



205 S. Broadway, Suite 402
Los Angeles, CA 90012
213.482.8200
www.cfpa.net

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:

I am writing on behalf of California Food Policy Advocates (CFPA) to express our strong opposition to the Department of Housing and Urban Development's (HUD) proposed rule regarding changes to the "verification of eligible status," published in the Federal Register on May 10, 2019 (RIN 2501-AD89; HUD Docket No. FR-6124-P-01). Affordable housing is a critical need for many families across the country—the lack of which forces people to forgo other essentials, like nutritious food and health care—just to cover the cost of rent. Evicting over 100,000 people will only worsen the housing crisis and drive entire communities deeper into hunger and poverty. We urge the rule to be withdrawn in its entirety, and that HUD's long-standing regulations remain in effect.

CFPA is a statewide policy and advocacy organization dedicated to improving the health and well-being of low-income Californians by increasing their access to nutritious, affordable food. Drawing on our core understanding that there are many social, political, and economic determinants of poverty, food insecurity, and poor health, CFPA employs a variety of advocacy strategies to fulfill our mission. Advocating access to affordable housing is one of those strategies, as high housing costs are a primary driver of food insecurity. All families should have a safe, affordable home and food on the table—regardless of immigration status.

Although HUD contends that the proposed rule would address the waitlist crisis faced by a majority of Public Housing Authorities nationwide,¹ CFPA recognizes that the proposed rule 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 in the ongoing nationwide housing crisis, but blaming struggling immigrant families will not fix this problem. Indeed, 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.³ The real issue is 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.

I. The Proposed Rule Will Increase Financial Hardship—Driving Entire Communities Deeper into Poverty, Hunger and Homelessness.

Hunger and housing insecurity are barriers to economic mobility. That is precisely why the U.S. government invests in social safety net programs like Section 8—because only when a person’s basic needs are met can they avail themselves to economic opportunity. Yet, instead of strengthening economic supports, HUD is proposing a rule that would punish mixed status families for participating in housing assistance programs for which they are fully eligible. Over 9,000 California families receive pro-rated HUD rental assistance because they live with an immigrant who is ineligible for HUD assistance.⁴ Under the proposed rule change, these families would lose their assistance or be forced to separate their families in order to keep a roof over their heads. Whichever option they choose, the effect on their health and economic well-being will be immediate and long-lasting harm.

The proposed rule places tens of thousands of immigrant families at risk of homelessness, closing off their pathway to self-sufficiency and better life outcomes. 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 families can stay together. 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 is banking on this, noting in their regulatory impact analysis that “HUD expects that fear of the family being separated would lead to prompt evacuation by most mixed households, whether that fear is justified.”⁵ Therefore, 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.⁶ This move is cruel and entirely unnecessary.

Reduced Housing Security—Increased Food Insecurity

Whether mixed status households chose to self-evict, forgo rental assistance, or break up their families, the resulting decline in housing stability is likely to increase food insecurity among those affected. Research identifies a strong relationship between food insecurity and housing instability.⁷ 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, and many renters delay needed medical care because they can’t afford it.⁸

A report commissioned by Feeding America, a nationwide network of food banks, shows that over 57 percent of the 46.5 million unique clients Feeding America serves reported having to make the difficult choice between paying for housing or food.⁹ Another study looking at the effect of housing cost changes on food insecurity found a \$500 annual increase in rental costs to be associated with a nearly 3 percent increase in food insecurity rates.¹⁰ This strong correlation between housing and food insecurity underscores the need for economic supports that ensure people’s basic needs are met.

Immediate and Long-Term Consequences for Health and Economic Security

Access to stable and affordable housing is a basic platform for family and community health, well-being, and dignity, and our communities thrive when everyone has access to a high-quality home. Immigrants and their families are vital to parts of the country's social and economic fabric, and we should be building a housing system that creates the conditions for all of us to flourish. Instead, this administration favors threatening people with evictions and homelessness and breaking families apart. This proposal 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.¹¹

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,¹² and can dramatically increase the risk of an acute episode of a behavioral health condition, including relapse of addiction in adults.¹³ Likewise, people who are evicted from their homes, or even threatened with eviction, are more likely to experience health problems like depression, anxiety, and high blood pressure than people with stable housing.¹⁴ They are also more likely to become homeless, contend with long-term housing instability, and visit an emergency room.¹⁵ Food insecurity is associated with much of the same because, like housing, food is fundamental. Not being able to afford these basic needs has toxic effects, which often manifest as depression, unhealthy behaviors (e.g., smoking, physical inactivity, substance abuse), and family discord.¹⁶

This stress and instability is particularly harmful for children. Children cannot learn when they are hungry or homeless, and deprivation creates stress and uncertainty that impairs long-term decision making.¹⁷ In the immediate they might be more likely to have behavioral problems and to struggle in school—and in classrooms where the student population changes quickly and frequently, all students can fall behind.¹⁸ Education itself is linked to positive economic and health outcomes; thus, creating housing instability in children's lives can have immediate and negative health impacts, but can also lead to poorer health and economic well-being across the life course by disrupting their education.¹⁹

Rather than continuing to target and scapegoat immigrant families, we should support public health and strengthen our communities by working to expand housing subsidies and supports for all low-income families. A recent landmark study from the National Academy of Sciences finds that child poverty and homelessness costs our society over \$1 trillion each year.²⁰ 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. 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. Ensuring a stably housed and well-nourished population should be the national priority—making distinctions based on immigration status will only stall our progress towards that goal.

II. The Proposed Rule Will Ultimately Hurt the U.S. Economy

As workers, business owners, taxpayers, and community leaders, immigrants are an integral part of America's diverse and thriving communities and make extensive contributions that benefit all. Currently, there are more than 27 million foreign-born workers in the U.S. labor market, accounting for about 17% of the total U.S. workforce.²¹ Immigrants are more concentrated in labor markets that literally feed and house America—immigrants make up 28% of construction trade workers and upwards of 70% of

agricultural workers. In-depth statistical analysis shows that low-income immigrants and their families make important contributions to the U.S. economy, and that overall, immigration into the United States is a long-term fiscal net positive.²² The proposed rule will cut into these economic gains by increasing housing instability. Essential immigrant workers, particularly those living in high rent areas, rely on stable housing in order to maintain their employment, contribute to local economies, and help their communities thrive. The proposed rule does not adequately consider these issues, and HUD should study the extended impact the rule will have on the U.S. economy before publishing its final rule.

Our nation's strength and security depend on investing in and protecting our people—not some, but all people. Immigrants who strive for opportunity and security in the U.S. should not be penalized for, or made fearful of, participating in public housing programs that make the 'American Dream' more attainable. We all benefit when mothers, fathers, grandparents, sisters, and brothers can stay together and support each other. And when we reduce hunger, poverty, and homelessness we build prosperity that advances us all.

CFPA Urges HUD to Rescind This Proposal

The proposed rule is an affront to our family values and history as a nation that welcomes immigrants. Making a conscious decision to increase housing insecurity and homelessness amid an affordable housing crisis is unconscionable, and HUD has failed to prove why enacting this rule is in the nation's best interest. Punishing mixed-status immigrant families for utilizing public programs that help them get ahead is not only cruel, but counterproductive.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Gabrielle Tilley". The signature is fluid and cursive, with the first name being more prominent than the last.

Gabrielle Tilley

Policy Advocate

California Food Policy Advocates

References

1. Tracy Jan. (2019). *Trump Proposal Would Evict Undocumented Immigrants from Public Housing*, WASH. POST. 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. (2019). *Understanding Trump's Muslim Bans*, <https://www.nilc.org/issues/immigration-enforcement/understanding-the-muslim-bans/>; Michael D. Shear & Emily Baumgaertner. (2018). *Trump Administration Aims to Sharply Restrict New Green Cards for Those on Public Aid*, N.Y. TIMES <https://www.nytimes.com/2018/09/22/us/politics/immigrants-green-card-public-aid.html>
3. HUD, Regulatory Impact Analysis (2019). *Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980*, Docket No. FR-6124-P-01.
4. Center on Budget and Policy Priorities (2019). Analysis of 2017 HUD administrative data.
5. HUD, Regulatory Impact Analysis (2019). *Amendments to Further Implement Provisions of the Housing...*
6. *Ibid.* Pg8.
7. Kushel, M. B., Gupta, R., Gee, L., & Haas, J. S. (2006). *Housing instability and food insecurity as barriers to health care among low-income Americans*. *Journal of General Internal Medicine*, 21(1), 71–77. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1484604/>; Ma, C. T., Gee, L., & Kushel, M. B. (2008). *Associations between housing instability and food insecurity with health care access in low-income children*. *Ambulatory Pediatrics*, 8(1), 50–57. <https://www.sciencedirect.com/science/article/pii/S1530156707001554>
8. ENTERPRISE (2019). *Renters Report Housing Costs Significantly Impact Their Health Care*. https://www.enterprisecommunity.org/news-and-events/news-releases/2019-04_renters-report-housing-costs-significantly-impact-their-health-care.
9. Weinfeld, N. S., Mills, G., et al. (2014). *Hunger in America 2014*. Westat and the Urban Institute: National report prepared for Feeding America. Available at <https://www.feedingamerica.org/research/hunger-in-america>
10. Fletcher, Jason M., Andreyeva, Tatiana, & Busch, Susan H. (2009) *Assessing the effect of changes in housing costs on food insecurity*. *Journal of Children and Poverty*, 15:2, 79-93, <https://doi.org/10.1080/10796120903310541>
11. Megan Sandel et al. (2018). *Unstable Housing and Caregiver and Child Health in Renter Families*, 141 PEDIATRICS 1, <http://pediatrics.aappublications.org/content/141/2/e20172199>.
12. See Will Fischer (2015). *Research Shows Housing Vouchers Reduce Hardship and Provide Platform for Long-Term Gains Among Children*, CENTER ON BUDGET AND POLICY PRIORITIES <https://www.cbpp.org/research/research-shows-housing-vouchers-reduce-hardship-and-provide-platform-for-longterm-gains>; see also Linda Giannarelli et al. (2015). *Reducing Child Poverty in the US: Costs and Impacts of Policies Proposed by the Children's Defense Fund*, <http://www.childrensdefense.org/library/PovertyReport/assets/ReducingChildPovertyintheUSCostsandImpactsofPoliciesProposedbytheChildrensDefenseFund.pdf>.
13. Nabihah Maqbool, Janet Viveiros, & Mindy Ault. (2015) CENTER FOR HOUSING POLICY, *The Impacts of Affordable Housing on Health: A Research Summary*, <https://www.rupco.org/wp-content/uploads/pdfs/The-Impacts-of-Affordable-Housing-on-Health-CenterforHousingPolicy-Maqbool.etal.pdf>.
14. Alison Bovell & Megan Sandel (2015). *The Hidden Health Crisis of Eviction*, CHILDREN'S HEALTH WATCH BLOG, <http://childrenshealthwatch.org/the-hidden-health-crisis-of-eviction/>.
15. Robert Collinson & Davin Reed (2018). *The Effects of Evictions on Low-Income Households*, NYU LAW, https://www.law.nyu.edu/sites/default/files/upload_documents/evictions_collinson_reed.pdf.
16. Cook, J. T., & Frank, D. A. (2008). *Food security, poverty, and human development in the United States*. *Annals of the New York Academy of Sciences*, 1136, 193-209. <https://www.ncbi.nlm.nih.gov/pubmed/17954670> ; and Alaimo K, et al. (2002). *Family food insufficiency, but not low family income, is positively associated with dysthymia and suicide symptoms in adolescents*. *The Journal of Nutrition*;132:719-725; and Laitinen J, et al. (2002). *Stress-related eating and drinking behavior and body mass index and predictors of this behavior*. *Preventative Medicine*;34:29-39.

17. Mullainathan, S., & Shafir, E. (2013). *Scarcity: Why having too little means so much*. New York, NY, US: Times Books/Henry Holt and Co.
18. *Housing Instability is Linked to Adverse Childhood Behavior*, HOW HOUSING MATTERS (May 9, 2019), <https://howhousingmatters.org/articles/housing-instability-linked-adverse-childhood-behavior/>; Mary Cunningham & Graham MacDonald (2012). *Housing as a Platform for Improving Education Outcomes among Low-Income Children*, URBAN INSTITUTE Available at <https://www.urban.org/sites/default/files/publication/25331/412554-Housing-as-a-Platform-for-Improving-Education-Outcomes-among-Low-Income-Children.PDF>
19. S. Egerter, P. Braveman, T. Sadegh-Nobari, R. Grossman-Kahn, and M. Dekker. (2011). *An Examination of the Many Ways in Which Education can Influence Health, Including How Educational Attainment Affects Health Across Generations and the Social and Economic Advantages it Represents*, ROBERT WOOD JOHNSON FOUNDATION , <https://www.rwjf.org/en/library/research/2011/05/education-matters-for-health.html>.
20. National Academies of Sciences, Engineering, and Medicine (2019). *A Roadmap to Reducing Child Poverty*, The National Academies Press, <https://doi.org/10.17226/25246>
21. U.S. DEPT. LABOR, BUREAU OF LABOR STATISTICS (2018). USDL-18-0786, FOREIGN-BORN WORKERS: LABOR FORCE CHARACTERISTICS—2017, <https://www.bls.gov/news.release/pdf/forbrn.pdf>.
22. 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>.