a deliberate act to exclude specific populations from receiving public housing assistance. This proposed change to section 214 would be exclusive not only to ineligible immigrants, but would also put all families with one or more immigrants at risk of facing the excruciating choice of splitting up or risking homelessness. If finalized, the rule would also implicate over 50,000 United States citizen children who are entitled to assistance and benefits.

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<sup>32</sup> <https://apps.cbpp.org/4-3-19hous/PDF/4-3-19hous-factsheet-us.pdf>

<sup>33</sup> See Justice in Aging, *Supporting Older Americans' Basic Needs: Health Care, Income, Housing and Food* (Apr. 2018), available at [www.justiceinaging.org/wp-content/uploads/2018/04/Supporting-OlderAmericans%E2%80%99-Basic-Needs\\_Health-Care-Income-Housing-and-Food.pdf](http://www.justiceinaging.org/wp-content/uploads/2018/04/Supporting-OlderAmericans%E2%80%99-Basic-Needs_Health-Care-Income-Housing-and-Food.pdf)

<sup>34</sup> Taylor, Lauren. *Housing and Health: An Overview of the Literature*. 2018. Health Affairs.

<sup>35</sup> <https://publichealthonline.gwu.edu/cost-of-aging-healthcare/>

<sup>36</sup> Housing and Community Development Act of 1980: Verification of Eligible Status, 84 Fed. Reg. 20,589, 20,592 (proposed May 10, 2019) (to be codified at 24 C.F.R. part 5).

<sup>37</sup> Ina Jafe, *For Older Voters, Getting the Right ID Can Be Especially Tough*, NPR: 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>.

<sup>38</sup> American Civil Liberties Union. *Fact Sheet on Voter ID Laws*. 2017.

### *Communities of color*

*Asian American Pacific Islanders.* The Asian American Pacific Islander (AAPI) community is the fastest growing racial group in the United States. Further, AAPIs are one of the fastest growing poverty populations with more than half of all poor AAPIs living in only 10 Metropolitan Statistical Areas (MSAs)<sup>39</sup>, the majority of which are concentrated in the most expensive markets. Analysis of US Census 2016 ACS data shows that the majority of all AAPIs in poverty live in zip codes with housing costs above the national median. This is true for both for rental housing (64% of AAPIs in poverty live in zip codes where the median rent for rental housing in the zip code is higher than the US national median rent), and for homeownership (65% of AAPIs in poverty live in zip codes where the median home value is more expensive than the US national median home value).<sup>40</sup> In short, impoverished AAPIs are already at significant risk of displacement, especially recently emigrated AAPIs who have limited proficiency with English. In fact, poor AAPIs are at twice the risk of displacement relative to the general US poverty population.<sup>41</sup> Further compounding this issue is the fact that many AAPI families live in multigenerational households that include a mix of immigrants and US citizens.

The impact of HUD's proposed rule, if implemented, would be devastating: the presence of a single ineligible member of a household could lead to disqualification of the entire household, including citizens, children, and the elderly who are eligible for public housing and Section 8 programs. In 2018, over a quarter of a million AAPIs received HUD subsidized housing assistance.<sup>42</sup> Further, nearly 10% of AAPI households live in multi-generational homes,<sup>43</sup> a figure that is likely much lower than the actual proportion reported anecdotally from the field, which is closer to 20%.

Furthermore, some groups of AAPI children are already at high risk for dropping out of school. Southeast Asian Americans have the lowest high school graduation and bachelor degree rates of any other racial category.<sup>44</sup> The proposed rule would increase housing instability and risk of dropout, further exacerbating health and economic disparities among AAPI communities. The effects of this rule, if finalized, would be devastating to the AAPI community.

*Latinx.* The proposal to take away critical public or other subsidized housing support from families of mixed immigration status would harm our nation's Latinx community and future. Today, the U.S. Latinx population stands at more than 55 million, comprising 18% of the total U.S. population, and approximately one in five Latinx are non-citizens.<sup>45</sup> By 2050, it is projected that nearly one-third of the U.S. workforce will be Latinx.<sup>46</sup> Among Latinx children, who account for a quarter of all U.S. children, the majority (52%) have at least one immigrant

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<sup>39</sup> US Census, 1-Year American Community Survey, 2011-2017

<sup>40</sup> US Census, 5-Year American Community Survey, 2016

<sup>41</sup> National CAPACD analysis of US Census data (5-Year ACS, 2016)

<sup>42</sup> US Department of Housing and Urban Development, *Picture of Subsidized Households*, 2018

<sup>43</sup> US Census, 2010 Decennial Census, SF2

<sup>44</sup> [apidata.com/blog/se-aa-achievement-gaps/](https://apidata.com/blog/se-aa-achievement-gaps/)

<sup>45</sup> U.S. Census Bureau, American FactFinder: Selected Population Profile in the United States: 2017 American Community Survey 1-Year Estimates.

<sup>46</sup> J. S. Passel & D. Cohn, "U.S. Population Projections: 2005-2050," Pew Research Center (February 2008) <https://www.pewhispanic.org/2008/02/11/us-population-projections-2005-2050/>.

parent,<sup>47</sup> and more than half of children of immigrants are Latinx.<sup>48</sup> Despite hard work and many contributions by the Latinx community to the economy, they continue to face prejudice and discrimination throughout the United States, and many continue to struggle to meet basic needs, including finding a home they can afford. This is not surprising, as there is not a single part of the country where a minimum wage worker working full-time year-round can afford a two-bedroom rental home. In 2017, 4.4 million (55%) Latinx who rented their home were cost-burdened – meaning they devoted 30% or more of their income towards rent.<sup>49</sup> For example, in the Washington, D.C. Metro area, 57.7% of Hispanic renters are cost-burdened households meaning more than 30% of their income goes towards rent; 30.4% of Latinx in the D.C. metro area are severely cost-burdened with more than 50% of their income spent on housing.<sup>50</sup> These numbers are jarring, and the current proposal would worsen the cost-burden for many Latinx. When people are cost-burdened by their rent, they are less able to spend money on essentials like food and health care leading to poorer health outcomes.

However, access to federal housing assistance has allowed hundreds of thousands of Latinx to lift themselves out of poverty. According to an analysis conducted by UnidosUS, federal housing assistance – including public and other subsidized housing – lifted approximately 800,000 Latinx out of poverty in 2017, including more than 280,000 Latinx children.<sup>51</sup> While research suggests that Latinx remain underrepresented in these programs,<sup>52</sup> the proposed rule would deter many eligible Latinx participating in public or subsidized housing programs, and increase housing insecurity for Latinx families. As HUD acknowledges, families that lose housing assistance are at risk of homelessness, with serious consequences for family well-being and child development. When families have access to housing assistance, they have more resources to cover the cost of nutritious foods, health care, and other necessities.<sup>53</sup> Where families live is also directly tied to where they work. If parents lose access to affordable housing, they may also be at risk of losing their jobs.

For progress to continue in the Latinx community and our nation, immigrants should have an opportunity to support the resilience and upward mobility of their families. The proposed changes by HUD fail in this respect as Latinx families of mixed immigration status would be

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<sup>47</sup> Richard Fry and Jeffrey S. Passel “Latino Children: A Majority Are U.S.-Born Offspring of Immigrants” (Washington, DC: Pew Research Center, 2009) <https://www.pewhispanic.org/2009/05/28/latino-children-a-majority-are-us-born-offspring-of-immigrants/>.

<sup>48</sup> Urban Institute “Part of Us: A Data-Driven Look at Children of Immigrants” (Washington, DC: The Urban Institute, March 2019) <https://www.urban.org/features/part-us-data-driven-look-children-immigrants>.

<sup>49</sup> UnidosUS “Latinos and the Great Recession: 10 Years of Economic Loss and Recovery” (Washington, DC: UnidosUS, March 2019) <http://publications.unidosus.org/handle/123456789/1932>.

<sup>50</sup> Joint Center for Housing Studies of Harvard University “Renter Cost Burdens by Race and Ethnicity” [https://www.jchs.harvard.edu/ARH\\_2017\\_cost\\_burdens\\_by\\_race](https://www.jchs.harvard.edu/ARH_2017_cost_burdens_by_race).

<sup>51</sup> UnidosUS, “Federal Programs Lift Millions of Latinos Out of Poverty” (Washington, DC: UnidosUS, October 2018) <http://publications.unidosus.org/handle/123456789/1894>.

<sup>52</sup> UnidosUS “Latinos and the Great Recession: 10 Years of Economic Loss and Recovery” (Washington, DC: UnidosUS, March 2019) <http://publications.unidosus.org/handle/123456789/1932>.

<sup>53</sup> Nabihah Maqbool, Janet Viveiros, and Mindy Ault, *The Impacts of Affordable Housing on Health: A Research Summary*, Center for Housing Policy, 2015, [http://www.housingpartners.com/assets/creating\\_change/http\\_app.brnto.pdf](http://www.housingpartners.com/assets/creating_change/http_app.brnto.pdf).

forced to break up to receive housing assistance, to forego the assistance altogether, or face termination from the programs.

### ***People with disabilities***

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. People with disabilities comprise a large percentage of the individuals served by HUD programs, including programs covered under the proposed rule. For example, about 1 in 3 households using Section 8 vouchers are headed by a non-elderly person with a disability and about 1 in 5 households living in public housing are headed by a non-elderly person with a disability. People with disabilities often have few financial resources and remain among the country's poorest.<sup>54</sup> At the same time, people with disabilities all too often face discrimination when seeking housing.<sup>55</sup> 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.

In addition to people with disabilities living in mixed status families who will lose rental assistance, 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% of people with disabilities lacked a valid ID compared to less than 5% of people without disabilities.<sup>56</sup> People with disabilities who are also experiencing housing instability face an additional set of challenges when applying for disability benefits because their treatment is inconsistent and medical records may be lost or harder to find.<sup>57-58</sup>

### ***Survivors of gender-based violence***

Certain immigrant survivors of gender-based violence such as human trafficking, sexual assault and domestic violence will be severely and disproportionately harmed by HUD's proposed rule. Traumatized and vulnerable, survivors are also often indigent and face numerous challenges to

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<sup>54</sup> See, e.g., L. Kraus et al., "2018 Disability Statistics Annual Report," 9 (2019) at [https://disabilitycompendium.org/sites/default/files/user-uploads/Annual\\_Report\\_2018\\_Accessible\\_AdobeReaderFriendly.pdf](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.")

<sup>55</sup> See, e.g., National Fair Housing Alliance, "Making Every Neighborhood A Place of Opportunity: 2018 Fair Housing Trends Report," 52 (2018) at <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.")

<sup>56</sup> 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/>.

<sup>57</sup> Kauff JF, Clary E, Lupfer KS, Fischer PJ. An evaluation of SOAR: implementation and outcomes of an effort to improve access to SSI and SSDI. *Psychiatr Serv.* 2016;67:1098–1102.

<sup>58</sup> Dennis D, Lassiter M, Connelly WH, Lupfer KS. Helping adults who are homeless gain disability benefits: the SSI/SSDI Outreach, Access, and Recovery (SOAR) Program. *Psychiatr Serv.* 2011;62:1373–1376.

their basic well-being. As a result, ready access to safe, affordable housing is critical to their ability to flee abusive homes. For some, their basic survival hangs in the balance. If the proposed rule goes into effect, ineligible survivors and their eligible children who are trying to escape violent homes will be trapped in a false “choice”—homelessness or remaining with an abuser. Those already living in subsidized housing that are evicted and forced to return to a violent home will face an even greater risk to their safety. It is commonly known that the danger to a victim actually increases once she escapes, with one estimate noting a 75% increase in violence for at least two years following an escape.<sup>59</sup>

Financial security and affordable housing in particular, are critical to increasing survivors’ chances of escape, recovery, and prevention of future abuse.<sup>60</sup> Strikingly, domestic violence, including sexual abuse, is reported as the acute cause of homelessness among 22% -57% of all homeless women.<sup>61</sup> According to the Centers for Disease Control and Prevention, over half of all female lifetime victims of intimate partner abuse—including rape, other physical violence, and stalking—did not receive housing services after requesting them.<sup>62</sup> The National Alliance to End Sexual Violence reports that 65% of victims’ average daily unmet requests for help from domestic violence programs nationwide are for housing related services.<sup>63</sup> Survivors of sexual assault note that if they do not have housing, then other auxiliary services are only minimally helpful.<sup>64</sup> Housing can be determinative as to whether a survivor can escape an abusive intimate partner or employer in many cases.<sup>65</sup>

Securing non-subsidized housing is also extremely difficult for survivors, and this proposal would make it increasingly burdensome for survivors to secure subsidized housing. If they are escaping from a situation which is a danger to their physical, emotional and sexual well-being,

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<sup>59</sup><http://stoprelationshipabuse.org/educated/barriers-to-leaving-an-abusive-relationship/>; See also <https://www.theguardian.com/society-professionals/2014/dec/10/domestic-abuse-risk-trying-leave-housing-community>; <https://www.clarionledger.com/story/news/2017/01/28/most-dangerous-time-for-battered-women-is-when-they-leave-jerry-mitchell/96955552/>, citing multiple sources.

<sup>60</sup> <https://www.cdc.gov/violenceprevention/pdf/ipv-technicalpackages.pdf>; See also Breiding, M.J., Chen J., & Black, M.C. (2014). Intimate Partner Violence in the United States — 2010. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

<sup>61</sup> Wilder Research Center, Homelessness in Minnesota, 2003 (2004); Center for Impact Research, Pathways to and from Homelessness: Women and Children in Chicago Shelters (2004); Nat’l Center on Family Homelessness & Health Care for the Homeless Clinicians’ Network, Social Supports for Homeless Mothers (2003); Institute for Children & Poverty, The Hidden Migration: Why New York City Shelters Are Overflowing with Families (2004); Homes for the Homeless & Institute for Children & Poverty, Ten Cities 1997-1998: A Snapshot of Family Homelessness Across America (1998); See also [http://www.nsvrc.org/sites/default/files/NSVRC\\_Publications\\_Reports\\_Housing-and-sexual-violence-overviewof-national-survey.pdf](http://www.nsvrc.org/sites/default/files/NSVRC_Publications_Reports_Housing-and-sexual-violence-overviewof-national-survey.pdf)

<sup>62</sup> See FN 4 above.

<sup>63</sup> 2018 statistics show 72,245 victim requests for assistance per day; 11,441 requests are unmet, and of those, 7,416 are for housing. Available at <https://nnev.org/content/domestic-violence-counts-12th-annual-census-report/>; See also National Alliance to End Sexual Violence, 2016 internet survey of rape crisis centers from all 50 states, Washington D.C. and two territories.

<sup>64</sup> See, e.g., Logan, TK, Evans, L., Stevenson, E., & Jordan C. E. (2005). Barriers to services for rural and urban survivors of rape. *Journal of Interpersonal Violence*, 20, 591-616. doi:10.1177/0886260504272899.

<sup>65</sup> See FN 4 above.

they may not be able to locate their appropriate documents while they are leaving. Additionally, it is a common tactic of perpetrators of this violence to take away the documentation necessary to move out or prove eligibility status for public benefits. This proposal would make it more difficult for these victims. They are susceptible to manipulation by landlords who charge them high rents for single rooms in unsafe conditions. Undocumented survivors suffer in silence, deterred from seeking recourse by the looming threat of immigration, incarceration, or deportation. Overcrowding at shelters, or rules prohibiting children with disabilities from residing there, drive many back onto the streets. Others face discrimination such that either no one will rent to them, or they cannot have their name on a lease or utility bills.<sup>66</sup>

Finally, without adequate housing, survivors, including those who have been recently released from immigration detention, will have tremendous difficulty maintaining regular, meaningful communication with service providers. Notifications of critical appointments and court hearings may never reach them, and they may struggle to access evidence needed for legal matters involving immigration, child custody or protection orders. If a survivor is homeless and cannot effectively participate in her immigration case, the consequence could be permanent loss of child custody and return to her home country to face dangerous circumstances. Legal access can also be instrumental in helping victims find long-term safety.<sup>67</sup>

### **LGBTQ+**

This proposed rule is likely to have a profound impact on the LGBTQ community, including thousands of bi-national, same-sex couples. The most recent available data from the American Community Survey indicates that there are nearly one million same-sex couples in the United States;<sup>68</sup> as nearly one in ten LGBTQ adults are immigrants,<sup>69</sup> it is likely that same-sex couples are bi-national at rates similar to the general population. Nearly one-third of LGBTQ immigrants are undocumented, indicating that a significant number of LGBTQ bi-national couples could be impacted by this proposed rule.<sup>70</sup>

While we lack specific data on the use of public housing assistance by LGBTQ immigrants, we know that the need for housing support is high in this community as a general matter. As a result of systemic discrimination, LGBTQ people are 2.5 times more likely to receive public housing assistance than their non-LGBTQ peers. The need for these programs is especially acute for transgender people, LGBTQ people with disabilities and LGBTQ people of color.<sup>71</sup> LGBTQ are already overrepresented in the homeless population, comprising between 30%-35% of the total

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<sup>66</sup> <http://www.tahirih.org/wp-content/uploads/2018/01/Tahirih-Justice-Center-Survey-Report-1.31.18-1.pdf>

<sup>67</sup> Reckdenwald, A., & Parker, K.K. (2010). Understanding gender-specific intimate partner homicide: A theoretical and domestic service-oriented approach. *Journal of Criminal Justice*, 38, 951-958.

<sup>68</sup> Census Bureau, "Household Characteristics of Opposite-Sex and Same-Sex Couple Households: 2017 American Community Survey," 2017, available at: <https://www.census.gov/data/tables/time-series/demo/same-sex-couples/ssc-house-characteristics.html>.

<sup>69</sup> Gary J. Gates, "LGBT Adult Immigrants in the United States," The Williams Institute, March 2013, available at <http://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/us-lgbt-immigrants-mar-2013/>

<sup>70</sup> *Ibid.*

<sup>71</sup> Rooney, Whittington, and Durso, *Protecting Basic Living Standards for LGBTQ People*, AM. PROGRESS (2018), <https://www.americanprogress.org/issues/lgbt/reports/2018/08/13/454592/protecting-basic-living-standards-lgbtq-people/>.

homeless youth population. They also are more likely to be the victim of sexual or violent crimes and abuse and are more likely to have major depressive episodes, PTSD and attempt suicide.<sup>72,73,74</sup> LGBTQ housing stability and health outcomes are lower than that of the national average; they are also more likely to be on public housing assistance. The proposed rule would prove a major threat to the well-being of this community.

## Conclusion

The U.S. has an affordable housing crisis. Currently, only one in five eligible households actually receives housing assistance.<sup>75</sup> We know that affordable, safe and stable housing is a major determinant of health, educational and economic outcomes across the lifespan. This proposed rule would further exacerbate the housing crisis by increasing housing instability among immigrant families, posing a significant public health challenge. 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.

Sincerely,

A handwritten signature in black ink that reads "Georges C. Benjamin". The signature is written in a cursive, flowing style.

Georges C. Benjamin, MD  
Executive Director

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<sup>72</sup> Abramovich A, Shelton J. Where Am I Going to Go? Intersectional Approaches to Ending LGBTQ2S Youth Homelessness in Canada & the U.S. Toronto, Ontario, Canada: Canadian Observatory on Homelessness Press; 2017.

<sup>73</sup> Crossley S. Come out come out wherever you are: a content analysis of homeless transgender youth in social service literature. *McNair Scholars Online J.* 2015;9:1.

<sup>74</sup> Keuroghlian AS, Shtasel D, Bassuk EL. Out on the street: a public health and policy agenda for lesbian, gay, bisexual, and transgender youth who are homeless. *Am J Orthopsychiatry.* 2014;84:66–72.

<sup>75</sup> Urban Institute, The Case for More, Not Less: Shortfalls in Federal Housing Assistance and Gaps in Evidence for Proposed Policy Changes. (2018). [https://www.urban.org/research/publication/case-more-not-less-shortfalls-federal-housing-assistance-and-gaps-evidence-proposed-policy-changes/view/full\\_report](https://www.urban.org/research/publication/case-more-not-less-shortfalls-federal-housing-assistance-and-gaps-evidence-proposed-policy-changes/view/full_report).