

July 7, 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 AIDS Foundation of Chicago (AFC) 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). The proposed rule would cause major harm to thousands of immigrant families, threaten the housing security for millions of U.S. citizens, and conflicts with U.S. policy priorities on preventing and responding to homelessness. We urge the rule to be withdrawn in its entirety, and that HUD's long-standing regulations remain in effect.

For more than 30 years, AFC has worked to transform the systems that contribute to HIV prevention, awareness, and access to lifesaving care and services. AFC leads the largest coordinated HIV case management system in the country and has a long history in providing housing for people living with HIV and chronic conditions. We provide a continuum of housing services, from short-term assistance to permanent supportive housing, to over 1,000 households annually. In 1995, AFC led efforts to develop Chicago's first-ever HIV/AIDS housing five-year strategic plan and continues to serve as a leader in community planning for housing for people living with HIV/AIDS. We are deeply concerned that the proposed rule will put thousands of people at risk of homelessness and create fear and chaos among immigrants and their families.

Although HUD insists that the proposed rule is a way of reducing the waitlist faced by a majority of Public Housing Authorities across the country,¹ AFC recognizes the proposed rule as a part of the current administration's coordinated attack on immigrant families.² We share the concern that millions

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,

of U.S. households struggle to find affordable housing in the ongoing nationwide housing crisis, but blaming immigrant families will not fix this problem. HUD’s own analysis of the proposed rule concludes that fewer, not more, families are likely to receive assistance as a result of the rule. We as a country must 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 places tens of thousands of immigrant families at risk of homelessness

The proposed rule threatens to undermine the well-being of low-income U.S. citizens, immigrants, and their families. The 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. This rule would effectively evict as many as 108,000 individuals in 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 rule. These mass evictions and departures from housing assistance will cause increased rates of homelessness and unstable housing among an already vulnerable population.

These outcomes will not only hurt families while they struggle to find housing in the short term but will also lead to reduced opportunities and increased health problems for these families in the long term. 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 and can dramatically increase the risk of an acute episode of 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.

AFC’s clients continually demonstrate how safe and affordable housing is critical for health and wellbeing. According to the National Coalition for the Homeless, “homeless people are four times more likely to get medical care once they had been placed in supportive housing”³. Research conducted on AFC’s Supportive Housing Programs has shown that AFC provides an effective intervention in reducing hospitalizations and usage of public health services among homeless persons with chronic illnesses⁴.

The proposed rule will hurt U.S. citizens

Immigrants and their families are not the only people who will be hurt by the proposed rule. The rule would create massive red tape that threatens housing security for over 9 million U.S. citizens currently receiving HUD assistance by requiring that U.S. citizens provide evidence of their citizenship.

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 National Coalition for the Homeless, *Health Care and Homelessness* (July 2009), <http://www.nationalhomeless.org/factsheets/health.html>

⁴ Sadowski LS, Kee R, VanderWeele TJ, Buchanan D. “Effect of a Housing and Case Management Program on Emergency Department Visits and Hospitalizations among Chronically Ill Homeless Adults: A Randomized Trial” *Journal of the American Medical Association*. 2009; 301(17):1771–8

This practice has proven to be burdensome, costly and unnecessary.⁵ The requirement for people to provide proof of citizenship or nationality, such as a birth certificate, would be extremely difficult for certain segments of the population. Obtaining such documentation can be particularly difficult for U.S. citizens over the age of 50, citizens of color, citizens with disabilities, and citizens with low incomes.

The proposed documentation requirements will be particularly burdensome for recipients of rental assistance who were formerly homeless, as well as for people experiencing homelessness who could be assisted by housing programs in the future. People experiencing homelessness often lose important documents such as photo identification, birth certificates, and social security cards because they have no safe places to store them.⁶ AFC staff and partner agencies often observe the already existing barriers to housing and the impact of paperwork on clients' ability to get assistance. Adding more documentation requirements creates even more barriers and could cause many people to return to homelessness. It is unfathomable that the administration would not anticipate the added burdens as well as costs of this requirement.

The proposed rule contradicts U.S. policy priorities on preventing homelessness

The proposed rule is in direct conflict with federal policy priorities of ending homelessness and federal mandates for states to provide certain assistance and programs to everyone. The proposed rule directly contradicts policy goals such as those established by the U.S. Interagency Council on Homelessness⁷ and the National Affordable Housing Act⁸.

Community health and well-being requires access to stable and affordable housing. We must build a housing system that creates opportunities for all people to thrive. The proposed rule would harm the health of immigrant families and communities as a whole, threatening people with homelessness and breaking families apart. Research has demonstrated that affordable housing supports health.⁹ When families must dedicate the majority of their income towards rent, other basic needs like food and healthcare are neglected. Clients and families entering AFC housing programs very often report making difficult and painful decisions about how to pay for transportation to see a doctor or buy a meal for their children. We cannot let the proposed rule cause negative health and living consequences.

Finally, the proposed rule will disproportionately harm highly vulnerable populations. The health and well-being of already disadvantaged people, including children, communities of color, people with disabilities, and LGBTQ people must be considered. The proposed rule will force families to decide

⁵ 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>.

⁶ NAT'L L. CTR. ON HOMELESSNESS & POVERTY, PHOTO IDENTIFICATION BARRIERS FACED BY HOMELESS PERSONS: THE IMPACT OF SEPTEMBER 11 (Apr. 2004), https://nlchp.org/wp-content/uploads/2018/10/ID_Barriers.pdf.

⁷ U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, SUMMARY OF ESSENTIAL ELEMENTS OF THE PLAN 2 (July 2018), https://www.usich.gov/resources/uploads/asset_library/Summary_of_Essential_Elements_of_the_Plan.pdf; U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, HOME, TOGETHER: THE FEDERAL STRATEGIC PLAN TO PREVENT AND END HOMELESSNESS 6 (2018), https://www.usich.gov/resources/uploads/asset_library/Home-Together-Federal-Strategic-Plan-to-Prevent-and-End-Homelessness.pdf.

⁸ 42 U.S.C. § 12701.

⁹ Nabihah Maqbool, Janet Viveiros, & Mindy Ault, CENTER FOR HOUSING POLICY, *The Impacts of Affordable Housing on Health: A Research Summary* (Apr. 2015), <https://www.rupco.org/wp-content/uploads/pdfs/The-Impacts-of-Affordable-Housing-on-Health-CenterforHousingPolicy-Maqbool.etal.pdf>.

between eviction or separation. We cannot allow families that are already at risk to face additional adversity. To continue to progress as a nation, immigrants must have the opportunity to flourish.

As stated above, HUD's proposed rule would cause major harm to thousands of immigrant families, threaten the housing security for millions of U.S. citizens, and is in conflict with U.S. policy priorities on preventing and responding to homelessness. 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. If we want our communities to thrive, everyone in those communities must be able to stay together and get the care, services and support they need to remain healthy and productive.

Thank you for the opportunity to submit comments on the proposed rulemaking. Please do not hesitate to contact me at (312) 334-0921 or jpeller@aidschicago.org to provide further information.

A handwritten signature in black ink, appearing to read "John Peller". The signature is fluid and cursive, with a long horizontal stroke at the end.

John Peller
President/CEO
AIDS Foundation of Chicago