July 9, 2019

Office of the General Counsel
Rules Docket Clerk
Department of Housing and Urban Development
451 Seventh Street SW, Room 10276
Washington, DC 20410-0001

Re: Docket No. FR-6124-P-01, Housing and Community Development Act of 1980:
Verification of Eligible Status

To Whom It May Concern:

We are housing policy researchers who have devoted our careers to studying the importance of
Department of Housing and Urban Development (HUD) housing assistance programs in ensuring
housing stability and mobility for low-income families and children. We write to offer a public
comment on HUD’s proposed rulemaking on the issue of permitting mixed-status households to
reside in units assisted through the public housing and Housing Choice Voucher programs that
was published in the Federal Register on May 10, 2019. We are employed by the Urban Institute—a
nonprofit and nonpartisan research and policy organization based in Washington, DC—but are
representing our own views in this submission. Throughout this document, we have cited several
research studies that provide supporting evidence for our comments. These resources that we
cite are a part of this comment letter and should be part of the administrative record.

We have also written publicly about our concerns on Urban Wire, the Urban Institute’s blog.

Preventing mixed-status families from living in HUD-assisted housing
Undocumented immigrants and some lawfully residing immigrants (recipients of Deferred Action
for Childhood Arrival, or DACA, and people with student or temporary visas, for example) are
already ineligible for HUD housing subsidies. Only US citizens or people who are “eligible
noncitizens” (PDF)¹ can receive housing assistance from HUD. Noncitizens eligible for HUD’s
public housing and housing choice voucher programs include lawful permanent residents,
refugees, other humanitarian entrants, and certain other immigrants.

¹ National Immigration Law Center, Rental Housing Programs: Public Housing, Section 8, rural housing, low-
For more than two decades, the nation’s public housing authorities have dealt with mixed-status families by subsidizing the rent only for the US citizens and other eligible family members—a process called proration—so that ineligible people do not receive subsidies and households pay more in rent. Proration allows housing authorities to support eligible low-income US residents in need of housing without asking them to choose between remaining with their families and keeping a roof over their heads.

HUD’s proposal would no longer permit housing authorities to house mixed-status households

Under the proposed rule, mixed-status families currently receiving assistance would lose their assistance or need to separate—with only eligible family members staying and ineligible family members leaving—within 18 months. Going forward, mixed-status households newly applying for housing would not be allowed to live together in a subsidized unit.

HUD estimates that the rule would result in the possible eviction or voluntary removal of roughly 25,000 families from housing assistance—a total of about 108,000 people. HUD Secretary Ben Carson has described the rationale for removing these families as “logical,” as it would seem to free up housing for US citizens languishing on waiting lists.

But HUD’s own analysis points out that over 70 percent of the people in mixed-status families—about 76,000 people—are in fact US citizens or eligible noncitizens, and the majority of them are children.

And the proposal may not result in a meaningful increase in housing available for other low-income households on waiting lists. Replacing mixed-status families with those who are exclusively US citizens or otherwise eligible people would require new funding, because mixed-status families receive lower subsidies than similarly sized households made up entirely of eligible people.

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HUD’s own analysis\(^6\) suggests that serving a comparable number of households exclusively made up of US citizens or otherwise individually-eligible members would require $193 million to $227 million annually in new HUD funding or redirecting existing funds from other HUD programs. So far, we have received no indication that HUD would receive any additional funding to replace mixed-status families. Without new funding, a one-to-one replacement of mixed-status families with fully eligible households would be unlikely.

We remain in an affordable housing crisis nationwide, and housing assistance is an extremely scarce resource: no county in the nation\(^7\) has sufficient housing to meet the needs of extremely low-income families, and only about one in five people\(^8\) eligible for assistance based on their income will receive it. Urban Institute research has shown that one in seven immigrant families—even those eligible for safety net services—may avoid them for fear of jeopardizing their future path to citizenship. These families are unlikely to have many options available to them. And given what we know\(^9\) about the importance of safe, stable, affordable housing\(^10\) on health\(^11\) and economic wellbeing,\(^12\) the consequences could be devastating.

It is also the case that mixed-status families receive lower subsidies than similarly-sized households made up entirely of U.S. citizens, and replacing them with households that are exclusively U.S. citizens or otherwise eligible people would cost HUD and housing authorities more in subsidy dollars.

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Proving citizenship and additional administrative costs
The proposal would also require housing authorities to collect official documentation of US citizenship for every citizen who receives HUD assistance—a total of over 7 million people in the public housing and voucher programs as of 2018.\footnote{“Picture of Subsidized Households,” Office of Policy Development and Research (PD&R), U.S. Department of Housing and Urban Development, \url{https://www.huduser.gov/portal/datasets/assthsg.html}.} Currently, assisted housing residents who are US citizens attest to their citizenship but are not required to provide official documentation unless the housing authority specifically requests it.

Although ostensibly aimed at undocumented immigrants, this is noteworthy because millions of Americans, and especially seniors, people of color, and people with low-incomes may not have access to official government-issued identification\footnote{“Citizens Without Proof: A Survey of Americans’ Possession of Documentary Proof of Citizenship and Photo Identification,” New York, NY: Brennan Center for Justice, November 2006, \url{https://www.brennancenter.org/analysis/citizens-without-proof}.} or proof of citizenship. Under the proposed rule, US citizens who can’t produce these documents would also be at risk of losing their housing.

In similar fashion to the administration’s proposed expansion of public charge,\footnote{Martha M. Galvez, Susan J. Popkin, and Archana Pyati, “For housing authorities, ‘public charge’ expected to sow confusion and add administrative costs,” \textit{Urban Wire} (the blog of the Urban Institute), January 17, 2019, \url{https://www.urban.org/urban-wire/housing-authorities-public-charge-expected-sow-confusion-and-add-administrative-costs}.} HUD’s proposed rule would make public housing authorities the front line of implementing and enforcing these new requirements, which inevitably carries costs. Housing authorities have called out the administrative burden and other costs the HUD proposal would place on their agencies, potentially reducing the amount of assistance they can provide.

For example, the director of the Housing Authority of the City of Los Angeles placed the cost of enforcing the rule at close to $10 million.\footnote{Lola Fadulu and Zolan Kanno-Youngs, “Landlords Oppose Trump Plan to Evict Undocumented Immigrants,” The New York Times, June 17, 2019, \url{https://www.nytimes.com/2019/06/17/us/politics/public-housing-immigrants.html}.} Nearly 12,000 households—about a third of households served in the city and county of Los Angeles—are mixed-status families. The city council and mayor of Los Angeles have issued a joint resolution in opposition to the proposed rule (PDF).\footnote{19-0002 s91 Resolution, City of Los Angeles, May 17, 2019.}

Sylvia Blanco, the chief operating officer at the Housing Authority of the City of Austin, Texas, told the \textit{New York Times}\footnote{Fadulu and Kanno-Youngs, “Landlords Oppose Trump Plan to Evict Undocumented Immigrants.”} that the estimated administrative cost of eviction is $1,000 per household.

\begin{thebibliography}{9}
\bibitem{15} Martha M. Galvez, Susan J. Popkin, and Archana Pyati, “For housing authorities, ‘public charge’ expected to sow confusion and add administrative costs,” \textit{Urban Wire} (the blog of the Urban Institute), January 17, 2019, \url{https://www.urban.org/urban-wire/housing-authorities-public-charge-expected-sow-confusion-and-add-administrative-costs}.
\bibitem{17} 19-0002 s91 Resolution, City of Los Angeles, May 17, 2019.
\bibitem{18} Fadulu and Kanno-Youngs, “Landlords Oppose Trump Plan to Evict Undocumented Immigrants.”
\end{thebibliography}
Mixed-status families represent less than one percent of the roughly 3.5 million families that live in public housing units or voucher-assisted housing. Yet administering and enforcing the proposed rules would carry significant administrative costs to housing authorities—even those with few mixed-status households.

Families living in public or voucher-assisted housing are among the lowest-income, most vulnerable people in their communities. Nationally, about a third are headed by a person with a disability, and nearly 40 percent include children. Evicting these families or placing their stability at risk through fear or administrative hurdles could place them at high risk of homelessness or poor housing conditions. Given the ongoing affordable housing crisis in this country, it’s not a risk we can afford to take.

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