

July 9, 2019.

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:

I am writing on behalf of CRC's Here to Stay Steering Committee in response to the Department of Housing and Urban Development's (HUD) proposed rule to express our strong opposition to the 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). We oppose the verification of eligible status because it will harm the most disenfranchised communities in California and deepen the barriers to stable housing. We urge the rule to be withdrawn in its entirety, and that HUD's long-standing regulations remain in effect.

Here to Stay is a California statewide policy advocacy campaign of immigrant advocates, civil rights organizations, non-profit and community advocacy groups, government representatives, and business and private sector interests, all working collaboratively to achieve greater economic security and prosperity, social well-being, and human dignity for California's immigrant communities and for the state as a whole. We work towards building an equitable economy by advocating for access for financial resources and economic opportunity for immigrants families in California to ensure they have the resources they need to get out of poverty. Also, to make the American Dream a reality for all by creating opportunities for those communities to start a business, buy a home, and access other resources they need to attain a level of financial security.

Although HUD contends that the proposed rule is a means of addressing the waitlist crisis faced by a majority of Public Housing Authorities nationwide, CRC's Here to Stay Steering Committee recognizes that the proposed rule is a part of the current administration's coordinated attack on immigrant families. We all 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. 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. 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.

I. The Proposed Rule Will Hurt U.S. Citizens and the Aging Population

While it is clear that the proposed rule is a direct attack on immigrants and citizens in mixed status households, these families are not the only group that will be harmed if the rule is finalized. In addition

to attacking mixed status families, the proposed rule creates red tape that threatens housing security for 9.5 million U.S. citizens currently receiving HUD assistance and all future U.S. citizens seeking these benefits. The rule would require that all who declare they are U.S. citizens under penalty of perjury provide evidence of their citizenship, a practice that has proven to be burdensome, costly and unnecessary to protect program integrity. Currently, to establish eligibility for access Section 214 housing assistance, U.S. citizens need to provide a declaration signed under penalty of perjury of their citizenship or nationality status. The proposed rule would require that these individuals also provide documentary proof of citizenship or nationality, such as a birth certificate, which can be extremely difficult for certain segments of the population. One survey from 2006 showed that as many as seven percent of citizens did not have citizen documentation readily available. Obtaining such documentation can be particularly difficult for U.S. citizens over the age of 50, citizens of color, citizens with disabilities, and citizens with low incomes. 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 a birth certificate in the first place. That same survey suggests that:

- At least 12 percent of citizens earning less than \$25,000 a year do not have proof of citizenship;
- Many people who do have documentation have birth certificates or IDs that don't reflect their current name or address, such as people who changed their name;
- 18 percent of citizens over the age 65 do not have a photo ID; and
- 25 percent of African American citizens lacked a photo ID.

For those who are unable to produce the required documents within the required time period under the proposed HUD rule, they will lose their housing assistance, and many will be evicted from their homes. A significant share could become homeless. The figures above suggest that hundreds of thousands of U.S. citizens could experience these harsh consequences under the proposed rule.

The proposal could therefore jeopardize rental assistance for hundreds of thousands of people. It would disproportionately affect women, children, and people of color, groups that are less likely to have proof of citizenship due to their gender or race.¹ The proposed rule places additional documentation burdens on 120,000 noncitizen seniors as well, by requiring noncitizens 62 years old or older to provide documentation of their immigration status.² Presently, these noncitizen seniors are required to submit a signed declaration of their eligible immigration status and proof of age. Many immigrant seniors will struggle in the same way as citizen seniors to produce this documentation. HUD has not accounted for these concerns in the proposed rule, and should address these issues before finalizing the rule.

The proposed documentation requirements will be particularly burdensome for recipients of rental assistance who were formerly homeless, as well as for people experiencing homelessness who could be

¹ Brennan Center for Justice; Greenstein, Ku, and Dean.

² Center on Budget and Policy Priorities, "Three Out of Four Low-Income At-Risk Renters Do Not Receive Federal Rental Assistance," August 2017, <https://www.cbpp.org/three-out-of-four-low-income-at-risk-renters-do-not-receive-federal-rental-assistance>; Alicia Mazzara, "Housing Vouchers Work: Huge Demand, Insufficient Funding for Housing Vouchers Means Long Waits," Center on Budget and Policy Priorities, April 19, 2017, <https://www.cbpp.org/blog/housing-vouchers-work-huge-demand-insufficient-funding-for-housing-vouchers-means-long-waits>.

assisted by Section 214 programs in the future. People experiencing homelessness often lose important documents such as photo identification, birth certificates, and social security cards because they have no safe places to store them. Adding more documentation requirements creates more barriers to housing for those who need it most, and could cause many people who have gained stability through rental assistance to return to homelessness. HUD has failed to take into account the added costs and burdens of these new documentation requirements and should complete an analysis of these costs before finalizing the proposed rule.

II. The Proposed Rule Will Reduce the Quality and Quantity of Federally Assisted Units

The proposed rule will reduce the number of families that receive federally subsidized assistance.

Secretary Carson stated that HUD has promulgated the proposed rule in an effort to address the waitlist crisis for subsidized housing faced by most Public Housing Authorities nationwide. While it is true that there is a public housing and Section 8 waitlist crisis—there are currently 3 million individuals on voucher waitlists around the country, with an additional 6 million that would like to be on these waitlists—the proposed rule would not alleviate and would, instead, worsen this crisis. By HUD’s own assessment, 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 from \$372 million to \$437 million annually.

To pay for these new costs of the proposed rule, HUD has surmised that 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 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.

As many as 937,000 Californians could lose their housing assistance if they are unable to produce documents verifying their citizenship under the new rule. Over 90 percent of Californians directly affected by the rule are U.S. citizens. HUD’s own economic analysis shows that the proposed rule will not only fail to achieve its stated goals of addressing the subsidized housing waitlist crisis, but will in fact exacerbate this very issue. The Regulatory Impact Analysis released by HUD makes it clear that the proposed rule will not further HUD’s mission to “create strong, sustainable, inclusive communities and quality affordable homes for all.” In fact, the proposed rule will do the exact opposite, reducing the quantity of affordable homes on the market.

As we stated above, we urge HUD to immediately withdraw its current proposal, and dedicate its efforts to advancing policies that strengthen—rather than undermine—the ability of immigrants to support themselves and their families in the future. 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.

Thank you for the opportunity to submit comments on the proposed rulemaking. Please do not hesitate to contact CRC's Here to Stay Steering Committee at ssouza@calreinvest.org to provide further information.

Sincerely,

CRC's Here to Stay Steering Committee

