



11 DUPONT CIRCLE NW
SUITE 800
WASHINGTON, DC 20036
202-588-5180
NWLC.ORG

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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:

The National Women's Law Center (the "Center") takes this the opportunity to comment on the Department of Housing and Urban Development's (HUD) proposed rule, published in the Federal Register on May 10, 2019 (RIN 2501-AD89; HUD Docket No. FR-6124-P-01), to express our strong opposition to the changes regarding "verification of eligible status." The proposed changes would cause serious harm to low-income women and their families, their communities, and the nation. Consequently, the Center urges the rule to be withdrawn in its entirety, and that HUD's long-standing regulations remain in effect.

The Center fights for gender justice — in the courts, in public policy, and in society — working across the issues that are central to the lives of women and girls. The Center uses the law in all its forms to change culture and drive solutions to the gender inequity that shapes society and to break down the barriers that harm everyone — especially those who face multiple forms of discrimination. For more than 45 years, the Center has been on the leading edge of every major legal and policy victory for women.

Women are more likely than men to face economic insecurity at all stages of their lives, due to ongoing employment discrimination, overrepresentation in low-wage jobs, difficulty accessing affordable and comprehensive health care, and greater responsibilities for unpaid caregiving. As a result, housing assistance is vital for women and their families. The Center urges HUD to withdraw this proposed rule for the following reasons:

1. **The proposed rule is indefensible on policy grounds.** It runs counter to the statute providing prorated assistance to mixed-status families. 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 it is actually a part of the current administration's coordinated attack on people of color and immigrant families.² HUD's own analysis of the proposed rule concludes that the millions of dollars required to implement a finalized version of this proposed rule will likely lead to fewer, not more, families receiving assistance,³ and reduce the quality of housing assistance available.

2. The proposed rule will force impossible decisions upon mixed-status families and will hurt tens of thousands of women, children, and families.

The proposed rule will bar children who are U.S. citizens and lawful permanent residents from maintaining and seeking federally subsidized housing. This proposed rule will disproportionately impact women and girls, who make up about **56%** of the individuals in these families,⁴ and people of color, who comprise about **94%** of the people in mixed-status families who could lose HUD assistance if they do not separate.⁵ The proposed rule will also harm survivors of gender-based violence, LGBTQ women and their families, and seniors in mixed-status families.

3. The proposed rule's documentation requirements threaten housing assistance for eligible recipients who face systemic barriers to accessing documentation.

These documentation requirements will disproportionately harm women and girls and people of color. Women and girls make up over 5.9 million (about **63%**) of the 9.5 million people who would be subject to the proposed documentation requirements and nearly 5.7 million of the U.S. citizens (about **62%**).⁶ People of color make up over 6.8 million (about **72%**) of the people subject to the documentation requirements and nearly 6.5 million of the U.S.

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/>.

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/>; 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 U.S. DEP'T OF HOUSING AND URBAN DEV., 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) (hereinafter "HUD REGULATORY IMPACT ANALYSIS").

⁴ ALICIA MAZZARA, CTR. ON BUDGET AND POL'Y PRIORITIES, DEMOGRAPHIC DATA HIGHLIGHT POTENTIAL HARM OF NEW TRUMP PROPOSAL TO RESTRICT HOUSING ASSISTANCE (Jul. 1, 2019), <https://www.cbpp.org/research/housing/demographic-data-highlight-potential-harm-of-new-trump-proposal-to-restrict-housing> (hereinafter "CBPP DEMOGRAPHIC DATA").

⁵ *Id.*

⁶ *Id.*

citizens (nearly **72%**).⁷ The documentation requirements would also harm seniors, people with disabilities, survivors, LGBTQ women and their families, people who are formerly homeless, and children.

We all recognize the ongoing nationwide housing crisis and share the concern that millions of U.S. households struggle to find affordable and accessible housing, but as HUD’s analysis shows, actively separating or evicting low-income women, children, and families will not fix this problem. The real issue is insufficient 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. Housing assistance matters.

HUD housing assistance programs help 10.4 million people and over 5 million families afford stable housing⁸ and are particularly important for women. Housing assistance plays a critical role in reducing poverty for millions of women and families. If counted in the official poverty measure, federal housing assistance would have lifted the incomes of more than 2.7 million people above the Federal Poverty Level (FPL) in 2017.⁹

A. Housing assistance provides critical assistance to millions of women, children, and families.

Women and girls make up about 63% (5.92 million) of the 9.5 million people served by HUD public housing and Section 8 programs.¹⁰ Families with children comprised 37% of households served by HUD programs, and women headed 76% of these households.¹¹ Housing assistance is particularly important for women and girls with multiple marginalized identities. For example:

- Of the households with children, 54% of the heads of household are Black, 19% are Latinx, and 20% are white, non-Hispanic.¹²

⁷ *Id.*

⁸ CTR. ON BUDGET AND POL’Y PRIORITIES, UNITED STATES FEDERAL RENTAL ASSISTANCE FACT SHEET (updated May 14, 2019), <https://www.cbpp.org/research/housing/federal-rental-assistance-fact-sheets#US> (hereinafter “CBPP RENTAL ASSISTANCE FACT SHEET”).

⁹ NAT’L WOMEN’S LAW CTR. calculations based on U.S. CENSUS BUREAU, CURRENT POPULATION SURVEY, 2018 ANNUAL SOCIAL AND ECONOMIC SUPPLEMENT TABLE CREATOR, <http://www.census.gov/cps/data/cpstablescreator.html> (last visited June 14, 2019).

¹⁰ CBPP DEMOGRAPHIC DATA, *supra* note 4.

¹¹ NAT’L LOW INCOME HOUSING COAL. calculations based on U.S. DEP’T OF HOUSING AND URB. DEV., DATA SET: ASSISTED HOUSING: NATIONAL AND LOCAL (2017), <https://www.huduser.gov/portal/datasets/assthsg.html>.

¹² NAT’L LOW INCOME HOUSING COAL. calculations based on U.S. DEP’T OF HOUSING AND URB. DEV., 2018 PUBLIC USE MICRODATA SAMPLE (PUMS). In this comment, “Black” race category includes those who identified themselves as Black or African American. The “Latinx” category includes people of any race who identified themselves to be of Hispanic, Latino, or Spanish origin. The “white, non-Hispanic” race category includes those who identified themselves as white, but not of Hispanic origin in the source material.

- Thirty-five percent of heads of household receiving housing assistance are low-income elderly people and 34% are non-elderly people with disabilities.¹³
- LGBTQ people and their families are 2.5 times as likely to receive public housing assistance as non-LGBTQ people and their families.¹⁴ Over seven percent of LGBTQ women report that they or their families received public housing assistance.¹⁵

B. Systemic barriers make women, children, and families more likely to need housing assistance to have a roof over their heads.

Many women, children, and families face systemic barriers to accessible and affordable housing, making them more likely to need housing assistance in order to have a roof over their heads and meet their basic needs.

Low-Wage Work

A full-time minimum wage worker cannot afford a two-bedroom rental home in *any* county in the U.S. and can afford a one-bedroom in only 28 counties—and all those counties have a higher minimum wage than the federal minimum wage.¹⁶ And too many jobs pay scarcely above the minimum wage: nearly 24 million people work in jobs that typically pay \$11.50 per hour or less.¹⁷ Women make up nearly two-thirds of the workforce in jobs that typically pay \$11.50 per hour or less.¹⁸ Among all women working in low-wage jobs, 18% have incomes below the federal poverty line, and 44% have incomes below twice the poverty line.¹⁹

In order to afford to rent a modest, two-bedroom apartment in the U.S., a full-time worker needs to earn \$22.96 per hour (the 2019 national Housing Wage),²⁰ which is

¹³ *Id.*

¹⁴ CAITLIN ROONEY, CHARLIE WHITTINGTON & LAURA E. DURSO, CTR. FOR AM. PROGRESS, PROTECTING BASIC LIVING STANDARDS FOR LGBTQ PEOPLE 10-11 (Aug. 2018), *available at* <https://americanprogress.org/content/uploads/2018/08/10095627/LGBT-BenefitCuts-report.pdf>. The survey, conducted in 2017, asked respondents whether they, their partner, and/or their child received help from public housing assistance in the year prior to the survey. The question did not ask about specific housing programs and was not limited to HUD programs.

¹⁵ ROONEY, WHITTINGTON & DURSO, *supra* note 14, at 11.

¹⁶ NATIONAL LOW INCOME HOUSING COAL., OUT OF REACH 2019, at 2 (June 2019) *available at* https://reports.nlihc.org/sites/default/files/oor/OOR_2019.pdf (hereinafter “OUT OF REACH 2019”).

¹⁷ KAYLA PATRICK, MEIKA BERLAN & MORGAN HARWOOD, LOW-WAGE JOBS HELD PRIMARILY BY WOMEN WILL GROW THE MOST OVER THE NEXT DECADE 1 (Aug 2018), *available at* <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2016/04/Low-Wage-Jobs-Held-Primarily-by-Women-Will-Grow-the-Most-Over-the-Next-Decade-2018.pdf>.

¹⁸ *Id.*

¹⁹ NAT’L WOMEN’S LAW CTR. calculations based on U.S. CENSUS BUREAU, 2016 AMERICAN COMMUNITY SURVEY using STEVEN RUGGLES ET AL., INTEGRATED PUBLIC USE MICRODATA SERIES: VERSION 7.0 [dataset], Minneapolis: University of Minnesota (2017), www.ipums.org.

²⁰ OUT OF REACH 2019, *supra* note 16, at 3. The national Housing Wage is “the estimated full-time hourly wage a household must earn to afford a decent rental home at HUD’s Fair Market Rent while spending no more than 30% of their income on housing costs.” *Id.*

more than *three times* the federal minimum wage (\$7.25) and nearly *twice* the wage in the low-wage jobs described above. Housing assistance is therefore vital to ensure that millions of working women and families have an affordable place to call home. And many women, children, and families who do not currently need help are just one job loss, one schedule downgrade, or one illness away from needing housing assistance.

Children

Women head 76% of households with children,²¹ so housing assistance is critically important for women and their children. Child and youth homelessness continues to skyrocket in the United States – the U.S. Department of Education identified 1.3 million homeless children in the 2016-2017 academic year, which is a 70% increase since the 2007-2008 school year.²² Housing assistance is key both to confronting this homelessness crisis and to improving the well-being of millions of children around the country.

Every extra year that a child spends in a low-poverty neighborhood improves the child's economic outcomes as an adult, indicated by measures such as income and likelihood of college attendance.²³ A recent groundbreaking study found that children who were younger than 13 when their family received a housing voucher and moved to lower-poverty neighborhoods saw their earnings as adults increase by approximately 31%, and experienced an increased likelihood of living in lower-poverty neighborhoods as adults.²⁴ Additionally, children in families receiving housing assistance are more likely to have a nutritious diet, and to meet “well-child” criteria²⁵ when compared to children whose families are on a waiting list for housing assistance.²⁶

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,²⁷ and can improve a child's chances for long-term economic mobility: one study finds that children in

²¹ NAT'L LOW INCOME HOUSING COAL. calculations based on U.S. DEP'T OF HOUSING AND URB. DEV., DATA SET: ASSISTED HOUSING: NATIONAL AND LOCAL (2017), <https://www.huduser.gov/portal/datasets/assthsg.html>.

²² NAT'L CTR. FOR HOMELESS ED., FEDERAL DATA SUMMARY SCHOOL YEARS 2014-2015 TO 2016-2017 (Feb. 2019), *available at* <https://nche.ed.gov/wp-content/uploads/2019/02/Federal-Data-Summary-SY-14.15-to-16.17-Final-Published-2.12.19.pdf>.

²³ RAJ CHETTY & NATHANIEL HENDREN, THE IMPACTS OF NEIGHBORHOODS ON INTERGENERATIONAL MOBILITY: CHILDHOOD EXPOSURE EFFECTS AND COUNTY-LEVEL ESTIMATES (May 2015), *available at* http://scholar.harvard.edu/files/hendren/files/nbhds_paper.pdf.

²⁴ RAJ CHETTY ET AL., THE EFFECTS OF EXPOSURE TO BETTER NEIGHBORHOODS ON CHILDREN: NEW EVIDENCE FROM THE MOVING TO OPPORTUNITY EXPERIMENT (May 2015), *available at* http://www.nber.org/mtopublic/final/MTO_IRS_2015.pdf.

²⁵ Examples of “well-child” criteria are maintaining a healthy weight, lack of developmental concerns, and being in good or excellent health.

²⁶ JOHN T. COOK ET AL., CHILDREN'S HEALTHWATCH & MED.-LEGAL P'SHIP OF BOSTON, RX FOR HUNGER: AFFORDABLE HOUSING (Dec. 2009), *available at* http://www.issuelab.org/resource/rx_for_hunger_affordable_housing.

²⁷ LIANA FOX, THE SUPPLEMENTAL POVERTY MEASURE: 2017 (Sept. 2018), <https://www.census.gov/library/publications/2018/demo/p60-265.html>.

households receiving Housing Choice vouchers have higher adult earnings and a lower chance of incarceration.²⁸

Immigrant Women

Immigrant women are part of every community and make critical contributions that keep the U.S. economy healthy and growing. Throughout their lives, immigrant women, especially Black, Latinx, and AAPI immigrant women, generally are at higher risk of economic insecurity than men because of pay disparities²⁹ and other forms of discrimination,³⁰ overrepresentation in low-wage work,³¹ and disproportionate responsibility for caregiving,³² among other factors. For example, immigrant women earn less on average than U.S.-born women.³³ Immigrant women also face a significant wage gap compared to native-born and naturalized men: foreign-born, noncitizen women, on average, earned 58 cents for every dollar earned by native-born men in 2015.³⁴ Immigrant women are, in addition, overrepresented in low-wage jobs (such as maid or housekeeper, personal care aide or home health aide, and cashier), as are women of color.³⁵ And more than half of all immigrant women live in a household with

²⁸ FREDRIK ANDERSSON ET. AL., NAT'L BUREAU OF ECON. RES., CHILDHOOD HOUSING AND ADULT EARNINGS: A BETWEEN-SIBLINGS ANALYSIS OF HOUSING VOUCHERS AND PUBLIC HOUSING (Sept. 2018), *available at* <http://www.nber.org/papers/w22721>.

²⁹ Women on average earn less than men, with even greater wage gaps for women of color, LGBTQ women, older women, and women with disabilities. See NAT'L WOMEN'S LAW CTR., FREQUENTLY ASKED QUESTIONS ABOUT THE WAGE GAP (2018), <https://nwlc-ciw49tixqw5lbab.stackpathdns.com/wp-content/uploads/2018/09/Wage-Gap-FAQ.pdf>; NAT'L WOMEN'S LAW CTR., THE WAGE GAP: THE WHO, WHY, HOW, AND WHAT TO DO (2017), <https://nwlc-ciw49tixqw5lbab.stackpathdns.com/wp-content/uploads/2016/09/The-Wage-Gap-The-Who-How-Why-and-What-to-Do-2017-2.pdf>.

³⁰ Discrimination and harassment based on gender, race, sexual orientation, age and disability (or a combination of these) and domestic violence also impose economic costs on women, including by disrupting and jeopardizing their employment. See, e.g., NAT'L WOMEN'S LAW CTR., SEXUAL HARASSMENT IN THE WORKPLACE (2016), <https://nwlc.org/wp-content/uploads/2016/11/Sexual-Harassment-Fact-Sheet.pdf>; INST. FOR WOMEN'S POL'Y RES., THE ECONOMIC COST OF INTIMATE PARTNER VIOLENCE, SEXUAL ASSAULT, AND STALKING (2017), https://iwpr.org/wp-content/uploads/2017/08/B367_Economic-Impacts-of-IPV-08.14.17.pdf. Immigrant women are particularly vulnerable to abuse from employers, including discrimination and harassment, because of lack of awareness of workplace rights and fear of retaliation such as termination or being reported to immigration authorities for deportation. See, e.g., MAYA RAGHU, NAT'L WOMEN'S LAW CTR., STANDING WITH IMMIGRANT WOMEN WORKERS ON MAY DAY (2017), <https://nwlc.org/blog/standing-with-immigrant-women-workers-on-may-day/>.

³¹ Women make up two-thirds of the low-wage workforce (defined for the purposes of this discussion as jobs that pay, on average, \$11.50 per hour or less). PATRICK, BERLAN & HARWOOD, *supra* note 17.

³² Women are more likely than men to raise children on their own. See, e.g., U.S. CENSUS BUREAU, AMERICA'S FAMILIES AND LIVING ARRANGEMENTS 2018, Tbl. A3, <https://www.census.gov/data/tables/2018/demo/families/cps-2018.html> (showing that 30% of mothers living with children are not living with a partner or spouse, while only nine percent of fathers living with children are not living with a partner or spouse, meaning that their incomes must stretch to support more family members).

³³ INST. FOR WOMEN'S POL'Y RES., STATUS OF WOMEN IN THE STATES: THE EMPLOYMENT AND EARNINGS OF IMMIGRANT WOMEN (2018), <https://statusofwomendata.org/immigrant-women/>.

³⁴ ELISE GOULD, JESSICA SCHIEDER & KATHLEEN GEIER, ECON. POL'Y INST., WHAT IS THE GENDER PAY GAP AND IS IT REAL? (2015), <https://www.epi.org/publication/what-is-the-gender-pay-gap-and-is-it-real/>.

³⁵ AM. IMMIGR. COUNCIL, THE IMPACT OF IMMIGRANT WOMEN ON AMERICA'S LABOR FORCE (2017), <https://www.americanimmigrationcouncil.org/research/impact-immigrant-women-americas-labor-force/>;

children, compared to 43% of immigrant men and 28% of native-born women.³⁶ This heightened risk of economic insecurity means that immigrant women's access to housing assistance is vitally important.

Immigrant workers, like all of us, rely on stable and affordable housing in order to maintain their employment, contribute to local economies, and help their communities thrive. However, immigrants and their families currently face significant barriers to finding affordable housing.³⁷ Compared to U.S. citizens, immigrant families are more likely to have higher housing costs and to report difficulty paying for housing.³⁸ Many of these additional burdens are attributable to the fact that immigrants disproportionately live in states with high housing costs.³⁹

Latinx Women

Despite hard work and many contributions by Latinx to the economy, Latinx people continue to face prejudice and discrimination throughout the U.S., and many continue to struggle to meet basic needs, including finding a home they can afford. In 2017, 4.4 million (55%) Latinx people who rented their home were cost-burdened – meaning they devoted 30% or more of their income towards rent.⁴⁰ However, access to federal housing assistance has allowed hundreds of thousands of Latinx people to lift themselves out of poverty. Federal housing assistance, including public and other subsidized housing, lifted approximately 800,000 Latinx people out of poverty in 2017, including more than 280,000 Latinx children.⁴¹

Black Women

Black women already have a high risk of eviction. One study showed that Black women with low incomes were evicted at alarmingly high rates compared to other racial groups.⁴² The majority of these women spent at least 50% of their incomes on rent, and

NAT'L WOMEN'S LAW CTR., UNDERPAID & OVERLOADED: WOMEN IN LOW-WAGE JOBS (2014), https://nwlc.org/wp-content/uploads/2015/08/final_nwlc_lowwagereport2014.pdf.

³⁶ ARIEL G. RUIZ, JIE ZONG, & JEANNE BATALOVA, MIGRATION POL'Y INST., IMMIGRANT WOMEN IN THE UNITED STATES (2015), <https://www.migrationpolicy.org/article/immigrant-women-united-states>.

³⁷ See ROBERT WOOD JOHNSON FOUND., LIVING IN AMERICA (Katherine E. Garrett ed., 2006), available at <https://www.rwjf.org/en/library/research/2006/08/living-in-america.html>.

³⁸ EILEEN DIZA McCONNELL, WHO HAS HOUSING AFFORDABILITY PROBLEMS? DISPARITIES IN HOUSING COST BURDEN BY RACE, NATIVITY AND LEGAL STATUS IN LOS ANGELES, 5 RACE & SOCIAL PROBLEMS 173, 178 (2013), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3784340/pdf/nihms440365.pdf>.

³⁹ See MATT LEVIN, FLEEING WAR-TORN HOMES FOR CRIPPLING RENTS—CALIFORNIA HOUSING COSTS CREATING HARSH REALITY FOR REFUGEES, CALMATTERS (July 19, 2018), <https://calmatters.org/articles/refugees-housing-costs-california/>.

⁴⁰ UNIDOSUS, LATINOS AND THE GREAT RECESSION: 10 YEARS OF ECONOMIC LOSS AND RECOVERY (Mar. 2019), <http://publications.unidosus.org/handle/123456789/1932>.

⁴¹ UNIDOSUS, FEDERAL PROGRAMS LIFT MILLIONS OF LATINOS OUT OF POVERTY (Oct. 2018), <http://publications.unidosus.org/handle/123456789/1894>.

⁴² MATTHEW DESMOND, MACARTHUR FOUND., POOR BLACK WOMEN ARE EVICTED AT ALARMING RATES, SETTING OFF A CHAIN OF HARDSHIP (Mar. 2014), available at https://www.macfound.org/media/files/HHM_-_Poor_Black_Women_Are_Evicted_at_Alarming_Rates.pdf.

one-third spent more than 80% of their incomes on rent.⁴³ Access to housing assistance could help prevent evictions.⁴⁴

Domestic Violence Survivors

Financial security, and affordable housing in particular, are critical to increasing survivors' chances of escape, recovery, and prevention of future abuse.⁴⁵ Strikingly, domestic violence, including sexual abuse, is reported as the acute cause of homelessness among 22% to 57% of all homeless women.⁴⁶ Over half of all women survivors of intimate partner abuse—including rape, other physical violence, and stalking—did not receive housing services after requesting them.⁴⁷ Sixty-five percent of survivors' average daily unmet requests for help from domestic violence programs nationwide are for housing-related services.⁴⁸

Securing non-subsidized housing is extremely difficult for survivors. They are susceptible to manipulation by landlords who charge them high rents for single rooms in unsafe conditions. Undocumented survivors suffer in silence, deterred from seeking recourse by the looming threat of immigration, incarceration, or deportation. Overcrowding at shelters, or rules prohibiting children with disabilities from residing there, drive many back onto the streets. Others face discrimination such that either no

⁴³ *Id.* at 1.

⁴⁴ *Id.* at 3.

⁴⁵ NAT'L CTR. FOR INJURY PREVENTION AND CONTROL, CTRS. FOR DISEASE CONTROL AND PREVENTION, PREVENTING INTIMATE PARTNER VIOLENCE ACROSS THE LIFESPAN (2017), *available at* <https://www.cdc.gov/violenceprevention/pdf/ipv-technicalpackages.pdf> (hereinafter "PREVENTING INTIMATE PARTNER VIOLENCE ACROSS THE LIFESPAN"). See also MATTHEW J. BREIDING ET AL., NAT'L CTR. FOR INJURY PREVENTION AND CONTROL, CTRS. FOR DISEASE CONTROL AND PREVENTION, INTIMATE PARTNER VIOLENCE IN THE UNITED STATES — 2010 (2014), *available at* https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_ipv_report_2013_v17_single_a.pdf.

⁴⁶ WILDER RES. CTR., HOMELESSNESS IN MINNESOTA, 2003 (2004); CTR. FOR IMPACT RES., PATHWAYS TO AND FROM HOMELESSNESS: WOMEN AND CHILDREN IN CHICAGO SHELTERS (2004), <https://www.issueab.org/resources/346/346.pdf>; NAT'L CTR. ON FAMILY HOMELESSNESS & HEALTH CARE FOR THE HOMELESS CLINICIANS' NETWORK, SOCIAL SUPPORTS FOR HOMELESS MOTHERS (2003), <http://www.nhchc.org/wp-content/uploads/2011/09/SocialSupportsReport.pdf>; INST. FOR CHILDREN & POVERTY, THE HIDDEN MIGRATION: WHY NEW YORK CITY SHELTERS ARE OVERFLOWING WITH FAMILIES (2004); HOMES FOR THE HOMELESS & INSTITUTE FOR CHILDREN & POVERTY, TEN CITIES 1997-1998: A SNAPSHOT OF FAMILY HOMELESSNESS ACROSS AMERICA (1998), <https://files.eric.ed.gov/fulltext/ED424338.pdf>. See also CTRS. FOR DISEASE CONTROL AND PREVENTION, HOUSING AND SEXUAL VIOLENCE, OVERVIEW OF NATIONAL SURVEY: JANUARY 2010 (JAN. 2010), https://www.nsvrc.org/sites/default/files/2012-03/Publications_NSVRC_Reports_Housing-and-sexual-violence-overview-of-national-survey.pdf.

⁴⁷ PREVENTING INTIMATE PARTNER VIOLENCE ACROSS THE LIFESPAN, *supra* note 45; BREIDING ET AL., *supra* note 45.

⁴⁸ Statistics from 2018 show 72,245 victim requests for assistance per day; 11,441 requests are unmet, and of those, 7,416 are for housing. NAT'L NETWORK TO END DOMESTIC VIOLENCE, DOMESTIC VIOLENCE COUNTS: 12TH ANNUAL CENSUS REPORT (2017), <https://nnev.org/content/domestic-violence-counts-12th-annual-census-report/>. See also NAT'L ALLIANCE TO END SEXUAL VIOLENCE, 2016 internet survey of rape crisis centers from all 50 states, Washington D.C. and two territories.

one will rent to them, or they cannot have their name on a lease or utility bills.⁴⁹ Survivors of sexual assault note that if they do not have housing, then other auxiliary services are only minimally helpful.⁵⁰

Housing can be determinative as to whether a survivor can escape an abusive intimate partner or employer in many cases.⁵¹ Survivors of domestic violence were also more likely to leave their abusive partners when receiving a long-term housing subsidy.⁵² Further, housing assistance helps reduce domestic violence. One study found that long-term housing subsidies reduce intimate partner violence.⁵³ Parents who received a housing voucher were a third less likely to experience domestic violence.⁵⁴

LGBTQ Women

Housing assistance programs are critical to helping LGBTQ women and families have a roof over their heads. The need is particularly acute: LGBTQ youth face 2.2 times the relative risk of experiencing homelessness.⁵⁵ Research also suggests LGBTQ adults experience homelessness at higher rates.⁵⁶ Housing discrimination against LGBTQ people is pervasive⁵⁷ and is heightened for young LGBTQ people of color based on bias and animus on their multiple identities.⁵⁸ Consequently, access to affordable and accessible housing is critical for LGBTQ women and their families.

⁴⁹ TAHIRIH JUSTICE CENTER, NATIONWIDE SURVEY: A WINDOW INTO THE CHALLENGES IMMIGRANT WOMEN AND GIRLS FACE IN THE UNITED STATES AND THE POLICY SOLUTIONS TO ADDRESS THEM (Jan. 31, 2018)

<http://www.tahirih.org/wp-content/uploads/2018/01/Tahirih-Justice-Center-Survey-Report-1.31.18-1.pdf>

⁵⁰ See, e.g., TK LOGAN ET AL., BARRIERS TO SERVICES FOR RURAL AND URBAN SURVIVORS OF RAPE, 20 J. OF INTERPERSONAL VIOLENCE, 591-616 (2005).

⁵¹ BREIDING ET AL., *supra* note 45.

⁵² *Id.*

⁵³ DANIEL GUBITS ET AL., ABT ASSOCS., INC., FAMILY OPTIONS STUDY: 3-YEAR IMPACTS OF HOUSING AND SERVICES INTERVENTIONS FOR HOMELESS FAMILIES 40 (Oct. 2016), *available at* <https://www.huduser.gov/portal/sites/default/files/pdf/Family-Options-Study-Full-Report.pdf>; NICOLE E. ALLEN, U. OF ILL. AT URBANA-CHAMPAIGN, U.S. COMMENTARY: INSIGHTS FROM THE FAMILY OPTIONS STUDY REGARDING HOUSING AND INTIMATE PARTNER VIOLENCE, 19 CITYSCAPE 245, 245-247 (2017).

⁵⁴ *Id.*

⁵⁵ CHAPIN HALL AT THE U. OF CHI., MISSED OPPORTUNITIES: LGBTQ YOUTH HOMELESSNESS IN AMERICA at 7 (Apr. 2018), *available at* <https://voicesofyouthcount.org/wp-content/uploads/2018/04/VoYC-LGBTQ-Brief-FINAL.pdf>.

⁵⁶ JOHN ECKER, TIM AUBRY & JOHN SYLVESTRE, A REVIEW OF THE LITERATURE ON LGBTQ ADULTS WHO EXPERIENCE HOMELESSNESS, J. OF HOMOSEXUALITY (Jan. 3, 2018), *available at* <https://doi.org/10.1080/00918369.2017.1413277>; S.E. JAMES ET. AL., THE REPORT OF THE 2015 U.S. TRANSGENDER SURVEY, NAT'L CTR. FOR TRANSGENDER EQUALITY 175-80 (Dec. 2016), *available at* <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

⁵⁷ LOURDES ASHLEY HUNTER, ASHE MCGOVERN, & CARLA SUTHERLAND, EDs., INTERSECTING INJUSTICE: ADDRESSING LGBTQ POVERTY AND ECONOMIC JUSTICE FOR ALL: A NATIONAL CALL TO ACTION 46 (2018), *available at* https://static1.squarespace.com/static/5a00c5f2a803bbe2eb0ff14e/t/5aca6f45758d46742a5b8f78/1523216213447/FINAL+PovertyReport_HighRes.pdf.

⁵⁸ *Id.* at 45-46, 51.

Women with Disabilities

People with disabilities all too often face discrimination when seeking housing. Across several years, the majority of housing discrimination complaints were based on disability.⁵⁹ Of the 23 million low-income American renters who pay more than half their income for housing, 18% have a disability.⁶⁰ People with disabilities often have few financial resources and remain among the country's poorest.⁶¹ The lack of accessible, affordable housing is a continuing and significant barrier to integrated community living, making it difficult for people with disabilities to move from segregated facilities into the community, and putting many people with disabilities at risk of unnecessary institutionalization or homelessness.

Rental assistance helps 2.4 million people with disabilities live independently.⁶² Publicly subsidized rental units are also more likely to be accessible. One study found that public housing and privately-owned subsidized rental units were 2.5 times more likely than owner-occupied units to be accessible for people with mobility issues.⁶³

C. Housing assistance is a critical support for people struggling to make ends meet.

Having safe and stable housing is crucial to good health,⁶⁴ nutrition,⁶⁵ education,⁶⁶ sustaining employment,⁶⁷ and overall economic security.

⁵⁹ See, e.g., NATIONAL FAIR HOUSING ALLIANCE, MAKING EVERY NEIGHBORHOOD A PLACE OF OPPORTUNITY: 2018 FAIR HOUSING TRENDS REPORT 52 (2018) at https://nationalfairhousing.org/wp-content/uploads/2018/04/NFHA-2018-Fair-Housing-Trends-Report_4-30-18.pdf ("As has been the case in past years, the majority of complaints from 2017 involved housing discrimination against people with disabilities"); U.S. DEP'T OF HOUSING AND URB. DEV., OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY, ANNUAL REPORT TO CONGRESS: FY 2016, at 9 (Jan. 19, 2017), available at <https://www.hud.gov/sites/documents/FY2016FHEOANNUALREPORT.PDF>.

⁶⁰ CBPP RENTAL ASSISTANCE FACT SHEET, *supra* note 8.

⁶¹ See, e.g., L. KRAUS ET AL., 2018 DISABILITY STATISTICS ANNUAL REPORT, at 9 (2019), available at https://disabilitycompendium.org/sites/default/files/user-uploads/Annual_Report_2018_Accessible_AdobeReaderFriendly.pdf ("In 2017, the poverty rate of individuals with disabilities (ages 18-64) was 29.6 percent. In contrast, in 2017 the poverty rate of individuals without disabilities was estimated at 13.2 percent.").

⁶² CBPP RENTAL ASSISTANCE FACT SHEET, *supra* note 8.

⁶³ SEWIN CHAN & INGRID GOULD ELLEN, HOUSING FOR AN AGING POPULATION, 28 HOUSING POLICY DEBATE 248-266 (2016).

⁶⁴ OPPORTUNITY STARTS AT HOME, HEALTH CARE ADVOCATES ARE HOUSING ADVOCATES (Dec. 2018), <https://www.opportunityhome.org/wp-content/uploads/2018/02/Health-Fact-Sheet.pdf>; CTR. FOR OUTCOMES RES. AND ED. AND ENTER. COMMUNITY PARTNERS, INC., HEALTH IN HOUSING: EXPLORING THE INTERSECTION BETWEEN HOUSING AND HEALTH CARE (February 2016), <https://www.enterprisecommunity.org/download?fid=5703&nid=4247>; KATHRYN BAILEY ET AL., CHILDREN'S HEALTHWATCH, OVERCROWDING AND FREQUENT MOVES UNDERMINE CHILDREN'S HEALTH (2011), www.issuelab.org/resources/13900/13900.pdf.

⁶⁵ OPPORTUNITY STARTS AT HOME, ANTI-HUNGER ADVOCATES ARE HOUSING ADVOCATES (Dec. 2018), <https://www.opportunityhome.org/wp-content/uploads/2018/04/Hunger-Fact-Sheet.pdf>

⁶⁶ OPPORTUNITY STARTS AT HOME, EDUCATION ADVOCATES ARE HOUSING ADVOCATES (Dec. 2018), <https://www.opportunityhome.org/wp-content/uploads/2018/02/Education-Fact-Sheet.pdf>

⁶⁷ OPPORTUNITY STARTS AT HOME, ECONOMIC MOBILITY ADVOCATES ARE HOUSING ADVOCATES (Nov. 2018), <https://www.opportunityhome.org/wp-content/uploads/2018/02/Economic-Mobility-Fact-Sheet.pdf>

Health

Unstable housing threatens the health of women and girls. Studies have shown that unstable housing situations can cause individuals to experience increased hospital visits, can lead to loss of employment and employer-provided health insurance benefits, can dramatically increase the risk of an acute episode of a behavioral health condition, including relapse of addiction in adults, and are associated with increased likelihood of mental health problems in children.⁶⁸ Research has also shown that economic and housing instability impedes children's cognitive development, leading to poorer life outcomes as adults.⁶⁹ The younger a child is and the longer a child experiences homelessness, the greater the cumulative toll of negative health outcomes.⁷⁰

In addition, when systemic barriers force low-income families to spend too much of their income on their rent, they can't afford to pay for health care. Research shows that many renters delay needed medical care because they can't afford it.⁷¹

Furthermore, 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.⁷² This exacerbates the heightened

⁶⁸ See WILL FISCHER, CTR. ON BUDGET AND POL'Y PRIORITIES, RESEARCH SHOWS HOUSING VOUCHERS REDUCE HARDSHIP AND PROVIDE PLATFORM FOR LONG-TERM GAINS AMONG CHILDREN, (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., URBAN INST., REDUCING CHILD POVERTY IN THE US: COSTS AND IMPACTS OF POLICIES PROPOSED BY THE CHILDREN'S DEFENSE FUND (Jan. 2015), available at <https://www.urban.org/sites/default/files/publication/39141/2000086-Reducing-Child-Poverty-in-the-US.pdf>.

⁶⁹ HEATHER SANDSTROM & SANDRA HUERTA, THE NEGATIVE EFFECTS OF INSTABILITY ON CHILD DEVELOPMENT: A RESEARCH SYNTHESIS (Sept. 2013), available at <https://www.urban.org/sites/default/files/publication/32706/412899-The-Negative-Effects-of-Instability-on-Child-Development-A-Research-Synthesis.PDF>.

⁷⁰ MEGAN SANDEL, RICHARD SHEWARD & LISA STURTEVANT, NAT'L HOUSING CONFERENCE & CTR. FOR HOUSING POL'Y, COMPOUNDING STRESS: THE TIMING AND DURATION EFFECTS OF HOMELESSNESS ON CHILDREN'S HEALTH (June 2015), available at <https://www.issuelab.org/resources/21731/21731.pdf>.

⁷¹ 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. See also MUNIRA Z. GUNJA ET AL., COMMONWEALTH FUND, HOW THE AFFORDABLE CARE ACT HAS HELPED WOMEN GAIN INSURANCE AND IMPROVED THEIR ABILITY TO GET HEALTH CARE (2017), <https://www.commonwealthfund.org/publications/issue-briefs/2017/aug/how-affordable-care-act-has-helped-women-gain-insurance-and> (noting that even though health insurance coverage gains through the Affordable Care Act have reduced the share of women skipping or delaying care because of costs, in 2016, 38% of women age 19 through 64 still reported not getting the health care they needed because of costs).

⁷² ALISON BOVELL & MEGAN SANDEL, CHILDREN'S HEALTH WATCH, THE HIDDEN HEALTH CRISIS OF EVICTION, (Oct. 5, 2018), <http://childrenshealthwatch.org/the-hidden-health-crisis-of-eviction/>.

risk women, particularly women of color, have of experiencing depression,⁷³ anxiety,⁷⁴ and high blood pressure.⁷⁵

Consequently, access to affordable housing is a critical health support.⁷⁶ Spending a more reasonable amount on rent through housing assistance frees up money for low-income women to spend on health care for themselves and their family so they are not delaying or forgoing needed care. In addition, housing assistance improves child health—children of families receiving housing assistance had a 35% higher chance of being labeled a “well child,” a 28% lower risk of being seriously underweight, and a 19% lower risk of food insecurity.⁷⁷

Nutrition

When low-income families spend high portions of their income on their rent, they also struggle to pay for nutritious food. Research shows that food insecurity increases along with housing costs.⁷⁸ One study shows that low-income households with children that pay more than half of their monthly income on rent spend considerably less on other basic necessities, including about \$200 less per month on food.⁷⁹ In 2017, about 14% of women living alone and over 30% of families with children headed by a single woman

⁷³ PAUL R. ALBERT, WHY IS DEPRESSION MORE PREVALENT IN WOMEN?, 40 J. PSYCHIATRY NEUROSCI. 219-221 (Jul. 2015), *available at* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4478054/> (noting the higher prevalence of major depression in women than in men). More women seek treatment for depression than men, though white, non-Hispanic women are more likely to receive treatment for depression than Latinx and Black women. NAT'L INSTS. OF HEALTH, OFFICE OF RES. ON WOMEN'S HEALTH, WOMEN OF COLOR HEALTH DATA BOOK 147 (Oct. 2014), *available at* <https://orwh.od.nih.gov/sites/orwh/files/docs/WoC-Databook-FINAL.pdf>.

⁷⁴ CARMEN P. MCLEAN ET AL., GENDER DIFFERENCES IN ANXIETY DISORDERS: PREVALENCE, COURSE OF ILLNESS, COMORBIDITY AND BURDEN OF ILLNESS, 45 J. PSYCHIATRIC RES. 1027-1035 (2011); NAT'L INST. OF MENTAL HEALTH, ANY ANXIETY DISORDER, <https://www.nimh.nih.gov/health/statistics/any-anxiety-disorder.shtml> (last updated Nov. 2017); U.S. DEP'T OF HEALTH & HUMAN SERVS., OFFICE ON WOMEN'S HEALTH, ANXIETY DISORDER, <https://www.womenshealth.gov/mental-health/mental-health-conditions/anxiety-disorders> (last updated Jan. 30, 2019) (noting that more American Indian/Alaskan Native women have generalized anxiety disorder than women of other races and ethnicities).

⁷⁵ NAT'L INSTS. OF HEALTH, OFFICE OF RES. ON WOMEN'S HEALTH, WOMEN OF COLOR HEALTH DATA BOOK 121 (Oct. 2014), *available at* <https://orwh.od.nih.gov/sites/orwh/files/docs/WoC-Databook-FINAL.pdf> (noting that Black women experience high blood pressure at a higher rate than Latinx or white, non-Hispanic women).

⁷⁶ NABIHAH MAQBOOL, JANET VIVEIROS & MINDY AULT, CTR. FOR HOUSING POL'Y, THE IMPACTS OF AFFORDABLE HOUSING ON HEALTH: A RESEARCH SUMMARY (Apr. 2015), *available at* <https://www.rupco.org/wp-content/uploads/pdfs/The-Impacts-of-Affordable-Housing-on-Health-CenterforHousingPolicy-Maqbool.etal.pdf>.

⁷⁷ ELIZABETH MARCH, CHILDREN'S HEALTHWATCH & MEDICAL-LEGAL PARTNERSHIP, RX FOR HUNGER: AFFORDABLE HOUSING (Dec. 2009), *available at* http://www.vtaffordablehousing.org/documents/resources/435_RxforhungerNEW12_09.pdf.

⁷⁸ JASON M. FLETCHER, TATIANA ANDREYEVA & SUSAN H. BUSCH, ASSESSING THE EFFECT OF INCREASING HOUSING COSTS ON FOOD INSECURITY (Sept. 9, 2009), *available at* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1503043.

⁷⁹ JOINT CTR. FOR HOUSING STUDIES OF HARVARD U., THE STATE OF THE NATION'S HOUSING 2018, at 30, 32 (2018), *available at* http://www.jchs.harvard.edu/sites/default/files/Harvard_JCHS_State_of_the_Nations_Housing_2018.pdf.

faced food insecurity.⁸⁰ Housing assistance is critical for these food-insecure women and children.

Education

Children who experience housing instability, such as eviction or homelessness, are more likely to have behavioral problems and to struggle in school.⁸¹ This makes sense. How can a student be expected to concentrate in class if she has no idea where she's going to sleep that night? Being homeless is a traumatic experience that can manifest itself in many ways in the classroom—including ways that are coded as disruptive in the classroom and can trigger a punitive response from educators. Because of this, housing instability also contributes to homeless students' high suspension rates, school turnover, truancy, and expulsions.⁸² Homelessness is associated with an 87% greater likelihood of a child or youth dropping out of school.⁸³ In addition, housing instability is directly correlated to decreases in student academic achievement and retention.⁸⁴ These housing impacts limit students' opportunity to obtain the education they need to succeed later in life and perpetuates the cycle of generational poverty that has afflicted far too many communities.

Education itself is linked to positive health outcomes and longer lives.⁸⁵ Thus, while (as discussed above) housing instability in children's lives can have immediate and negative health impacts, it can also lead to poorer health long-term by disrupting their education. Consequently, access to housing assistance is a critical intervention to help low-income children receive the education they need to thrive.

II. The proposed rule is indefensible on policy grounds.

⁸⁰ ALISHA COLEMAN-JENSEN ET AL., U.S. DEP'T OF AGRIC., HOUSEHOLD FOOD INSECURITY IN THE UNITED STATES IN 2017, at 13 (Sept. 2018), *available at* <https://www.ers.usda.gov/webdocs/publications/90023/err-256.pdf?v=0>. The U.S. Department of Agriculture defines food insecurity as a "lack of consistent access to enough food for an active, healthy life." ECON. RES. SERV., U.S. DEP'T OF AGRIC., DEFINITIONS OF FOOD SECURITY (2018), *available at* <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/definitions-of-food-security.aspx>.

⁸¹ HOUSING INSTABILITY IS LINKED TO ADVERSE CHILDHOOD BEHAVIOR, HOW HOUSING MATTERS (May 9, 2019), <https://howhousingmatters.org/articles/housing-instability-linked-adverse-childhood-behavior/>.

⁸² 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, at 55 (Mar. 2014) (Ph.D. dissertation, Howard University), *available at* <http://gradworks.umi.com/3639463.pdf> (citations omitted).

⁸³ ERIN S. INGRAM ET AL., CIVIC ENTERPRISES & HART RES. ASSOCS., HIDDEN IN PLAIN SIGHT: HOMELESS STUDENTS IN AMERICA'S PUBLIC SCHOOLS (2016), <http://www.americaspromise.org/report/hidden-plainsight>.

⁸⁴ See RAHMAN, *supra* note 82.

⁸⁵ S. EGERTER, P. BRAVEMAN ET AL., ROBERT WOOD JOHNSON FOUND., 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 (Apr. 1, 2011), <https://www.rwjf.org/en/library/research/2011/05/education-matters-for-health.html>.

- A. The proposed rule directly conflicts with the underlying statute and ignores amendments that Congress made to Section 214 to provide prorated assistance to mixed-status families.

Section 214 of the Housing and Community Development Act of 1980 (Section 214) limits access to federally subsidized housing programs to U.S. citizens and a specific list of noncitizen categories.⁸⁶ Noncitizens who are ineligible for public housing or Section 8 programs include student visa holders, employment visa holders, U-visa holders (for victims of violence), recipients of Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS) recipients, and undocumented individuals. Under Section 214, HUD pro-rates rental assistance to “mixed-status families” (families with family members eligible for HUD housing assistance and at least one family member ineligible) to only cover eligible family members, and the family pays for their remaining rent out-of-pocket. Congress struck this compromise to help families stay together while ensuring that ineligible individuals would not receive any housing assistance. Currently, there are about 108,000 individuals in 25,000 mixed-status families receiving prorated assistance from public housing, Section 8, and other programs covered by the proposed rule.⁸⁷ In these families, nearly three out of four household members are eligible for assistance.⁸⁸

In the proposed rule, HUD claims that barring mixed-status families from receiving assistance will bring its regulations “into greater alignment with the wording and purpose of Section 214.”⁸⁹ To support its claim, HUD insists that Section 214 prohibits the indefinite receipt of prorated assistance by mixed-status families, but HUD does not point to any statutory language containing such an edict. That is because it cannot. In fact, Section 214 instead demonstrates that Congress intended to ensure that individuals with eligible immigration status would receive assistance while keeping mixed-status families together in the same home. This proposed rule runs directly counter to that intent.

The plain language of 42 U.S.C. § 1436a(b)(2) states, “If the eligibility for financial assistance of *at least one member* of a family has been affirmatively established under this section, and *the ineligibility of one or more family members has not been affirmatively* established under this section, any financial assistance made available to that family by the applicable Secretary shall be prorated...” (emphasis added). Further, the statute explicitly permits housing authorities to choose not to affirmatively establish

⁸⁶ 42 U.S.C.A. § 1436A(A)(1)-(6) (West 2019) (Noncitizens eligible for Section 214 housing programs: Lawful Permanent Residents, VAWA Self-Petitioners, Asylees and Refugees, Parolees, Persons Granted Withholding of Removal/Deportation, Qualified Victims of Trafficking, Persons granted admission for emergent or public interest reasons, Persons granted lawful temporary residence amnesty under the Immigration Reform and Control Act of 1986, Immigrants eligible for registry who entered the U.S. before June 30, 1948, Lawful U.S. residents and individuals who entered the U.S. under the Compacts of Free Association with the Marshall Islands, Micronesia, Palau and Guam Immigrants admitted for lawful temporary residence prior to January 1, 1982).

⁸⁷ HUD REGULATORY IMPACT ANALYSIS, *supra* note 3, at 8.

⁸⁸ *Id.* at 8.

⁸⁹ Housing and Community Development Act of 1980: Verification of Eligible Status, 84 Fed. Reg. 20,589, 20,590 (proposed May 10, 2019) (to be codified at 24 C.F.R. part 5).

ineligibility.⁹⁰ Thus, the statute clearly provides that the presence of one eligible family member can trigger prorated housing assistance, as long as housing authorities choose not to affirmatively establish the ineligibility of one or more family members. Moreover, contrary to HUD's suggestion in this proposed rule, the statute contains no indication that HUD can place any time limit or restriction on that prorated assistance. Congress did not mince words: "shall be prorated" cannot reasonably be interpreted to mean "may be prorated for some period of time."

Moreover, contrary to HUD's assertions, the legislative history does not support an alternative reading of the straightforward language of the statute. Section 214 was passed in 1980. In 1988, Congress amended the statute to include a provision providing temporarily grandfathered assistance so mixed-status families who had been receiving *full* subsidies prior to the statute's passage could avoid family breakup.⁹¹ In its proposed rule, HUD argues that the 1988 provision means that Congress only intended for prorated assistance to be provided to mixed-status families for a limited time. However, this argument falls flat because Congress did not provide for benefits to be prorated until it further amended this section in 1996.⁹² In fact, Congress has been consistent in expressing its intent to guarantee that scarce federal subsidies would be provided indefinitely to eligible immigrants and citizens while preserving the integrity of mixed-status families.

HUD's proposed rule contravenes the plain language and the legislative history of the statute. Accordingly, HUD should withdraw its rule because it is in direct conflict with the congressional mandate of Section 214 to provide prorated assistance to mixed-status families.

- B. The proposed rule would decrease, rather than increase, the number of families receiving housing assistance.

Secretary Carson stated that HUD put forth the proposed rule in an effort to address the waitlist crisis for subsidized housing faced by most Public Housing Authorities nationwide.⁹³ It is true that there is a public housing and Section 8 waitlist crisis—there are currently 3 million individuals on voucher waitlists around the country, with an additional 6 million that would like to be on these waitlists.⁹⁴ However, the proposed rule would *worsen*, not alleviate, this crisis.

By HUD's own assessment, the proposed rule will likely lead to a *decrease* in the number of assisted families. According to HUD, if the agency were to replace the

⁹⁰ 42 U.S.C. § 1436a(i)(2)(A).

⁹¹ Housing and Community Development Act of 1987, Pub. L. No. 100-242, § 164, 101 Stat. 1815.

⁹² Use of Assisted Housing by Aliens Act of 1996, Pub. L. No. 104-208, § 572, 110 Stat. 3009.

⁹³ 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=.f68fec836d53.

⁹⁴ See ALICIA MAZZARA, CTR. ON BUDGET AND POL'Y PRIORITIES, HOUSING VOUCHERS WORK: HUGE DEMAND, INSUFFICIENT FUNDING FOR HOUSING VOUCHERS MEANS LONG WAITS (Apr. 19, 2017), <https://www.cbpp.org/blog/housing-vouchers-work-huge-demand-insufficient-funding-for-housing-vouchers-means-long-waits>.

25,000 mixed-status families currently receiving HUD assistance with households comprising of members who are all eligible, this transition would cost HUD between \$372 million to \$437 million annually.⁹⁵

HUD has admitted that, in response to the increased costs under the proposed rule:⁹⁶

the likeliest scenario, would be that **HUD would have to reduce the quantity and quality of assisted housing in response to higher costs.** In this case, the transfer would be from assisted households who experience a decline in assistance (in whole or in part) to the replacement households. With part of the budget being redirected to cover the increase in subsidy, there could be fewer households served under the housing choice vouchers program⁹⁷

Spending government funds to administer documentation requirements and then evict mixed-status families who do not separate will worsen the housing crisis. This fiscal analysis shows that Secretary Carson's proffered reason for this proposed rule is not credible.

Reducing the number of households receiving housing assistance is exactly the wrong action for HUD to take in the midst of the nation's housing crisis. HUD should withdraw this harsh rule and focus on investing in *more, not less*, housing assistance to meet the needs of women, children, and families struggling to make ends meet.

C. The proposed rule would lead to a reduction in the quality of HUD assisted housing.

Public housing conditions are deplorable in many parts of this country.⁹⁸ Some tenants are living in units that are riddled with mold or rodents and are in general states of disrepair as a result of decades of underfunding. Experts estimate that there is currently a \$50 billion backlog of desperately needed repairs.⁹⁹ The federal fund used to make repairs is already insufficient, and making matters worse, the Trump administration has proposed to eliminate it.¹⁰⁰

⁹⁵ HUD REGULATORY IMPACT ANALYSIS, *supra* note 3, at 11.

⁹⁶ BRAKKTON BOOKER, WHITE HOUSE BUDGET CALLS FOR DEEP CUTS TO HUD, NPR (Feb. 13, 2018), <https://www.npr.org/2018/02/13/585255697/white-house-budget-calls-for-deep-cuts-to-hud>.

⁹⁷ HUD REGULATORY IMPACT ANALYSIS, *supra* note 3, at 3 (emphasis added).

⁹⁸ LUIS FERRE-SADURNI, NEW YORK CITY'S PUBLIC HOUSING IS IN CRISIS. WILL WASHINGTON TAKE CONTROL?, N.Y. TIMES (Dec. 25, 2018), <https://www.nytimes.com/2018/12/25/nyregion/nycha-hud-deblasio-carson.html>; JILL RIPENHOFF & LEE ZURIK, FAILURE TO FIX: MOLD. MICE. MESSSES., INVESTIGATE TV (2018), <http://www.investigatetv.com/failure-to-fix-mold-mice-messes/>; HOLBROOK MOHR & JEFF DONN, HEALTH AND SAFETY CONDITIONS WORSEN IN U.S. SUBSIDIZED HOUSING, SEATTLE TIMES (Apr. 9, 2019), <https://www.seattletimes.com/business/inspections-show-deterioration-of-us-funded-housing-for-poor/>.

⁹⁹ PAM FESSLER, TRUMP ADMINISTRATION WANTS TO CUT FUNDING FOR PUBLIC HOUSING REPAIRS, NPR (May 16, 2019), <https://www.npr.org/2019/05/16/723231160/trump-administration-wants-to-cut-funding-for-public-housing-repairs>.

¹⁰⁰ *Id.*

Given this current state of affairs, HUD should focus on addressing the inhabitable conditions faced by so many of its residents. Instead, HUD has taken the opposite approach. In the Regulatory Impact Analysis issued by HUD, the agency acknowledged that the proposed rule could create about \$200 million in new costs and hurt public housing by reducing the “maintenance of the units and possibly [leading to] deterioration of the units that could lead to vacancy.”¹⁰¹

In light of the negative consequences of the proposed rule described further below, it is hard to see what legitimate purpose the proposed rule serves. Moreover, HUD’s Regulatory Impact Analysis makes it clear that the proposed rule will undermine HUD’s mission to “create strong, sustainable, inclusive communities and quality affordable homes for all.”¹⁰² In fact, the proposed rule will do the exact opposite, by making it even more difficult for families to access affordable homes. The Center urges HUD to withdraw this fatally flawed proposed rule.

III. The proposed rule will force impossible decisions upon mixed-status families and will hurt tens of thousands of women, children, and families, including many U.S. citizen children.

- A. The proposed rule places tens of thousands of immigrant families at risk of homelessness, jeopardizing their family and housing stability and thus, their pathway to self-sufficiency and better life outcomes.

Immigrants are part of our national fabric and part of every community – they are our coworkers, our classmates, and our neighbors. As a country, we have long aspired to be a land of opportunity that welcomes individuals seeking a better life for themselves and their families. This vision is embedded in our national conscience, proclaimed in Emma Lazarus’ famous and oft quoted words, “Give me your tired, your poor, your huddled masses yearning to breathe free.” Because we believe in opportunity, we value how people live their lives and what they contribute to their communities once they are here, not how much wealth they have or the color of their skin.

The proposed rule, though, is a repudiation of our core values. It forces an impossible choice upon mixed-status families: separate or lose housing assistance. This threatens to undermine the well-being of low-income U.S. citizens, immigrants, and their families. Family separations undermine family stability, and lead to toxic stress, trauma, and attachment issues in children. Even a temporary separation has an enormous negative impact on the health and educational attainment of these children later in life, and many parents struggle to restore the parent-child bond once it has been disrupted by a separation.¹⁰³

¹⁰¹ HUD REGULATORY IMPACT ANALYSIS, *supra* note 3, at 3.

¹⁰² U.S. DEP’T OF HOUSING AND URBAN DEV., ABOUT HUD, MISSION (last visited May 20, 2019), <https://www.hud.gov/about/mission>.

¹⁰³ LAURA C. N. WOOD, IMPACT OF PUNITIVE IMMIGRATION POLICIES, PARENT-CHILD SEPARATION AND CHILD DETENTION ON THE MENTAL HEALTH AND DEVELOPMENT OF CHILDREN, 2 *BMJ PEDIATRICS OPEN* (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6173255/>.

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 many of these families will forgo the subsidies so they can stay together. In fact, HUD is banking on this, noting in its 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.”¹⁰⁴ This rule could 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.¹⁰⁵

Immigrants and their families already face daunting barriers in finding affordable housing.¹⁰⁶ The proposed rule would take housing assistance away from immigrant families that already face significant hurdles in securing affordable housing, placing thousands of families at risk of evictions and homelessness.¹⁰⁷ 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.¹⁰⁸

B. The proposed rule will disproportionately harm women and girls in mixed-status families.

The 25,000 mixed-status families that would be forced to choose between separating or losing all their assistance includes about 61,400 women and girls (about 56% of the individuals in these families).¹⁰⁹ Given the importance of housing to the health, education, and economic security of women and girls, the systemic discrimination based on sex that compromises their economic security, and the disproportionate impact this rule would have on women and girls, HUD should withdraw this proposed rule.

Because women and girls are a majority of the individuals in mixed-status families, this proposed rule will likely also have a harmful impact on women and girls with multiple marginalized identities.

C. The proposed rule will bar children who are U.S. citizens and lawful permanent residents from maintaining and seeking federally subsidized housing.

¹⁰⁴ HUD REGULATORY IMPACT ANALYSIS, *supra* note 3, at 7.

¹⁰⁵ *Id.* at 8.

¹⁰⁶ See ROBERT WOOD JOHNSON FOUND., LIVING IN AMERICA (KATHERINE E. GARRETT ed., 2006), <https://www.rwjf.org/en/library/research/2006/08/living-in-america.html>.

¹⁰⁷ 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>.

¹⁰⁸ MEGAN SANDEL ET AL., UNSTABLE HOUSING AND CAREGIVER AND CHILD HEALTH IN RENTER FAMILIES, 141 PEDIATRICS 1 (2018), <http://pediatrics.aappublications.org/content/141/2/e20172199>; FISCHER, *supra* note 68, ENTERPRISE, *supra* note 71; BOVELL & SANDEL, *supra* note 72.

¹⁰⁹ CBPP DEMOGRAPHIC DATA, *supra* note 4.

By preventing mixed-status families from receiving prorated assistance on a permanent basis, the proposed rule robs eligible children whose parents have ineligible noncitizen status of housing subsidies.

Approximately 18 million children in the U.S. live in a family with at least one immigrant parent,¹¹⁰ and an estimated 5 million children (of whom more than 80% are U.S. citizens) live in homes with at least one undocumented parent.¹¹¹ 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.¹¹²

Nearly all of the children in mixed-status families who are receiving HUD assistance covered by Section 214 are U.S. citizens and lawful permanent residents (LPR) who live with parents or other adults who do not have eligible immigration status. HUD's statistics show that 70% of mixed-status families are composed of eligible children and ineligible parents. There are over 38,000 U.S. citizen and otherwise eligible children in these families,¹¹³ and roughly 56,000 eligible children in mixed-status families overall.¹¹⁴

If parents ineligible for rental assistance are barred from living in subsidized housing as the rule proposes, eligible children will lose housing assistance. Since children lack the legal capacity to sign leases, adult heads of household must sign housing contracts on behalf of their family. By prohibiting ineligible adults from living in subsidized units, the proposed rule thus forecloses the possibility of their U.S. citizen and LPR children from receiving *any* housing assistance under the covered housing programs. This will effectively evict the roughly 56,000 children who are eligible for the covered housing programs.

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 and well-being. 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.¹¹⁵ The alternative, family separation, is a stressful and traumatizing

¹¹⁰ DATABANK INDICATOR: IMMIGRANT CHILDREN, CHILD TRENDS (Oct. 2014), www.childtrends.org/?indicators=immigrant-children.

¹¹¹ RANDY CAPPS, MICHAEL FIX & JIE ZONG, MIGRATION POL'Y INST., A PROFILE OF U.S. CHILDREN WITH UNAUTHORIZED IMMIGRANT PARENTS (2016), www.migrationpolicy.org/research/profile-us-children-unauthorized-immigrant-parents.

¹¹² *Id.* at 2.

¹¹³ See HUD REGULATORY IMPACT ANALYSIS, *supra* note 3, at 6-8 (70% of households are composed of eligible children with ineligible parents, for a total of 38,907 eligible children in households with ineligible parents).

¹¹⁴ CBPP DEMOGRAPHIC DATA, *supra* note 4.

¹¹⁵ BOVELL & SANDEL, *supra* note 72; MATTHEW DESMOND & RACHEL TOLBERT KIMBRO, EVICTIONS FALLOUT: HOUSING, HARDSHIP, AND HEALTH, 94 SOCIAL FORCES 295 (2015).

experience for children, which can alter the architecture of a child's developing brain and have lifelong consequences.¹¹⁶

HUD should withdraw this rule. Taking housing assistance away from thousands of children and families ignores research that indicates that evicting families or forcing them to separate will undermine the well-being of the nation's children and families. We need policies that expand, not reduce, access to stable homes in order to ensure all children have opportunities to be healthy and reach their highest potential.

D. The proposed rule would disproportionately harm people of color in mixed-status families.

This proposed rule is part of the administration's coordinated attack on immigrant families. The Trump administration has demonstrated that it is acutely aware of the predominance of people of color amongst the immigrant families that it has targeted with its attacks and various anti-immigrant policies. Many immigrants of color feel demonized, and their worst fears have been realized as federal agents have invaded homes, schools, and places of worship,¹¹⁷ and families, especially women and children of color, have been torn apart both at the U.S. border and in the heart of communities.¹¹⁸ Yet the administration is pursuing a citizenship question¹¹⁹ on the 2020 Census against the advice of Census Bureau staff who warned that the charged political environment would make it harder to persuade many people to fill out the Census,¹²⁰

¹¹⁶ SHRUTI SIMHA, THE IMPACT OF FAMILY SEPARATION ON IMMIGRANT AND REFUGEE FAMILIES, 80 N C MED J. 95, 96 (2019); ELISA MINOFF, CTR. FOR THE STUDY OF SOC. POL'Y, ENTANGLED ROOTS: THE ROLE OF RACE IN POLICIES THAT SEPARATE FAMILIES (2018), *available at* <https://cssp.org/wp-content/uploads/2018/11/CSSP-Entangled-Roots.pdf>.

¹¹⁷ CATHERINE E. SHOICHET, ICE RAIDED A MEATPACKING PLANT. MORE THAN 500 KIDS MISSED SCHOOL THE NEXT DAY, CNN (Apr. 12, 2018), <https://www.cnn.com/2018/04/12/us/tennessee-immigration-raid-schools-impact/index.html>; NAT'L IMMIGR. LAW CTR., LAWSUIT ALLEGES ICE AGENTS VIOLATED WORKERS' CONSTITUTIONAL RIGHTS AGAINST RACIAL PROFILING AND ILLEGAL SEIZURE (Feb. 21, 2019), <https://www.nilc.org/2019/02/21/lawsuit-ice-violated-tennessee-workers-rights/>; CAITLIN DICKERSON AND MIRIAM JORDAN, AS TRUMP THREATENS DEPORTATIONS, IMMIGRANT COMMUNITIES BRACE FOR NEW ARRESTS, N.Y. TIMES (Jun. 18, 2019), <https://www.nytimes.com/2019/06/18/us/immigration-raids-fear-families.html>.

¹¹⁸ AM. CIV. LIBERTIES UNION, FAMILY SEPARATION: BY THE NUMBERS (2019), <https://www.aclu.org/issues/immigrants-rights/immigrants-rights-and-detention/family-separation>; GINA CLAYTON-JOHNSON & MARISA FRANCO, SEPARATION AT THE BORDER FOLLOWS NATION'S PATTERN OF JUSTICE – HIT WOMEN OF COLOR HARDEST, U.S.A. TODAY (Mar. 19, 2019), <https://www.usatoday.com/story/opinion/policing/2019/03/19/border-crisis-follows-pattern-justice-hit-women-color-hardest/2956614002/>; CAITLIN DICKERSON & MIRIAM JORDAN, U.S. CONTINUES TO SEPARATE MIGRANT FAMILIES DESPITE ROLLBACK OF POLICY, N.Y. TIMES (MAR. 9, 2019), <https://www.nytimes.com/2019/03/09/us/migrant-family-separations-border.html>

¹¹⁹ On June 27, 2019, the U.S. Supreme Court rejected the Administration's stated reasoning for adding the citizenship question to the 2020 Census. This ruling bars the question from being added to the Census for now, but the Court left open the possibility that the Administration could provide an adequate justification for the question. Therefore, it is still possible that the citizenship question could be included in the 2020 Census. See ADAM LIPTAK, SUPREME COURT LEAVES CENSUS QUESTION ON CITIZENSHIP IN DOUBT, N.Y. TIMES (June 27, 2019), <https://www.nytimes.com/2019/06/27/us/politics/census-citizenship-question-supreme-court.html>.

¹²⁰ Memorandum for Associate Directorate for Research and Methodology (ADRM), from Ctr. for Survey Measurement (Sept. 20, 2017), *available at* <https://www2.census.gov/cac/nac/meetings/2017-11/Memo-Regarding-Respondent-Confidentiality-Concerns.pdf>. See also MIKELYN MEYERS & PATRICIA GOERMAN,

and would exacerbate the historic undercounting of people of color. Litigation continues over whether this proposed citizenship question constitutes intentional racial discrimination.¹²¹

In addition, the administration proposed a rule on Inadmissibility on Public Charge Grounds that targets immigrants who are people of color for exclusion with almost surgical precision. Overall, the public charge inadmissibility proposed rule would create a higher risk of denial for immigrants from Mexico and Central America (with 60% of recent immigrants having two or more of the negative factors proposed in the NPRM), the Caribbean (48%), Asia (41%); South America (40%); and Africa (34%); compared to immigrants from Europe, Canada, Australia and New Zealand, 27% of whom could be expected to have two or more of the negative factors proposed in the NPRM.¹²²

With regard to HUD's proposed mixed-status family rule, the data below demonstrate how the proposed rule disproportionately harms people of color, who comprise about **95%** of the people in mixed-status families who could lose HUD assistance if they do not separate.¹²³

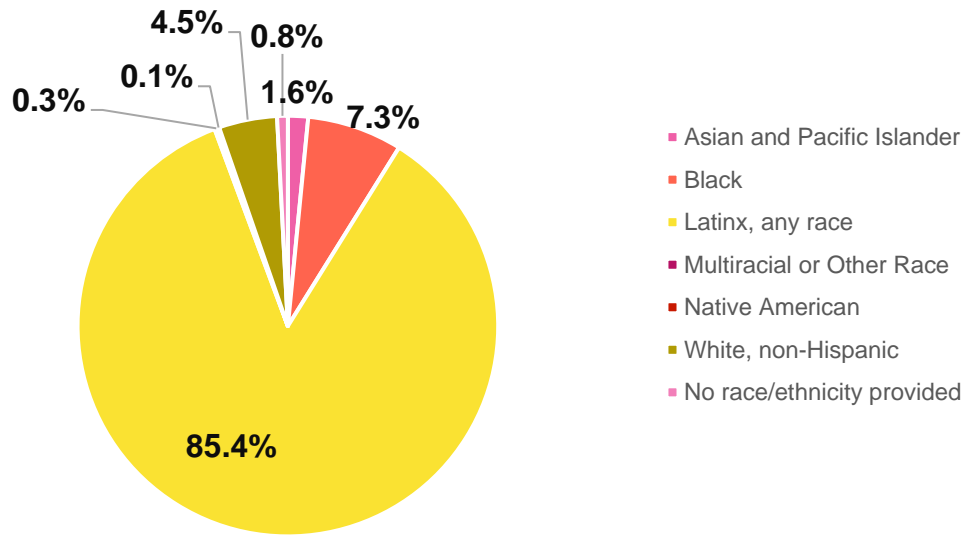
U.S. CENSUS BUREAU, Presentation at the Annual Conference of the Am. Ass'n for Public Opinion Res.: RESPONDENT CONFIDENTIALITY CONCERNS IN MULTILINGUAL PRETESTING STUDIES AND POSSIBLE EFFECTS ON RESPONSE RATES AND DATA QUALITY FOR THE 2020 CENSUS (May 2018), *available at* <https://census.gov/content/dam/Census/newsroom/press-kits/2018/aapor/aapor-presentation-confidentiality.pdf> (noting that many Spanish speaking respondents in qualitative studies in 2017 and 2018 expressed fear that their answers might be shared with immigration enforcement agencies).

¹²¹ TARA BAHRAMPOUR & JOHN WAGNER, GOVERNMENT LAWYERS AFFIRM ADMINISTRATION WILL PURSUE ADDING CITIZENSHIP QUESTION TO 2020 CENSUS, ACCORDING TO STATEMENT TO JUDGE, WASH. POST (Jul. 5, 2019), https://www.washingtonpost.com/local/legal-issues/trump-says-he-is-thinking-of-executive-order-to-revive-census-citizenship-question/2019/07/05/d3ec5986-9f20-11e9-9ed4-c9089972ad5a_story.html; TARA BAHRAMPOUR & ROBERT BARNES, DESPITE TRUMP ADMINISTRATION DENIALS, NEW EVIDENCE SUGGESTS CENSUS CITIZENSHIP QUESTION WAS CRAFTED TO BENEFIT WHITE REPUBLICANS, WASH. POST (May 30, 2019), https://www.washingtonpost.com/local/social-issues/despote-trump-administration-denials-new-evidence-suggests-census-citizenship-question-was-crafted-to-benefit-white-republicans/2019/05/30/ca188dea-82eb-11e9-933d-7501070ee669_story.html.

¹²² RANDY CAPPS ET AL., MIGRATION POL'Y INST., GAUGING THE IMPACT OF DHS' PROPOSED PUBLIC-CHARGE RULE ON U.S. IMMIGRATION (2018), <https://www.migrationpolicy.org/research/impact-dhs-public-charge-rule-immigration>. Immigrants from the Caribbean, Mexico and Central America, Africa, Asia, and South America would be significantly less likely to be able to meet the 250 FPL threshold when compared to immigrants from Europe, Canada, and Oceania. JEANNE BATALOVA, MICHAEL FIX & MARK GREENBERG, MIGRATION POL'Y INST. THROUGH THE BACK DOOR: REMAKING THE IMMIGRATION SYSTEM VIA THE EXPECTED "PUBLIC CHARGE" RULE (2018), <https://www.migrationpolicy.org/news/through-back-door-remaking-immigration-system-expected-public-charge-rule>.

¹²³ CBPP DEMOGRAPHIC DATA, *supra* note 4.

People in "mixed-status" families who could lose HUD assistance



This discriminatory rule will cause particularly intense damage to the approximately 93,500 Latinx people who make up **85%** of the people in mixed-status families that could lose housing assistance under this proposed rule.¹²⁴ Research suggests that Latinx people already remain underrepresented in housing programs.¹²⁵ This proposed rule would deter many eligible Latinx people from participating in public or subsidized housing programs and increase housing insecurity for Latinx mixed-status families. As HUD acknowledges, families that lose housing assistance are at risk of homelessness, with serious consequences for family well-being and child development. Where families live is also directly tied to where they work. If parents lose access to affordable housing, they may also be at risk of losing their jobs and consequently face a higher risk of becoming homeless.

In addition, about seven percent (about 8,000 people) of the people in mixed-status families that could lose their housing assistance if they do not separate are Black people.¹²⁶ As discussed previously, Black women already face a heightened risk of evictions, and this proposed rule would only increase that risk for Black women and their families.

The Asian American and Pacific Islanders (AAPI) community is the fastest growing racial group in the United States. Further, AAPIs are one of the fastest growing poverty populations with more than half of all poor AAPIs living in only 10 Metropolitan Statistical Areas (MSAs)¹²⁷, the majority of which are concentrated in the most

¹²⁴ *Id.*

¹²⁵ UNIDOSUS, LATINOS AND THE GREAT RECESSION: 10 YEARS OF ECONOMIC LOSS AND RECOVERY (Mar. 2019), <http://publications.unidosus.org/handle/123456789/1932>.

¹²⁶ CBPP DEMOGRAPHIC DATA, *supra* note 4. In this data set, the term "Black" excludes people who identify as Black and Hispanic or African American and Hispanic.

¹²⁷ NAT'L CAPACD analysis of U.S. CENSUS, AMERICAN COMMUNITY SURVEY 1-YEAR DATA, 2011-2017.

expensive markets. Analysis of US Census 2016 American Community Survey (ACS) data shows that the majority of all AAPIs in poverty live in zip codes with housing costs above the national median. This is true for both for rental housing (64% of AAPIs in poverty live in zip codes where the median rent for rental housing in the zip code is higher than the US national median rent), and for homeownership (65% of AAPIs in poverty live in zip codes where the median home value is more expensive than the US national median home value).¹²⁸ In short, low-income AAPIs are already at significant risk of displacement, especially recently emigrated AAPIs who have limited proficiency with English. In fact, low-income AAPIs are at twice the risk of displacement relative to the general US poverty population.¹²⁹ Further compounding this issue is the fact that many AAPI families live in multigenerational households that include a mix of immigrants and US citizens. The impact of this proposed rule, if finalized and implemented, would be devastating to the approximately 1,200 Asian people and 500 Pacific Islander people in mixed-status families.¹³⁰

Furthermore, about 100 of the people in mixed-status families are Native American, 200 are multiracial, and 100 are some other race.¹³¹

To advance equity for people of color and our nation, immigrants should have an opportunity for their families to receive the supports they need to thrive. The proposed changes by HUD fail in this respect as people of color in families of mixed immigration status would be forced to break up to receive housing assistance, or to forego the assistance altogether. Because this proposed rule would disproportionately harm people of color, HUD should withdraw this proposed rule and shift to investing in its statutory duty under the Fair Housing Act (FHA) to affirmatively further fair housing, including “fostering inclusive communities free from barriers that restrict access to opportunity based on protected characteristics,”¹³² such as race and color.

E. The proposed rule will harm survivors of gender-based violence in mixed-status families.

Certain immigrant survivors of gender-based violence, such as human trafficking, sexual assault, and domestic violence, will be severely and disproportionately harmed by HUD’s proposed rule. If it goes into effect, ineligible survivors and their eligible children who are trying to escape violent homes will be trapped in a false “choice” between homelessness and remaining with an abuser. Those already living in subsidized housing who are evicted and forced to return to a violent home will face an even greater risk to their safety.

The rule also requires proof of immigration status. Violent perpetrators are well aware of the link between a victim’s financial independence and her access to safety. Abusers notoriously keep immigrant survivors in a state of isolation, poverty, and economic dependence, conditioning them to fear retaliation not only for trying to flee, but also for

¹²⁸ NAT’L CAPACD analysis of U.S. CENSUS, 5-YEAR AMERICAN COMMUNITY SURVEY, 2016.

¹²⁹ *Id.*

¹³⁰ CBPP DEMOGRAPHIC DATA, *supra* note 4.

¹³¹ *Id.*

¹³² 24 C.F.R. § 5.152 (definition of “Affirmatively furthering fair housing”).

seeking a work permit and/or employment. They prevent survivors from doing either by holding their immigration documents hostage. Submitting documentation of immigration status will be challenging for survivors whose abusers have destroyed or withheld their documents from them as a tool of abuse. As a result, even survivors who are currently eligible for subsidized housing will be at risk for eviction under the proposed rule. Without subsidized housing and in the face of systemic barriers to survivors accessing non-subsidized housing,¹³³ their risk of homelessness, or feeling forced to return to their abuser to secure housing, will increase.

Moreover, without adequate housing, survivors, including those who have been recently released from immigration detention, will have tremendous difficulty maintaining regular, meaningful communication with service providers. Notifications of critical appointments and court hearings may never reach them, and they may struggle to access evidence needed for legal matters involving immigration, child custody, or protection orders. If a survivor is homeless and cannot effectively participate in her immigration case, the consequence could be permanent loss of child custody and return to her home country to face dangerous circumstances. Legal access can also be instrumental in helping victims find long term safety.¹³⁴

Furthermore, maintaining housing stability is crucial for children who have been exposed to domestic violence to feel safe, heal, and strengthen resilience. Disrupting the lives of children who have been witnesses or subjected to abuse by forcing them to leave their homes will lead to long-term harm to their development, recovery, health, and academic and social success.¹³⁵

Because of the proposed rule's devastating impact on survivors, HUD should withdraw this proposed rule.

F. The proposed rule forces will harm LGBTQ people in mixed-status families.

This proposed rule is likely to have a profound impact on the LGBTQ community, including thousands of bi-national same-sex couples. The most recent available data from the ACS indicates that there are nearly one million same-sex couples in the U.S.¹³⁶ Because nearly one in ten LGBTQ adults are immigrants,¹³⁷ it is likely that same-sex

¹³³ TAHIRIH JUSTICE CTR., NATIONWIDE SURVEY: A WINDOW INTO THE CHALLENGES IMMIGRANT WOMEN AND GIRLS FACE IN THE UNITED STATES AND THE POLICY SOLUTIONS TO ADDRESS THEM (Jan. 31, 2018), <http://www.tahirih.org/wp-content/uploads/2018/01/Tahirih-Justice-Center-Survey-Report-1.31.18-1.pdf>.

¹³⁴ AMY RECKDENWALD & KAREN F. PARKER, UNDERSTANDING GENDER-SPECIFIC INTIMATE PARTNER HOMICIDE: A THEORETICAL AND DOMESTIC SERVICE-ORIENTED APPROACH, 38 J. OF CRIMINAL JUSTICE 951-958 (2010).

¹³⁵ CHIQUITA ROLLINS, KRIS BILLHARDT & LINDA OLSEN, DOMESTIC VIOLENCE HOUSING FIRST, HOUSING: SAFETY, STABILITY, AND DIGNITY FOR SURVIVORS OF DOMESTIC VIOLENCE (2013), *available at* <https://nnedv.org/mdocs-posts/housing-safety-stability-and-dignity-for-survivors-of-domestic-violence/>.

¹³⁶ U.S. CENSUS BUREAU, HOUSEHOLD CHARACTERISTICS OF OPPOSITE-SEX AND SAME-SEX COUPLE HOUSEHOLDS: 2017 AMERICAN COMMUNITY SURVEY (2017), *available at* <https://www.census.gov/data/tables/time-series/demo/same-sex-couples/ssc-house-characteristics.html>.

¹³⁷ GARY J. GATES, THE WILLIAMS INST., LGBT ADULT IMMIGRANTS IN THE UNITED STATES (Mar. 2013), *available at* <http://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/us-lgbt-immigrants-mar-2013/>.

couples are bi-national at rates similar to the general population. Nearly one-third of LGBTQ immigrants are undocumented, indicating that a significant number of LGBTQ bi-national couples could be impacted by this proposed rule.¹³⁸

While we lack specific data on the use of public housing assistance by LGBTQ immigrants, we know that the need for housing support is high in this community as a general matter. As a result of systemic discrimination, LGBTQ people are 2.5 times more likely to receive public housing assistance than their non-LGBTQ peers. The need for these programs is especially acute for transgender people, LGBTQ people with disabilities, and LGBTQ people of color.¹³⁹

Because of the harm the proposed rule could cause in mixed-status families with LGBTQ immigrants, HUD should withdraw this proposed rule.

G. The proposed rule will harm seniors in mixed-status families.

Federal housing assistance programs provide vital support to 1.9 million older adults who would otherwise be unable to afford the cost of shelter.¹⁴⁰ The approximately 2,100 seniors in mixed-status families¹⁴¹ who have fixed incomes are especially at risk of serious harm if they lose rental assistance due to the proposed rule because they have such limited resources to spend on other basic needs, including food, medicine, transportation, and clothing.¹⁴² 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. Consequently, HUD should withdraw this proposed rule.

IV. The proposed rule's documentation requirements threaten housing assistance for eligible recipients who face systemic barriers to accessing documentation.

The proposed rule is a direct attack on immigrants and citizens in mixed-status households, but the harm will extend far beyond this group of families if the rule is finalized. This is because the proposed rule creates red tape that threatens housing security for the over 9.4 million people currently receiving HUD assistance,¹⁴³ as well as

¹³⁸ *Id.*

¹³⁹ ROONEY, WHITTINGTON & DURSO, *supra* note 14.

¹⁴⁰ CBPP RENTAL ASSISTANCE FACT SHEET, *supra* note 8.

¹⁴¹ CBPP DEMOGRAPHIC DATA, *supra* note 4. "Seniors" are adults age 62 and older.

¹⁴² 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.

¹⁴³ CBPP DEMOGRAPHIC DATA, *supra* note 4.

all future eligible people seeking these benefits. About 63% (5.9 million) of the people who will be impacted by the documentation requirements are women and girls.¹⁴⁴

Currently, to establish eligibility for Section 214 housing assistance, U.S. citizens need to provide a declaration signed under penalty of perjury attesting to their citizenship or nationality status. The proposed rule would require that all who claim to be U.S. citizens not only make a declaration under penalty of perjury but also provide evidence of their citizenship or nationality, such as a birth certificate. Such requirements have proven to be burdensome, costly and unnecessary to protect program integrity.¹⁴⁵ For example, after Medicaid began implementing a citizenship documentation requirement, there was a sharp decline in Medicaid enrollment. Half of the 44 states responding to a Government Accountability Office (GAO) survey indicated that Medicaid enrollment fell because of the citizenship documentation requirement. The GAO also found that states reported increased administrative costs and increased time spent on applications and redeterminations of eligibility.¹⁴⁶

Moreover, these documents can be extremely difficult for certain segments of the population to produce. One survey from 2006 showed that as much as seven percent of citizens did not have documentation of their citizenship readily available.¹⁴⁷ That same survey showed that at least 12% of citizens earning less than \$25,000 a year do not have proof of citizenship and that citizens with annual earnings below \$25,000 are twice as likely as those earning more than \$25,000 to lack ready documentation.¹⁴⁸

A. The proposed rule's documentation requirements will disproportionately harm women and girls.

Of the 9.5 million people who currently receive and are eligible for the HUD programs covered by this proposed rule, over 5.9 million (about 63%) are women and girls.¹⁴⁹ Of the 9.1 million citizens included in this population, nearly 5.7 million (about 62%) are women and girls.¹⁵⁰ In the 2006 Brennan Center survey, only 66% of voting-age women had ready access to any citizenship documentation with their current legal name.¹⁵¹ In addition, the women subject to the proposed documentation requirements are low-income who, as the 2006 survey noted, are less likely to have ready access to

¹⁴⁴ *Id.*

¹⁴⁵ Housing and Community Development Act of 1980: Verification of Eligible Status, 84 Fed. Reg. at 20,592; DONNA COHEN ROSS, CTR. ON BUDGET AND POL'Y PRIORITIES, NEW MEDICAID CITIZENSHIP DOCUMENTATION REQUIREMENT IS TAKING A TOLL: STATES REPORT ENROLLMENT IS DOWN AND ADMINISTRATIVE COSTS ARE UP, (Mar. 13, 2007), <https://www.cbpp.org/research/new-medicaid-citizenship-documentation-requirement-is-taking-a-toll-states-report>.

¹⁴⁶ 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>.

¹⁴⁷ BRENNAN CTR. FOR JUSTICE, CITIZENS WITHOUT PROOF: A SURVEY OF AMERICANS' POSSESSION OF DOCUMENTARY PROOF OF CITIZENSHIP AND PHOTO IDENTIFICATION 2 (Nov. 2006), http://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf.

¹⁴⁸ *Id.*

¹⁴⁹ CBPP DEMOGRAPHIC DATA, *supra* note 4.

¹⁵⁰ *Id.*

¹⁵¹ BRENNAN CTR. FOR JUSTICE, *supra* note 147, at 2.

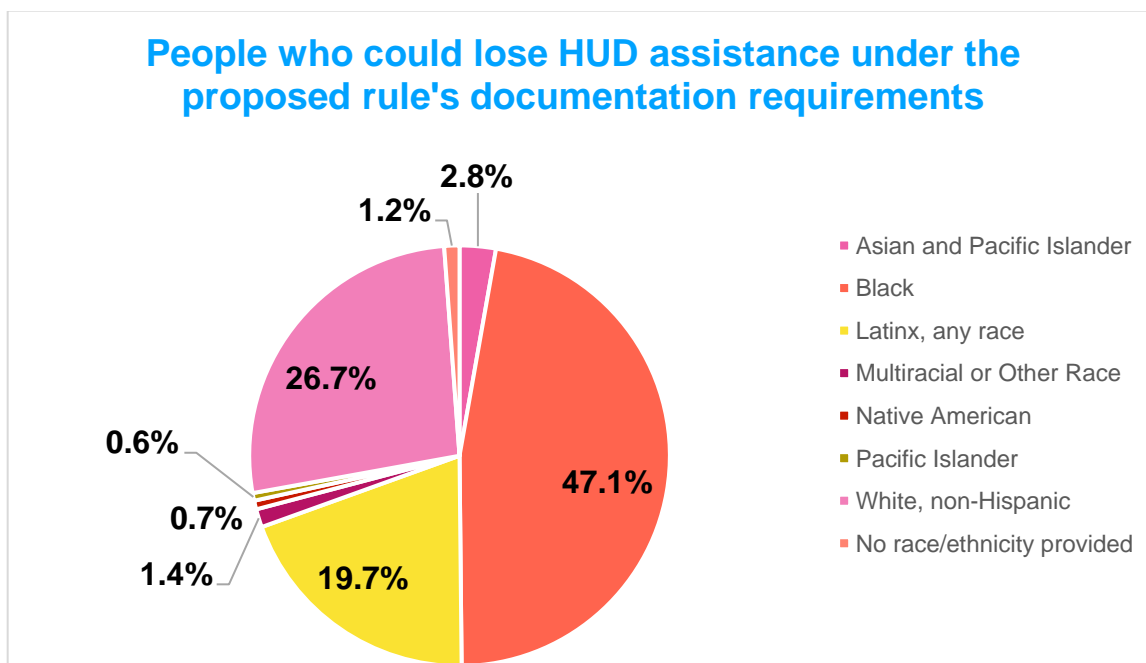
citizenship documentation. Low-income women may not have enough money to pay for replacement documentation, which often cost hundreds of dollars.

Furthermore, the low-wage workforce consistently lacks paid leave,¹⁵² so many low-wage working women subject to the proposed rule's documentation requirements may not be able to take off time from work to go to a government office and wait for a birth certificate or other acceptable documentation. Low-wage working women should not have to choose between keeping their job or their housing because they cannot meet punitive documentation requirements.

Because of these barriers to accessing the requisite documentation, women and girls face a heightened risk of eviction from the documentation requirements in this proposed rule. HUD should withdraw this rule to protect access to vital housing assistance for women and girls.

B. The proposed rule's documentation requirements will disproportionately harm people of color.

People of color make up over 6.8 million (about **72%**) of the 9.5 million people who would be subject to the proposed documentation requirements and nearly 6.5 million of the U.S. citizens (nearly 72%).¹⁵³



Over 4.4 million Black people over 1.8 million Latinx people, 263,400 Asian people, 106,400 multiracial people, 63,400 Native American people, and 55,800 Pacific

¹⁵² ANDREA JOHNSON ET AL., STEPPING UP: NEW POLICIES AND STRATEGIES SUPPORTING PARENTS IN LOW-WAGE JOBS AND THEIR CHILDREN 22 (Aug. 2018), available at https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/08/v2_final_nwlc_SteppingUpKelloggReport.pdf.

¹⁵³ CBPP DEMOGRAPHIC DATA, *supra* note 4.

Islanders would be subject to the documentation requirements.¹⁵⁴ In addition to the greater likelihood that low-income people, who are served by housing assistance, will lack citizenship documentation more generally, people of color may also lack these documents. As a result, the proposed rule's documentation requirements may lead to a disproportionate number of evictions of families of color.

In addition, in a 2006 national survey sponsored by the Center on Budget and Policy Priorities, 8.9% of Black people did not have a passport or birth certificate available, compared to 5.5% of white people.¹⁵⁵ At least part of this gap is because many Black seniors, especially in the South, were never issued birth certificates because they were born at home and not in hospitals (largely due to racial discrimination or poverty).¹⁵⁶ These systemic barriers could lead to the proposed rule having a disproportionate impact on Black people.

Furthermore, nearly 10% of AAPI households live in multi-generational homes,¹⁵⁷ a figure that is likely much lower than the actual proportion reported anecdotally from the field, which is closer to 20%. Given the difficulty many low-income people and seniors have in accessing documentation, many AAPI families may struggle to access the requisite documentation to maintain their housing.

Because of the likely disproportionate harm to families of color, HUD should withdraw this proposed rule and instead invest in its statutory obligation under the FHA to affirmatively further fair housing, including "fostering inclusive communities free from barriers that restrict access to opportunity based on protected characteristics,"¹⁵⁸ such as race and color.

C. The proposed rule's documentation requirements will harm seniors.

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 documentation of their immigration status, such as a Form I-551 Permanent Resident Card, Form I-94 Arrival/Departure Record, a foreign passport with I-551 stamp.¹⁵⁹ This would impact over 1.6 million seniors (17% of the population impacted by the documentation requirements).¹⁶⁰ Seniors face many challenges in getting this kind of documentation, including difficulties getting to government offices and/or physically being able to wait for the office to replace lost records, coming up with the funds to replace these records,

¹⁵⁴ *Id.*

¹⁵⁵ STACY DEAN, ROBERT GREENSTEIN & LIGHTON KU, CTR. ON BUDGET POL'Y PRIORITIES, SURVEY INDICATES HOUSE BILL COULD DENY VOTING RIGHTS TO MILLIONS OF U.S. CITIZENS (Sept. 22, 2006), <https://www.cbpp.org/research/survey-indicates-house-bill-could-deny-voting-rights-to-millions-of-us-citizens>.

¹⁵⁶ *Id.*

¹⁵⁷ U.S. CENSUS BUREAU, 2010 DECENNIAL CENSUS, SUMMARY FILE 2 (Dec. 15, 2011), *available at* <https://www.census.gov/data/datasets/2010/dec/summary-file-2.html>.

¹⁵⁸ 24 C.F.R. § 5.152 (definition of "Affirmatively furthering fair housing").

¹⁵⁹ Housing and Community Development Act of 1980: Verification of Eligible Status, 84 Fed. Reg. at 20,592.

¹⁶⁰ CBPP DEMOGRAPHIC DATA, *supra* note 4.

and (in some cases) never having been issued these documents in the first place.¹⁶¹ Consequently, HUD should withdraw this rule to protect vital housing for seniors.

D. The proposed rule's documentation requirements will harm people with disabilities and their families.

The proposed rule threatens housing assistance for over 2 million people with disabilities (22% of the population impacted by the documentation requirements) who would be subject to the proposed documentation requirements.¹⁶² People with disabilities often have additional barriers to accessing proof of citizenship and identity. For example, people with disabilities are less likely to have state-issued identification; in 2012, nearly eight percent of people with disabilities lacked a valid ID compared to less than five percent of people without disabilities.¹⁶³ Lacking a photo ID makes it more difficult to obtain a replacement copy of a birth certificate.¹⁶⁴ Moreover, it can be difficult for people with disabilities to get to government agencies to obtain documentation due to lack of access to accessible transportation. Some government offices also may not be accessible to everyone with a disability.

HUD should withdraw this proposed rule and instead invest in its statutory obligation under the FHA to affirmatively further fair housing, including “fostering inclusive communities free from barriers that restrict access to opportunity based on protected characteristics,”¹⁶⁵ such as disability status.

E. The proposed rule's documentation requirements will harm survivors.

The proposed rule's documentation requirements will be challenging for survivors whose abusers have destroyed or withheld their documents from them as a tool of abuse. Survivors with protected addresses who work in low-wage jobs that have unpredictable schedules and no paid leave may struggle to go through all the agencies required to access the documentation necessary under this proposed rule. Low-income survivors may not be able to afford paying for a missing document. As a result, even current and future survivors who are eligible for subsidized housing will be at risk for eviction under the proposed rule. HUD should withdraw this proposed rule to protect access to housing assistance that is vital to survivors' survival.

¹⁶¹ INA JAFE, FOR OLDER VOTERS, GETTING THE RIGHT ID CAN BE ESPECIALLY TOUGH, NPR (Sept. 7, 2018), <https://www.npr.org/2018/09/07/644648955/for-older-voters-getting-the-right-id-can-be-especially-tough>.

¹⁶² CBPP DEMOGRAPHIC DATA, *supra* note 4.

¹⁶³ S.E. SMITH & REBECCA COKLEY, CTR. FOR AM. PROGRESS, REFORMING ELECTIONS WITHOUT EXCLUDING DISABLED VOTERS (Mar. 29, 2019), <https://www.americanprogress.org/issues/disability/news/2019/03/28/468019/reforming-elections-without-excluding-disabled-voters/>.

¹⁶⁴ For example, for someone who does not have access to a primary identity document such as a driver's license or photo ID card, Virginia requires two secondary documents, and everyday documents such as utility bills are not accepted at all. VA. DEP'T OF MOTOR VEHICLES, ACCEPTABLE VITAL RECORDS DOCUMENTS, https://www.dmv.virginia.gov/general/#vital_docs.html (last visited July 8, 2019).

¹⁶⁵ 24 C.F.R. § 5.152 (definition of “Affirmatively furthering fair housing”).

F. The proposed rule's documentation requirements will harm LGBTQ people.

The LGBTQ people who currently receive housing assistance are low-income and face similar barriers to accessing documentation as other low-income people. But in addition, transgender people who have changed their name may have birth certificates that do not reflect their current name, transgender people in Ohio and Tennessee are not allowed to change their birth certificates to reflect their gender identity, and low-income transgender people in states allowing birth certificate changes to reflect their name and gender identity may not be able to afford the various steps required to get an accurate birth certificate.¹⁶⁶ These circumstances could create administrative hurdles that result in evicting eligible transgender people. Consequently, HUD should withdraw this proposed rule and protect vital housing assistance for LGBTQ people.

G. The proposed rule's documentation requirements will harm people who are formerly homeless.

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 Section 214 programs in the future. In addition to the difficulties obtaining documents faced by low-income people generally, 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.¹⁶⁷ HUD should withdraw this proposed rule so the formerly homeless do not face evictions that could make them homeless again.

H. The proposed rule's documentation requirements will harm children.

The proposed rule requires citizenship or immigration status documentation for every member of the household. If children's guardians cannot produce the requisite documentation for every member of their household because of the barriers described above, then these children also face risk of eviction under this rule. Consequently, HUD should withdraw this rule.

V. The proposed rule is another attempt to separate families and take vital housing assistance away from low-income people, and HUD should withdraw this proposal.

¹⁶⁶ GARRETT EPPS, HOW BIRTH CERTIFICATES ARE BEING WEAPONIZED AGAINST TRANS PEOPLE, THE ATLANTIC (Jun. 8, 2018), <https://www.theatlantic.com/ideas/archive/2018/06/how-birth-certificates-are-being-weaponized-once-again/562361/>; LAMBDA LEGAL, VICTORY! KANSAS AGREES TO ISSUE ACCURATE BIRTH CERTIFICATES TO TRANSGENDER PEOPLE (June 24, 2019), https://www.lambdalegal.org/news/ks_20190624_ks-agrees-to-issue-accurate-birth-certificates-to-trans-people.

¹⁶⁷ 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.

As stated above, if this proposed rule is finalized and implemented, it would harm the 25,000 mixed-status immigrant families who make vital contributions to the U.S. economy and our communities. This proposed rule would harm the 9.5 million people who receive HUD assistance and will be subject to the proposed documentation requirements, and all those who apply in the future and struggle to obtain the requisite documentation. This proposed rule would harm the eligible families on waiting lists who will continue to struggle without housing assistance because the costs of implementing this proposed rule will reduce the amount and quality of housing assistance. This proposed rule would harm women and girls with marginalized identities.

Each of these reasons, and the others stated above and the other impacts not addressed in this letter, should be grounds for HUD withdrawing this draconian proposed rule. Together, these harmful impacts show the urgency in HUD shifting its focus to helping, rather than harming, families. The Center urges HUD to immediately withdraw its current proposal and instead 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 Sarah Hassmer at shassmer@nwlc.org to provide further information.

Sincerely,



Melissa Boteach
Vice President for Income Security and Child Care/ Early Learning
National Women's Law Center



Amy K. Matsui
Senior Counsel & Director of Income Security
National Women's Law Center



Sarah Hassmer
Senior Counsel, Income Security
National Women's Law Center