



July 9, 2019

Submitted via www.regulations.gov

Office of the General Counsel
Rules Docket Clerk
U.S. Department of Housing and Urban Development (HUD)
451 Seventh Street, SW, Room 10276
Washington, DC 20410

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

Dear Rules Docket Clerk:

First 5 California appreciates the opportunity to comment on the U.S. Department of Housing and Urban Development's (HUD) proposed rule change that would prohibit "mixed status" immigrant families from living in public and other subsidized housing. First 5 California strongly opposes changing the department's eligibility requirements for federal housing assistance based on immigration status and imposing new documentation requirements for individuals receiving or applying for housing assistance. Implementing these changes would harm mixed immigration status families living in affordable housing, in particular children in mixed status families, most of whom are U.S. citizens.

Established 20 years ago, First 5 California was tasked directly by California's voters to urge policymakers to prioritize the well-being of children in policy and budget decisions. In partnership with others, First 5 California works to strengthen families, communities, and systems of service and supports so all children in California enter kindergarten ready to succeed in school and life.

Affordable housing is essential for families to thrive, and implementing the proposed rule change would further exacerbate the housing affordability crisis in California and cause significant harm to young children. Even without changes to federal public assistance rules, one in four children in California experience housing instability. The Section 8 housing assistance program is designed to provide stable and safe housing options for low-income residents, especially families with children. In the U.S., 70 percent of people in mixed immigration status families are eligible for housing assistance, and 95 percent of people in mixed status households who are eligible for assistance are U.S. citizens. If

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implemented, the rule will force households to choose between receiving housing assistance and separating families. The impact of the rule will be disproportionately felt in California, one of three states in the country where the most mixed-status families reside.

HUD Secretary Ben Carson has stated the proposed rule will help “legitimate American citizens” secure housing, but research shows nearly half of mixed-status families who are U.S. citizens are likely to lose their homes if the rule is implemented. In addition, according to HUD’s own analysis, the new rule will lead to a reduction in the quantity and quality of assisted housing for everyone, and will cost more than \$200 million to implement.

Analysis from the Center on Budget and Policy Priorities demonstrates that rental assistance needs to be expanded, not reduced, to ensure all Americans have access to good, affordable homes. Rather than implement rules that will reduce housing access to U.S. citizens, HUD should focus on ensuring every family who is eligible for assistance has access to a safe, accessible, and affordable place to call home.

In addition to impacting all U.S. residents, the proposed rule will disproportionately affect children. Approximately 55,000 children face eviction under the proposed rule, nearly all of whom are U.S. citizen children with parents who are “ineligible” immigrants. Being “ineligible” for housing subsidies is not the equivalent to being undocumented. There are many immigrants with legal status, such as U-Visa holders, who are ineligible for certain federally subsidized housing benefits but allowed to reside in subsidized housing due to the eligibility of other family members. Many of these non-eligible individuals also are the head of the household (leaseholder), which allows eligible residents, like U.S. citizen children, to remain in safe and stable housing with an adult who may be considered ineligible.

For example, a single mother with a student visa may hold the lease on an apartment in which she and her eligible U.S. citizen child reside with housing assistance from the federal government. Under the proposed regulation, however, the family’s leaseholder must have eligible immigration status even if they are the sole provider of their U.S. citizen children. As a result, if implemented, the proposed rule would result in this mother and child no longer being able to receive housing support. Families would be forced to decide between breaking up their families and forgoing their assistance, putting children at risk of becoming homeless and jeopardizing their well-being and optimal development. If finalized, this proposed rule would contribute directly to family instability and further increase the prevalence of homelessness, as well as associated trauma.

This rule also would impact nine million U.S. citizens currently receiving assistance who have already attested, under penalty of perjury, that they are citizens. Currently, only family members who are applying for housing assistance need to verify their immigration status. The proposed rule would require all household members under the age of 62 to submit verification of their immigration status through the Department of Homeland Security’s Systemic Alien Verification for Entitlements (SAVE) system, a burdensome process.

In California, as many as 937,000 individuals 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. Children and families of color would be most impacted and likely face significant obstacles in accessing this documentation within the required timeframe.

Millions more immigrant families, even those not at risk of losing housing support, will likely be harmed by the fear and confusion created by the proposed rule. This is acutely detrimental to the lifelong health and well-being of children, as experiencing trauma at a young age can interfere with neural connectivity precisely when the brain is developing most rapidly.

This proposed rule would have an impact beyond those who are ineligible or undocumented—it will hurt U.S. citizens who have the right to access housing assistance services, and will disproportionately impact children who are unable to care for themselves. If finalized, the rule would significantly impact the existing housing crisis, lead to greater homelessness and housing insecurity, and directly cause an adverse effect on the well-being and stability of children and their families. The proposed rule is a direct attack on the most vulnerable families in California and the nation at a time when HUD should focus on reducing wait lists for housing support.

On behalf of California's children, First 5 California stands in firm opposition to the proposed rule that would prohibit "mixed status" immigrant families from living in public and other subsidized housing.

If First 5 California can be of further assistance, please contact Erin Gabel, Deputy Director of External and Governmental Affairs, at egabel@ccfc.ca.gov or (916) 263-1093.

Sincerely,



Camille Maben
Executive Director