



July 9, 2019

SUBMITTED ELECTRONICALLY

Office of the General Counsel  
Rules Docket Clerk  
Department of Housing and Urban Development  
451 Seventh Street SW, Room 10276  
Washington, DC 20410-0001

Re: HUD Docket No. FR-6124-P-01, Verification of Eligible Status

To Whom It May Concern:

At Home Forward, housing is what we do, and people are the reason it matters. We firmly believe in hearing and amplifying the voices of those with a lived experience of homelessness, barriers to housing stability, connections to vulnerable populations, or interactions with various systems addressing poverty. With our mission and values providing firm foundations, we turn to residents, participants, staff, and our community for input on important housing policy issues. We rely heavily on nearly eight decades of experience to inform our approaches. Finally, we turn to our Board of Commissioners for leadership and guidance.

Contained below are comments in response and in opposition to the Department of Housing and Urban Development (HUD) proposal to remove eligibility for thousands of families receiving federal assistance by drastically changing the interpretation of Section 214 of the Housing and Community Development Act of 1980. We have also annexed a resolution passed by Home Forward's Board of Commissioners channeling the sentiments contained in these comments, expressing support for immigrant communities, and opposing this proposed rule.

Our community welcomes and embraces immigrants, their families, and their communities regardless of whether those individuals are considered "documented" under federal rules and regulations. We consider them residents of our state who



strengthen the fabric of our communities. According to estimates, there are 113,000 immigrants in Oregon who do not maintain federal status, and nearly 2 in 3 have resided here longer than a decade.<sup>1</sup> Over 1 in 5 are children or youth aged 24 or below. As the comments below highlight, if this rule were finalized, it would have a harmful impact on Oregon's immigrant community.

**1. The proposed rule would result in significant increases in homelessness, particularly unsheltered homelessness**

We know that families who have stable affordable housing are able to support their household in other ways, by maintaining jobs, accessing health care, providing nutritious foods, and ensuring other necessities. Children can thrive in school. Parents can get to work more easily. Without stable housing, each of these items could be jeopardized.

Our households reside in programs that utilize federal resources like Public Housing and the Housing Choice Voucher program. In Multnomah County, we house 259 families which contain an ineligible non-citizen. Ineligible non-citizens tend to be parents, and they tend to have children who are American citizens. The households that we assist have 1,154 residents including 596 children. The proposed rule puts each household member at risk. This rule change would require that families make difficult decisions that weigh homelessness against splitting up families, and each option carries devastating impacts for families and communities.

As these currently-housed families are broken up, evicted, or terminated from housing programs, families and individuals would be forced onto the streets and homelessness would increase. This will impact our communities in innumerable ways. Most immediately, current counts of homelessness will increase. Local communities, including Continuums of Care, will be placed under additional strain to meet demand. Progress that has been made on reducing or slowing homelessness will yield to increased homelessness due to this proposal.

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<sup>1</sup> Migration Policy Institute analysis of U.S. Census Bureau data from the pooled 2012-16 American Community Survey and the 2008 Survey of Income and Program Participation; <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/OR>



## **2. The proposed rule would have a disproportionate impact on youth and children**

We operate our programs to serve immediate need, but also to prepare youth for their futures. That is all the more important in Oregon, which maintains one of the highest rates of homelessness among families with children. This proposed rule change will exacerbate homelessness, especially among minor children. The vast majority of these children are U.S. citizens.

Terminating housing assistance and evicting families from their homes directly and immediately impacts children, but also results in other long-lasting harm. Trauma and adverse childhood experiences (ACEs) remain with individuals for many years or life. Children experiencing homelessness cannot thrive in schools and increase strains on the educational system. Moves during middle childhood, particularly for low-income children, can reduce future educational attainment, earnings, and work hours; further, without stable housing, children are less able to focus on studies, and parents are unable to engage in their child's education.

Health also matters in this discussion. Young children who have experienced homelessness for longer than six months were significantly more likely to experience developmental delays, fair or poor health, obesity, and be hospitalized than children who never experienced homelessness or did so for less than six months.<sup>2</sup>

Eviction and loss of housing assistance represents only the first level of trauma. We know that for children the negative impacts ripple out in other harmful ways that can take years or decades to heal. This proposed rule would only increase that trauma and increase the long term costs of caring for American children.

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<sup>2</sup> Even Prenatally, Homelessness Harms Children's Health, How Housing Matter, 2015; <https://howhousingmatters.org/articles/even-prenatally-homelessness-harms-childrens-health/>



### **3. The proposed rule would have a disparate impact on communities of color**

Let's not mince words or dance around the stated intent: this proposed rule and its disparate outcomes are racist and xenophobic. Though not explicitly stated, this rule will have disparate impacts for families based on race, national origin, and language. In our housing programs, we know that mixed status families are composed overwhelmingly of people of color, migrants from Mexico, Central America, and South America, and households that primarily speak Spanish. Accordingly, the short-term and long-term outcomes negatively impact certain communities more dramatically than others. For Home Forward, as an agency that applies an equity lens to the administration of federal policies, these are unacceptable outcomes.

### **4. The proposed rule would be costly, difficult to administer, and administratively burdensome**

The proposed rule asks housing authorities to take on roles implementing federal immigration policy at a scale not seen previously. Agencies are not equipped for this work. We do not have the capacity or the systems necessary to collect the various documents required by the proposed rule, especially since Housing Authorities currently are not required to collect documents for program participants who indicate they are a citizen or an ineligible non-citizen. Income recertifications already constitute one of the most burdensome aspects of a housing program because of the need to collect various documents, and the proposed rule would only increase document collection within these programs.

Additionally, housing authorities do not necessarily possess the expertise on immigration-related topics or the culturally-specific underpinnings to engage in these difficult conversations on already traumatic topics like immigration status. We will need to increase staffing capacity and build external partnerships to ensure that we are reaching this population in a trauma-informed manner that adequately informs families of their options. Each of the above expectations will require expenditures on additional staff, which will reduce our funding and capacity to house members of our community.



This proposal could also have expensive ripple effects on housing authorities. For example, as individuals leave households and their family sizes reduce, these families may need to be re-housed to comply with subsidy standards. This will result in new vacancies in existing units, and will require that remaining members of households find new housing in which to use their assistance. Each move requires that the housing authority process paperwork. For public housing tenants, the housing authorities will need to find and offer appropriately-sized housing opportunities within their portfolio. This example illustrates just one of the many secondary and perhaps unintended or unanticipated effects of this rule.

In addition to all of the administrative costs outlined above, even HUD's own analysis indicates that imposition of the rule would require additional rent assistance subsidies to maintain current levels of household assistance. HUD estimates this to range from \$193 million to \$227 million annually. Because there is no corresponding increase in funding proposed, housing authorities will be forced to house fewer families in order to absorb the increased rent assistance costs.

## **5. The proposed rule would have a chilling effect on access to various housing programs**

We know that recent proposals from the administration have reduced the likelihood that immigrant populations seek to receive public benefits. For low income households, over 20% refuse government benefits due to fears about detrimental effects on one's immigration status, and this is particularly the case for families with minor children.<sup>3</sup> This added fear and lack of trust in government programs has compounding effects on participation in vital safety net and benefits programs.

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<sup>3</sup> "One in Seven Adults in Immigrant Families Reported Avoiding Public Benefit Programs in 2018," Urban Institute, May 2019, Hamutal Bernstein, Dulce González, Michael Karpman, Stephen Zuckerman.



## **Conclusion**

Home Forward appreciates the brave, thoughtful, and informed voices of residents, participants, staff, our Board of Commissioners, and the local community. In furtherance of the comments above, and in line with Home Forward's mission and values, we respectfully recommend that HUD advocate that Congress remove existing distinctions related to mixed status families to ensure equal application of federal housing policy. In the alternative, we recommend that HUD scrap this ill-advised approach and maintain the current regulations related to mixed status families.

A handwritten signature in black ink, appearing to read "Ian Davie". The signature is stylized and cursive.

Ian Davie  
Chief Operating Officer  
Home Forward



## RESOLUTION 19-06-03

### RESOLUTION 19-06-03 EXPRESSES SUPPORT FOR IMMIGRANT COMMUNITIES AND OPPOSES HUD'S PROPOSED "MIXED FAMILY" RULE

**WHEREAS**, Home Forward's mission is to ensure that the people of the community are sheltered and highlights that Home Forward will promote, operate and develop affordable housing that engenders stability, self-sufficiency, self-respect and pride in its residents;

**WHEREAS**, Home Forward's organizational values indicate that we do our work in support of systemic change for racial and social justice and we use our voice to bring attention to these issues and their impact on our community and advocate for change at a broad scale;

**WHEREAS**, Home Forward's strategic plan "one community" goals emphasize the importance of the agency's work around racial and social justice;

**WHEREAS**, the proposed HUD rule published on May 10, 2019, under Docket Number 2019-09566, is in conflict with Home Forward's mission, organizational values, and strategic plan;

**WHEREAS**, the proposed HUD rule published is administratively burdensome for housing authorities, would not achieve its stated goals of reducing regulatory burden, has a chilling effect on the access to housing services by certain populations, and conflicts with federal law;

**WHEREAS**, the proposed HUD rule will have a racist and disparate impact that break down at the intersection of many protected classes including race, ethnicity, national origin, and familial status;

**WHEREAS**, community partners have indicated a desire to partner with Home Forward to continue advocacy in support of immigrant communities, and in opposition to the proposed rule;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Home Forward hereby expresses support for immigrant communities and opposes HUD's proposed "mixed family" rule.

ADOPTED: JUNE 18, 2019

Attest:



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Michael Buonocore, Secretary

Home Forward:



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Mary Ann Herman, Chair