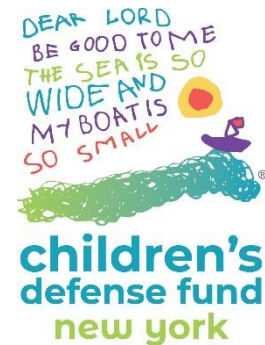


July 9, 2019

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:

On the behalf of The Children's Defense Fund – New York (CDF – NY), we write to offer comments in opposition to the Proposed Rule for Housing and Community Development Act of 1980: Verification of Eligible Statues published in the Federal Register Volume 84, Number 91, on May 10, 2019.

CDF-NY submit comments on behalf of children in the United States, especially young children, children with disabilities, children of color, low-income children, immigrant children, and children in complex families. For 46 years, CDF has been advocating for children and seeking strong support for families through the passage of laws and implementation of rules, programs, and services in their best interest. CDF's Leave No Child Behind® mission is to ensure every child a *Healthy Start*, a *Head Start*, a *Fair Start*, a *Safe Start*, and a *Moral Start* in life and a successful passage to adulthood with the help of caring families and communities.

In New York, CDF-NY has a unique approach to improving conditions for children, combining research, public education, policy development, community organizing and advocacy. A recognized authority in the endeavor to protect children and strengthen families, CDF-NY serves as a resource and partner for children, families and organizations throughout New York City and State.

CDF-NY has worked with countless young people since its establishment, whether they were citizens, immigrants, or children of immigrants. Many of the youth have shared stories about their use of public benefits, including housing programs, and the support that public assistance programs have provided in their lives. Many of our young people have gone on to beat the odds against them and become American success stories. Who is to say whether these immigrants and their children won't go on to be the next great entrepreneur, scientist, or the next president?

CDF-NY is alarmed by the proposed rulemaking because if applied as currently drafted, it will threaten the well-being of children, low-income U.S. citizens, immigrants, and their

families. It is yet another direct attack on immigrants and citizens in mixed status households¹. This rule bars them from receiving housing assistance and deprives them of the most basic of human rights—a home. If this rule is promulgated, it will force thousands of families in federally-assisted housing to forgo their benefits, to separate, or to face eviction. Family separations undermine family stability, which results in developmental problems in children. The separation of families, even if it's temporary, can impact the bond between parent-child as well as the health and educational attainment further down in life. It is why we condemn the proposed rule and request that the Department of Housing and Urban Development immediately withdraw the proposed rule.

I. The Proposed Rule threatens the welfare of tens of thousands of immigrant families including many children.

The existing rule bars undocumented immigrants from receiving federal housing subsidies, but allows families of mixed immigration status to live in subsidized housing as long as one household member is a legal resident. The subsidies are prorated based on the number of eligible members of the family. The amount of housing subsidy for the household is decreased based on the portion of eligible household members in the unit². The new proposal however, prohibits “mixed-status” families, which are households comprised of members who have eligible and ineligible immigration statuses as defined in Section 214, from living in federally subsidized units that are subject to immigration status restrictions under Section 214 of the Housing and Community Development Act of 1980³. If applied as currently drafted, it will result in the evictions of 108,000 individuals in 25,000 mixed status families (in which nearly 3 out of 4 are eligible for assistance) from public housing, Section 8, and other programs covered by the proposed rule⁴. Since 70% of mixed status families currently receiving HUD assistance are composed of eligible children and at least one ineligible parent, this proposed rule would displace as many as 55,000 children and puts them at risk of homelessness⁵.

Studies have shown that unstable housing situations can cause individuals to experience increased hospital visits, loss of employment, and are associated with increased likelihood of mental health problems in children,⁶ and can dramatically increase the risk of an acute episode of

¹ 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>.

² Zolan Kanno-Youngs, Glenn Thrush, *HUD Says Its Proposed Limit on Public Housing Aid Could Displace 55,000 Children*, (May, 2019), <https://www.nytimes.com/2019/05/10/us/politics/hud-public-housing-immigrants.html>

³ The National Housing Law Project, *The National Low Income Housing Coalition, Q&A on HUD Proposed Rule on Mixed-Status Families*, https://docs.wixstatic.com/ugd/d97bc4_93b09d215ee94befbc22cd389f620c28.pdf

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 CBPP analysis of HUD administrative data. Data include Section 8 and public housing programs, but do not include the Rent Supplement, Rental Assistance (RAP), Section 236, Section 235, Section 23 Leasing Housing Assistance, or Housing Development Grant programs.

⁶ See Will Fischer, *Research Shows Housing Vouchers Reduce Hardship and Provide Platform for Long-Term Gains Among Children*, CENTER ON BUDGET AND POLICY PRIORITIES (October 7, 2015), <https://www.cbpp.org/research/research-shows-housing-vouchers-reduce-hardship-and-provide-platform-for-longterm-gains>; see also Linda Giannarelli et al., *Reducing Child Poverty in the US: Costs and Impacts of Policies Proposed by the Children's Defense Fund* (Jan. 2015),

a behavioral health condition, including relapse of addiction in adults. Having safe and stable housing is crucial to a person's good health, sustaining employment, and overall self-sufficiency. These effects will be particularly prominent in children, nearly all of whom are U.S. citizens, in these mixed status families. Research has shown that economic and housing instability impedes children's cognitive development, leading to poorer life outcomes as adults.⁷ 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.⁸ Since these children lack the legal capacity to sign leases themselves, this results in the adult heads of household, including those who do not receive assistance, to sign these contracts on behalf of their family. By prohibiting the ineligible adults from living in subsidized units, the proposed rule forecloses the possibility of these eligible immigrants, U.S. citizen, children from receiving any housing assistance under the covered housing programs.

II. The proposed rule will hurt already vulnerable disadvantaged populations.

Aging Population

Federal housing assistance programs provide vital support to 1.9 million older adults who would otherwise be unable to afford the cost of shelter.⁹ Seniors with fixed incomes are especially at risk of serious harm if they live in mixed status families and lose rental assistance due to the rule because they have such limited resources to spend on other basic needs, including food, medicine, transportation, and clothing.¹⁰ The proposed rule would also make it impossible for many intergenerational families to live together and share resources that enable them to succeed. It ignores the critical roles many grandparents play in caring for their grandchildren and other family members, as well as the role adult children play in caring for their aging parents and relatives.

According to a study reported by the Census Bureau in 2017, of the 70 million grandparents in the United States,¹¹ approximately 7.3 million or 10 percent, lived with at least one grandchild, a 24 percent increase compared to 2001; 3 percent of which are responsible for raising and supporting his/her grandchildren.¹² Additionally, grandparents act as a pillar of support for overburdened parents by helping to care for children, providing them with a healthy

<http://www.childrensdefense.org/library/PovertyReport/assets/ReducingChildPovertyintheUSCostsandImpactsofPoliciesProposedbytheChildrensDefenseFund.pdf>.

⁷ 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>.

⁸ 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).

⁹ <https://apps.cbpp.org/4-3-19housing/PDF/4-3-19housing-factsheet-us.pdf>

¹⁰ See Justice in Aging, Supporting Older Americans' Basic Needs: Health Care, Income, Housing and Food (Apr. 2018), available at www.justiceinaging.org/wp-content/uploads/2018/04/Supporting-OlderAmericans%E2%80%99-Basic-Needs_Health-Care-Income-Housing-and-Food.pdf

¹¹ "The Grandparent Boom!" The Bulletin, AARP Bulletin, May 4, 2017, <https://www.aarp.org/home-family/friends-family/info-2017/record-number-grandparents.html>

¹² U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

and stable lifestyle, and ensuring they are looked after. In return, caring for grandchildren can help stave off depression and boosts social connection for the grandparents.

In some cases, the rise in percentage in seniors caring for grandchildren can be alarming as it creates additional challenges faced by the aging population. In families where the parents are absent from the household, grandparents often assume responsibility as the head of household for the grandchildren. In these situations, grandparents may not be mentally, physically, or financially prepared to care for their grandchildren. In the absence of the parents, children may develop emotional disturbances and stress, which the custodial grandparents may not be mentally or emotionally prepared for. Financially, grandparents have limited resources and in most cases, are ready to enter retirement if they haven't already. Assuming responsibility for the child creates additional financial burden and hardships to grandparents, draining retirement savings and in some cases, forces the grandparent back into workforce, which in the long run deteriorates the physical health of the grandparents¹³.

Furthermore, the proposed rule adds new documentation requirements that will be particularly burdensome on older adults.¹⁴ The proposed rule will require all U.S. citizens to provide proof of citizenship, and will also require noncitizens 62 years old or over to provide additional documentation of their immigration status. 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 these documents in the first place.¹⁵

By separating families through eviction, families may lose some of their primary sources of emotional, finance, and physical support from the intergeneration bond that help children and families. It is why we urge the withdrawal of this rule and emphasize the importance of keeping families together.

Children

The proposed rule threatens the health of children, and will effectively evict over 55,000 children who are eligible for the covered housing programs. The changes proposed are specifically designed to force families to make choices that will harm their child's health. Mixed status families will have to make the excruciating decision to either face eviction or separate as a family in order to retain housing stability. Both options will have lasting impacts on child and family health. Research shows that families who are evicted are more likely to experience homelessness, move into substandard or overcrowded housing, and have a sequence of adverse physical and mental health outcomes.¹⁶ The alternative, family separation, even if it is temporary,

¹³ Dionne Dobbins, Ph.D., Celebrating Grandparents and the Important Role They Play in Children's lives, (Sept. 13, 2017),

<https://usa.childcareaware.org/2017/09/celebrating-grandparents-important-role-play-childrens-lives/>

¹⁴ 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).

¹⁵ 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>.

¹⁶ Bovell-Ammon A & Sandel M., *The Hidden Health Crisis of Eviction*, BOS. U. SCH. OF PUB. HEALTH (2018),

<http://www.bu.edu/sph/2018/10/05/the-hidden-health-crisis-of-eviction/>; Desmond M. & Tolbert Kimbro R., *Evictions Fallout: Housing, Hardship, and Health*, 94 SOCIAL FORCES 295 (2015).

is a stressful and traumatizing experience for children, which can alter the architecture of a child's developing brain and have lifelong consequences.¹⁷

Approximately 18 million children in the U.S. live in a family with at least one immigrant parent,¹⁸ and an estimated 5 million children (of whom more than 80 percent are U.S. citizens) live in homes with at least one undocumented parent.¹⁹ In New York, there are approximately 1.5 million children in immigrant families.²⁰ While the majority of children in these households are citizens, the fact that they have at least one member of their household who has limited or no eligibility for public assistance based on their immigration status means that children in immigrant families have higher rates of poverty than children in U.S.-born families.²¹

Access to housing assistance already remains limited for families—only one in four families who are eligible for rental assistance in the U.S. receive it. Nearly 40% of the households currently receiving rental assistance include children.²² Research shows that rental assistance for households with children results in significant positive effects for future child outcomes and family economic security. Housing assistance lifts about a million children out of poverty each year,²³ and can improve a child's chances for long-term economic mobility—one study finds that children in households receiving Housing Choice vouchers have higher adult earnings and a lower chance of incarceration.²⁴

Housing assistance also improves child health—children of families receiving housing assistance had a 35 percent higher chance of being labeled a “well child,” a 28 percent lower risk of being seriously underweight and a 19 percent lower risk of food insecurity.²⁵ Access to affordable housing provides stability for families and frees up income for other necessities. Low-income households with children that pay more than half of their monthly income on rent spend considerably less on other basic necessities—they spend \$200 less per month on food, nearly \$100 less on transportation, and about \$80 less on healthcare.²⁶

This rule would add insult to injury by further limiting access to housing assistance for families with children. Child and youth homelessness continues to skyrocket in the United States

¹⁷ Simha S., The Impact of Family Separation on Immigrant and Refugee Families, 80 N C MED J. 95, 96 (2019).

¹⁸ *Databank Indicator: Immigrant Children*, CHILD TRENDS (Oct. 2014), www.childtrends.org/?indicators=immigrant-children.

¹⁹ Randy Capps, Michael Fix, and Jie Zong, A profile of U.S. Children with Unauthorized Immigrant Parents (Washington, DC: Migration Policy Institute, 2016), www.migrationpolicy.org/research/profile-us-children-unauthorized-immigrant-parents.

²⁰ Migration Policy Institute (MPI) tabulation of data from U.S. Census Bureau, 2017 American Community Survey (ACS) and 1990 Decennial Census; 1990 data were accessed from Steven Ruggles, J. Trent Alexander, Katie Genadek, Ronald Goeken, Matthew B. Schroeder, and Matthew Sobek, Integrated Public Use Microdata Series: Version 5.0 [Machine-readable database] (Minneapolis: University of Minnesota, 2010).

²¹ *Ibid* 1. Page 140.

²² “National and State Housing Fact Sheets & Data.” Center on Budget and Policy Priorities, August 2017,

<https://www.cbpp.org/research/housing/national-and-state-housing-fact-sheets-data>.

²³ Liana Fox, “The Supplemental Poverty Measure: 2017,” September 2018, <https://www.census.gov/library/publications/2018/demo/p60-265.html>.

²⁴ Andersson, Fredrik and Haltiwanger, John C, et. al. “Childhood Housing and Adult Earnings: A Between-Siblings Analysis of Housing Vouchers and Public Housing.” National Bureau of Economic Research, Working Paper No. 22721, September 2018, <http://www.nber.org/papers/w22721>.

²⁵ Elizabeth March, “Rx for Hunger: Affordable Housing,” *Children's Health-Watch; Medical-Legal Partnership*, December 2009, http://www.vtaffordablehousing.org/documents/resources/435_RxforhungerNEW12_09.pdf.

²⁶ “The State of the Nation's Housing 2018”, Joint Center for Housing Studies of Harvard University, tabulations of US Bureau of Labor Statistics, 2016 Consumer Expenditure Survey, 2018, http://www.jchs.harvard.edu/sites/default/files/Harvard_JCHS_State_of_the_Nations_Housing_2018.pdf

– the U.S. Department of Education identified 1.3 million homeless children in the 2016-2017, which is a 70 percent increase since the 2007-2008 school year.²⁷

The proposed rule will only serve to further increase child homelessness, with detrimental effects to child well-being and our economy. Homelessness, even for a brief time, is extremely detrimental to a child’s healthy development. The younger and longer a child experiences homelessness, the greater the cumulative toll of negative health outcomes.²⁸ Homelessness is also associated with an 87 percent greater likelihood of a child or youth dropping out of school.²⁹

A recent landmark study from the National Academy of Sciences finds that child poverty and homelessness costs our society over \$1 trillion each year.³⁰ This same study finds that making housing vouchers available for 70 percent of the families who are currently eligible would reduce child poverty by 3 percentage points.

This rule takes the opposite approach by taking away housing assistance from thousands of children and families, ignoring research from leading experts regarding what is best for the well-being of the nation’s children and families. Evicting families or forcing them to separate will not only harm children’s health today, but well into the future. We need policies that expand, not reduce, access to stable homes for families with children in order to ensure all children have opportunities to be healthy and reach their highest potential.

Conclusion

The Children’s Defense Fund-New York stridently opposes the proposed rule for Housing and Community Development Act of 1980 as it creates additional hardship for immigrant children and families and vulnerable individuals. 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. By protecting and keeping the families together, and allowing them to get the care, services and support they need to remain healthy and productive results a thriving community.

Thank you for the opportunity to submit comments on the proposed rulemaking.

Sincerely,

Children’s Defense Fund-New York.

²⁷ “Federal Data Summary School Years 2014-2015 to 2016-2017, National Center for Homeless Education, February 2019, <https://nche.ed.gov/wp-content/uploads/2019/02/Federal-Data-Summary-SY-14.15-to-16.17-Final-Published-2.12.19.pdf>.

²⁸ Megan Sandel, Richard Sheward, and Lisa Sturtevant, *Compounding Stress: The Timing and Duration Effects of Homelessness on Children’s Health*, Insights from Housing Policy Research (Washington, DC: Center for Housing Policy; Boston: Children’s HealthWatch, 2015), <https://www.issuelab.org/resources/21731/21731.pdf>.

²⁹ Erin S. Ingram, John M. Bridgeland, Bruce Reed, and Matthew Atwell, *Hidden in Plain Sight: Homeless Students in America’s Public Schools* (Washington, DC: Civic Enterprises and Hart Research Associates, 2016), <http://www.americaspromise.org/report/hidden-plainsight>.

³⁰ National Academies of Sciences, Engineering, and Medicine 2019. *A Roadmap to Reducing Child Poverty*, The National Academies Press, 2019, <https://doi.org/10.17226/25246>.