

Congress of the United States
Washington, DC 20515

May 21, 2019

The Honorable Benjamin S. Carson, Sr., M.D.
Secretary
U.S. Department of Housing and Urban Development
451 7th Street SW
Washington, D.C. 20410

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

Dear Secretary Carson:

As Members of the California Congressional Delegation, we write today to express our strong opposition to the U.S. Department of Housing and Urban Development's (HUD) proposed changes to Section 214 of the Housing and Community Development Act of 1980, which would restrict households with immigrant family members from receiving federal housing assistance¹. The proposed changes contribute to the Trump administration's efforts to separate American families and intimidate immigrant communities.

If implemented, the rule would result in the displacement of thousands of families across the country and disproportionately affect millions of California residents. Furthermore, contrary to the administration's claim, the proposed rule is unlikely to reduce the waiting list for assisted housing programs and instead, due to expected costs associated with its implementation, could reduce overall housing quality and assistance.

Existing law already prohibits ineligible immigrants from receiving federal housing assistance. However, for over two decades, the Department has allowed mixed-status families – households whose members have different citizenship and immigration statuses – to live in subsidized housing provided at least one person is an eligible resident or citizen. However, the proposed rule would limit federal housing assistance only to families in which *every* member is an eligible resident and citizen.

If the rule were to take effect, mixed status families currently seeking federal housing assistance would automatically become ineligible. Mixed-status families that currently reside in public or subsidized housing would be forced to make an impossible decision between losing their housing

¹ Department of Housing and Urban Development. 24 CFR Part 5. Docket No. FR 6124-P-01
<https://www.federalregister.gov/documents/2019/05/10/2019-09566/housing-and-community-development-act-of-1980-verification-of-eligible-status>

assistance and possibly being homeless or forcing family members who cannot prove their eligibility to leave their family home. Lastly, the rule may even prevent families who are legally entitled to housing benefits from applying for assistance due to fear.

Consequently, the proposed rule could result in the displacement of 25,000 households nationwide, affecting more than 55,000 children, all of whom are U.S. citizens or residents². As the Department acknowledges, “temporary homelessness could arise for a household,” particularly for families who reside in high cost-of-living areas.³ Research indicates children with unstable housing have worse educational and health outcomes than their peers. The loss of housing assistance would seriously harm affected families, particularly families of color.

California is proudly home to more than 10 million immigrants, the largest immigrant population in the United States. Nearly five million Californians belong to mixed-status families. The proposed rule and its negative impact stands to disproportionately affects thousands of these California residents.

While we agree that our nation faces affordable housing challenges, this proposed rule is not designed to address the underlying causes of our housing crisis nor expand the availability of housing units. HUD’s own analysis indicates the rule would cost the government at least \$193 million more each year.⁴ As a result, HUD predicts “there could be fewer households served under the housing choice vouchers program.”⁵ Additionally, for public housing complexes, there would be a negative impact on the quality of service, maintenance of units, and possible vacancies. This reduction of housing units and quality would only exacerbate the ongoing homelessness crisis in many of our communities.

Numerous housing and civil rights advocates have questioned the policy benefits of the proposed rule. If the Administration is indeed interested in addressing housing, we urge you to work with Congress to increase funding and resources for housing programs, rather than reduce funding, as was the case in the most recent budget request.

The proposed rule targets immigrant communities, causing needless hardship and fear for some of our most vulnerable families. For these reasons, we strongly urge the U.S. Department of Housing and Urban Development to immediately withdraw the proposed rule.

²Tracy Jan, *HUD says 55,000 children could be displaced under Trump plan to evict undocumented immigrants* https://www.washingtonpost.com/business/2019/05/10/hud-says-children-could-be-displaced-under-trump-plan-evict-undocumented-immigrants/?utm_term=.87065dca6ace

³ Regulatory Impact Analysis, Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980

⁴ Ibid.

⁵ Ibid.