



July 8, 2019

Submitted via www.regulations.gov

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 the Michigan League for Public Policy 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). Contrary to HUD's mission, the proposed rule would split up families; exacerbate the nationwide, crisis-level shortage of quality, affordable homes; and contribute to a broader climate of exclusion and hostility toward immigrant families in our communities. We urge the rule to be withdrawn in its entirety, and that HUD's long-standing regulations remain in effect.

The Michigan League for Public Policy is a nonpartisan policy institute dedicated to economic opportunity for all. It is the only state-level organization that addresses poverty in a comprehensive way and analyzes the impact of state and federal budgets and policies on residents with low incomes. All of the League's work is done through a racial equity lens. We deeply believe that every individual, regardless of race, gender or national origin, should have the opportunity to thrive. The League is also home to the Kids Count in Michigan project that examines data on all children and families to promote strategies to improve their well-being.

Although HUD contends that the proposed rule is a means of addressing the waitlist crisis faced by a majority of Public Housing Authorities nationwide,¹ the League recognizes that it is a part of the current administration's coordinated attack on immigrant families.² We all share the concern that millions of U.S. households struggle to find affordable housing, but blaming immigrant families will not fix this problem. Indeed, HUD's own analysis concludes that fewer, not more, families are likely to receive assistance as a result of the rule.³ The real issue is

¹ 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.

² See, e.g., NAT'L IMMIGRATION L. CTR., *Understanding Trump's Muslim Bans* (updated Mar. 8, 2019), <https://www.nilc.org/issues/immigration-enforcement/understanding-the-muslim-bans/>; Michael D. Shear & Emily Baumgaertner, *Trump Administration Aims to Sharply Restrict New Green Cards for Those on Public Aid*, N.Y. TIMES (Sept. 22, 2018), <https://www.nytimes.com/2018/09/22/us/politics/immigrants-green-card-public-aid.html>; Dan Lamothe, *Pentagon Will Shift an Additional \$1.5 Billion to Help Fund Trump's Border Wall*, WASH. POST (May 10, 2019), https://www.washingtonpost.com/national-security/2019/05/10/pentagon-will-shift-an-additional-billion-help-fund-trumps-border-wall/?utm_term=.37360e7cda10; REUTERS, *Exclusive: Trump Administration Proposal Would Make It Easier to Deport Immigrants Who Use Public Benefits*, N.Y. TIMES (May 3, 2019), <https://www.nytimes.com/reuters/2019/05/03/us/politics/03reuters-usa-immigration-benefits-exclusive.html>.

³ 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).

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.

The proposed rule will hurt tens of thousands of immigrant families including many citizen children. 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. Even temporary family separations undermine family stability, and lead to toxic stress, trauma, and attachment issues in children. However, since 70% of mixed status families currently receiving HUD assistance are composed of eligible children and at least one ineligible parent, it is likely that these families will forgo the subsidies to avoid separation. In fact, HUD even notes in its regulatory impact analysis that it expects the fear of separation to prompt evacuation by most mixed households.⁴ Children in mixed-status families already experienced pervasive fear and have been separated from loved ones as this administration has stepped up action against immigrants. It is particularly cruel for HUD to compound their trauma through the housing instability and homelessness that is certain to result from mass evictions and loss of housing assistance.⁵

Having safe and stable housing is crucial to a person’s good health, academic achievement, sustaining employment, and overall self-sufficiency. The proposed rule’s negative effects on housing stability will be particularly prominent in the children, nearly all of whom are U.S. citizens, in mixed status families. Research has shown that economic and housing instability impedes children’s cognitive development, leading to poorer life outcomes as adults.⁶ Housing instability is directly correlated to decreases in student retention rates and contributes to homeless students’ high suspension rates, school turnover, truancy, and expulsions, limiting students’ opportunity to obtain the education they need to succeed later in life.⁷

We’ve seen the lifelong, devastating impacts of housing instability on our children here in Michigan. In our state, preschool children experiencing homelessness present with a major developmental delay at more than three times the rate of their housed peers. As these children grow older, they experience higher rates of grade repetition, chronic absence and failure to graduate high school on time.⁸ The frequent moves resulting from housing instability force students to switch schools often, leading to predictably poor educational outcomes.

The proposed rule robs eligible children of housing subsidies because they have parents with ineligible noncitizen status. Nearly all of the children in mixed-status families who are receiving HUD assistance addressed in the proposed rule are U.S. citizens and lawful permanent residents (LPRs) who live with parents or other adults who do not have eligible immigration status. There are over 38,000 U.S. citizen and otherwise eligible children in these families, and over 55,000 eligible children in mixed status families overall.⁹ By prohibiting the ineligible adults from living in subsidized units, the proposed rule forecloses the possibility of these U.S. citizen and LPR children from receiving any housing assistance under the covered housing programs.

⁴ HUD, Regulatory Impact Analysis, *Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980*, Docket No. FR-6124-P-01, at 7 (Apr. 15, 2019).

⁵ 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>.

⁶ HEATHER SANDSTROM & SANDRA HUERTA, *THE NEGATIVE EFFECTS OF INSTABILITY ON CHILD DEVELOPMENT: A RESEARCH SYNTHESIS* (2013), <https://www.urban.org/sites/default/files/publication/32706/412899-The-Negative-Effects-of-Instability-on-Child-Development-A-Research-Synthesis.PDF>.

⁷ See Mai Abdul Rahman, *The Demographic Profile of Black Homeless High School Students Residing in the District of Columbia Shelters and the Factors that Influence their Education* 55 (Mar. 2014) (Ph.D. dissertation, Howard University), available at <http://gradworks.umi.com/3639463.pdf> (citations omitted).

⁸ Ostyn, S. (June 2019). MICHIGAN LEAGUE FOR PUBLIC POLICY. *Homelessness in Early Childhood*.

⁹ See HUD, Regulatory Impact Analysis, *Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980*, Docket No. FR-6124-P-01, at 6-8 (Apr. 15, 2019) (73% of eligible family members are children and there are a total of 76,141 eligible individuals in the covered programs, for a total of 55,582 eligible children; 70% of households are composed of eligible children with ineligible parents, for a total of 38,907 eligible children in households with ineligible parents).

Everyone can agree that maximizing self-sufficiency should be a primary goal of housing programs. Without access to safe, affordable housing, families must make budget trade-offs that threaten their health and drive a cycle of poverty that is passed from generation to generation. When families have to put too much of their income towards their rent, they can't afford to pay for other basic needs like food and health care, which is why problems like food insecurity increase along with housing costs,¹⁰ and many renters delay needed medical care because they can't afford it.¹¹ For these reasons, federal housing assistance is crucial to disrupting the cycle and empowering struggling families to achieve greater self-determination.

The proposed rule will hurt U.S. citizens and the aging population. The proposed rule would create 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 citizenship, a practice that has proven to be burdensome, costly and unnecessary to protect program integrity.¹² The proposed rule also would require 120,000 noncitizens age 62 and older to provide documentation of their immigration status.¹³ Presently, these seniors are required to submit a signed declaration of their eligible immigration status and proof of age.

Evidence from other government services shows that overly broad requirements to document eligibility do very little to weed out the few people who may be abusing the system and serve mainly to block access to programs for the people who legitimately qualify for them. For example, in several states that implemented Medicaid work requirements, many eligible enrollees lost their health coverage due to difficulty reporting their work hours.¹⁴ After Medicaid began implementing a citizenship documentation requirement, there was a sharp decline in enrollment. Additionally, many states reported increased administrative costs and time spent on applications and redeterminations of eligibility.¹⁵ There is no reason to believe creating a greater paperwork burden would have different results with regard to housing assistance.

It can be extremely difficult for certain segments of the population to obtain the proof of citizenship or nationality, such as a birth certificate, required by the proposed rule. Groups facing additional barriers include older adults, people of color, people with disabilities, and people with low incomes. Among other difficulties, these individuals may have trouble getting to government offices to replace lost records or coming up with the funds to replace them, and some may have never been issued a birth certificate in the first place.¹⁶ Those who are unable to produce the documents within the required time period under the proposed rule will lose their housing assistance and potentially face eviction or homelessness.

The proposed rule will reduce the quality and quantity of federally assisted units. The proposed rule would not alleviate and would, instead, worsen the waitlist crisis for public housing and Section 8. According to HUD,

¹⁰ Jason M. Fletcher, Tatiana Andreyeva, & Susan H. Busch, *Assessing the Effect of Increasing Housing Costs on Food Insecurity* (Nov. 12, 2009), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1503043.

¹¹ ENTERPRISE, *Renters Report Housing Costs Significantly Impact Their Health Care* (Apr. 3, 2019), <https://www.enterprisecommunity.org/news-and-events/news-releases/2019-04-renters-report-housing-costs-significantly-impact-their-health-care>.

¹² 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); Donna Cohen Ross, *New Medicaid Citizenship Documentation Requirement is Taking a Toll: States Report Enrollment Is Down and Administrative Costs Are Up*, CPBB (Mar. 13, 2007), <https://www.cbpp.org/research/new-medicaid-citizenship-documentation-requirement-is-taking-a-toll-states-report>.

¹³ 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).

¹⁴ Wagner, J. (2019, June 28). Commentary: As Predicted, Arkansas' Medicaid Waiver Is Taking Coverage Away From Eligible People. CENTER ON BUDGET AND POLICY PRIORITIES. <https://www.cbpp.org/health/commentary-as-predicted-arkansas-medicaid-waiver-is-taking-coverage-away-from-eligible-people>.

¹⁵ U.S. GOV'T ACCOUNTABILITY OFFICE, *Medicaid: States Reported That Citizenship Documentation Requirement Resulted in Enrollment Declines for Eligible Citizens and Posed Administrative Burdens* (June 2007), <https://www.gao.gov/new.items/d07889.pdf>.

¹⁶ 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>.

replacing the 25,000 mixed-status families currently receiving HUD assistance with households comprising members who are all eligible would cost HUD from \$372 million to \$437 million annually.¹⁷ Without increased funding to cover the added costs of subsidizing completely eligible families, the inevitable outcome is that HUD will serve fewer families and/or provide accommodations of lower quality.

This would exacerbate the existing crisis-level shortage of affordable housing. In Michigan, there are only 37 affordable rental units available for every 100 families with extremely low incomes.¹⁸ In recent years, two Michigan cities—Detroit and Grand Rapids—have been among the 10 U.S. cities with the largest housing shortages.¹⁹ While Secretary Carson has implied that mixed-status families are to blame for straining the limited resources available for housing assistance,²⁰ they constitute a relative handful of assisted households. In Michigan, they are only 40 of the more than 131,000 families that receive housing assistance.²¹ Taking away their assistance will not even begin to free up the resources necessary to have a meaningful impact on the long waiting lists for housing vouchers or the \$50 billion backlog of repairs needed to address the deplorable conditions in the nation’s public housing stock.

The Trump administration’s rhetoric and policies have already worsened the labor shortage in the construction industry, which relies heavily on immigrant workers.²² The industry’s inability to keep up with demand puts upward pressure on housing prices, which ultimately harms families at all income levels. Attacking immigrant families yet again through this proposed rule would be similarly counterproductive. The Regulatory Impact Analysis released by HUD makes it clear that the rule will not further HUD’s mission to “create strong, sustainable, inclusive communities and quality affordable homes for all.”²³

The proposed rule will hurt our economy. Immigrants are a critical factor in keeping the United States’ economy healthy and growing, currently accounting for about 17% of the total U.S. workforce.²⁴ Immigrants are concentrated in construction and agriculture—the industries that literally feed and house America. Federal policy grounded in hostility toward immigrants threatens our food systems and further jeopardizes housing affordability for all Americans. Immigrant families with low incomes make important contributions to the U.S. economy, and overall, immigration into the United States is a long-term fiscal net positive.²⁵ In Michigan alone, undocumented immigrants contribute nearly \$90 million annually in state and local taxes that support our economy and important public services that benefit all people in our state.²⁶ The proposed rule does not adequately consider how vital immigrants and their families are to the country’s social and economic fabric.

The proposed rule will disproportionately hurt already vulnerable populations. Many members of our communities face severe housing challenges due to age, race, ethnicity, sexual orientation, gender identity, disability and experience of gender-based violence. The proposed rule would put safe housing even further out

¹⁷ HUD, Regulatory Impact Analysis, *Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980*, Docket No. FR-6124-P-01, at 11 (Apr. 15, 2019).

¹⁸ NATIONAL LOW INCOME HOUSING COALITION. (2019). The Gap: A Shortage of Affordable Homes, Michigan. <https://reports.nlihc.org/gap/2017/mi>.

¹⁹ Evans, P. (2017, January 17). Grand Rapids 'housing shortage' ranks No. 3 in US. GRAND RAPIDS BUSINESS JOURNAL. <https://www.grbj.com/articles/87064-grand-rapids-housing-shortage-ranks-no-3-in-us>

²⁰ Smith, S. (2019, May 22). Ben Carson claimed ‘people here illegally’ are keeping Houstonians from public housing. Here’s what he got wrong. HOUSTON CHRONICLE. <https://www.houstonchronicle.com/news/houston-texas/houston/article/Ben-Carson-claimed-people-here-illegally-13873332.php>

²¹ Mazarra, A. (2019, July 1). Demographic Data Highlight Potential Harm of New Trump Proposal to Restrict Housing Assistance. CENTER ON BUDGET AND POLICY PRIORITIES.

²² Kusisto, L. (2018, March 18). The Next Housing Crisis: A Historic Shortage of New Homes. WALL STREET JOURNAL. <https://www.wsj.com/articles/american-housing-shortage-slams-the-door-on-buyers-1521395460>.

²³ HUD, ABOUT HUD, MISSION (last visited May 20, 2019), <https://www.hud.gov/about/mission>.

²⁴ U.S. DEPT. LABOR, BUREAU OF LABOR STATISTICS, USDL-18-0786, FOREIGN-BORN WORKERS: LABOR FORCE CHARACTERISTICS—2017 (2018), <https://www.bls.gov/news.release/pdf/forbrn.pdf>.

²⁵ See PANEL ON ECON. & FISCAL CONSEQUENCES OF IMMIGRATION, THE ECONOMIC AND FISCAL CONSEQUENCES OF IMMIGRATION (Francine D. Blau & Christopher Mackie, eds., 2017), <https://www.nap.edu/catalog/23550/the-economic-and-fiscal-consequences-of-immigration>.

²⁶ MICHIGAN LEAGUE FOR PUBLIC POLICY (January 2019). A snapshot of immigrants in Michigan, <https://mlpp.org/wp-content/uploads/2019/01/2019-immigrant-fact-sheet-michigan-2019.pdf>.

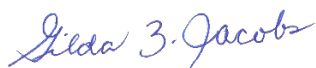
of reach for members of these populations who happen to live in immigrant families. While Michigan has made notable progress in reducing homelessness in our state, alarming disparities between different populations persist and the proposed rule could contribute to the perpetuation of those disparities. For example, while Blacks make up only 14% of Michigan’s general population, they constitute 53% of the homeless population. In our state, people experiencing homelessness are about three times more likely to have a disability than the general population. Additionally, we have recently seen a troubling uptick in homelessness among people age 55 and older.²⁷ Restricting eligibility for already-insufficient housing assistance while expanding administrative barriers would not promote further reduction in overall homelessness or help to eliminate the inequities resulting from structural racism, discrimination, and gaping holes in our healthcare system.

Michigan’s immigrant story is deeply woven into the history of the state. Michigan has long been a beacon of economic opportunity for newcomers from around the world. With only the possibility of finding a good paying job, immigrants helped fuel Michigan’s growing auto manufacturing industry in the 20th century and transform the state into the “Auto Capital of the world.” It’s no secret then that healthy immigration flows are essential to the state’s long-term success. Our communities have made long strides in welcoming Michigan’s new Americans, and this rule will only cause serious harm to communities.

If we want our communities to thrive, families must be able to stay together and get the support they need to remain housed, healthy and productive. For these reasons, 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.

Thank you for the opportunity to submit comments on the proposed rulemaking. Please do not hesitate to contact us to provide further information.

Sincerely,



Gilda Z. Jacobs
President and CEO

²⁷ MICHIGAN CAMPAIGN TO END HOMELESSNESS. (2018). Ending Homelessness in Michigan: 2017 Annual Report