



July 9, 2019

Office of General Counsel, Rules Docket Clerk
Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-0500
Submitted via www.regulations.gov

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 Rules Docket Clerk:

On behalf of the Association of Asian Pacific Community Health Organizations (AAPCHO), thank you for the opportunity to comment on the Proposed Rulemaking: Housing and Community Development Act of 1980: Verification of Eligible Status. AAPCHO opposes this proposed rule, which will harm tens of thousands of immigrant families, including many citizen children, and we strongly encourage HUD to rescind it entirely. The proposed rule will disproportionately negatively affect Asian American, Native Hawaiian, and Pacific Islander (AANHPI) families by threatening their housing stability and putting them at risk of homelessness

AAPCHO represents 35 community-based health care organizations, 29 of which are Federally Qualified Health Centers (FQHCs). AAPCHO members service more than 630,000 patients annually. Our members are dedicated to promoting the health status of medically underserved AANHPIs in the United States, the U.S. territories, and the Freely Associated States. The primarily low-income AANHPI patients and communities our members serve rely on a number of supports to maintain their health and well-being and to live as a critical part of our communities and economies.

We are very concerned about this proposal's impact on the AANHPI community and on mixed status low-income families who rely on the HUD programs for safe and stable housing. Immigrants face many barriers to housing, including a nationwide affordable housing crisis. Compared to U.S. citizens, immigrant families are more likely to have higher housing costs, are more likely to face housing cost burdens, and are more likely to report difficulty paying for housing. There are even more challenges for individuals with limited English proficiency.

The AANHPI community is the fastest growing racial group in the United States. While AANHPI families and communities live and thrive across the country, more than half of all low-income AANHPIs live in only 10 Metropolitan Statistical Areas (MSAs), which are some of the most expensive housing markets. This is true for both for rental housing (64% of AANHPIs in poverty live in zip codes where the median rent prices are higher than the US national median rent rates), and for homeownership (65% of AANHPIs in poverty live in zip codes where the median home value is more expensive than the national average). Low-income AANHPIs are at twice the risk of displacement relative to the general US poverty population and struggle to find affordable and stable housing.

Further compounding this issue is the fact that many AAPI families live in multigenerational households that include a mix of immigrants and US citizens. Over 70 percent of mixed status families who are currently receiving HUD assistance include eligible children—that is, children who are U.S. citizens—and at least one ineligible parent. Further, nearly all children in mixed status families who are receiving HUD assistance are U.S. citizens or lawful permanent residents (LPR). There are over 38,000 U.S. citizen and otherwise eligible children in these families. However, as children lack the legal capacity to sign leases themselves, the adult heads of household, including those who do not receive assistance, must sign these contracts on behalf of their family. By prohibiting the ineligible adults from living in subsidized units, the proposed rule forecloses the possibility of these U.S. citizen and LPR children from receiving any housing assistance under the covered housing programs and for which they are otherwise eligible.

The proposed rule would leave mixed status families with the impossible decision to either break up their family to allow for eligible children to continue receiving assistance, or to forgo the subsidies so the family can stay together. HUD acknowledges in its regulatory impact analysis that it is more likely that many mixed families will forgo the subsidies to avoid separation, noting that “HUD expects that fear of the family being separated would lead to prompt evacuation by most mixed households, whether that fear is justified.” The proposed rule will lead to mass evictions and departures from housing assistance that increase rates of homelessness and unstable housing among an already vulnerable population.

We are further deeply concerned with the proposed rule’s requirement for all 9.5 million U.S. citizens currently receiving HUD assistance—as well as all future applicants—to prove their citizenship. Current eligibility regulations already require U.S. citizens to attest their citizenship or nationality status, under penalty of perjury. The proposed rule would add additional onerous requirements requiring that these individuals *also* provide documentary proof of citizenship or nationality, such as a birth certificate. This practice, known as citizenship documentation, has proven to be burdensome, costly, and unnecessary to protect program integrity.

For many U.S. citizens, providing documentation of their citizenship or nationality is not possible or takes a significant amount of time and resources. Travel to records offices--particularly if you no longer live in the state--and fees associated with getting replacement records can be difficult or prohibitively expensive. Providing documentation disproportionately challenges U.S. citizens over the age of 50, citizens of color, citizens with disabilities, and citizens with low-incomes. Also impacted, will be victims of natural disasters as well as people who have experienced homelessness. These individuals may have lost documents or have no safe place to store them.

Experience with citizenship documentation requirements in Medicaid demonstrates that the policy negatively impacts eligible U.S. citizens. After implementing citizenship documentation in Medicaid, *eligible* beneficiaries experienced delays or rejection from enrollment because of an inability to provide the necessary documents. This additional requirement places an additional burden on families who are most vulnerable and in need of assistance.

As health care providers, we know that the profound *health* impacts of housing instability, including increased health problems for these individuals and families in the long term. Housing is a key social determinant of health (SDoH), and research has consistently demonstrated that housing interventions for low-income people improve health outcomes and decrease health care costs. Studies have shown that unstable housing situations can cause individuals to experience increased hospital visits, loss of employment, and are associated with increased likelihood of mental health

problems in children and can dramatically increase the risk of an acute episode of a behavioral health condition, including relapse of addiction in adults.

Conversely, having safe and stable housing is crucial to a person's good health, sustaining employment, and overall self-sufficiency. Studies have shown that the provision of stable, affordable housing can lead to decreased Medicaid expenses, increased use of outpatient primary care, and decreased in emergency room visitations--all of which reduce overall long-term costs. These effects are particularly prominent in children in mixed status families, nearly all of whom are U.S. citizens. Furthermore, 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 and can improve a child's chances for long-term economic mobility.

As stated above, the proposed rule will have severe negative impacts on many mixed-status families--including U.S. citizens, particularly children, and AANHPIs--who are eligible for these housing assistance programs, and it will place burdensome requirements that will increase homelessness. AAPCHO is further especially concerned with the negative health consequences of the proposed rule. We urge HUD to immediately withdraw this proposal rule, and advance policies that strengthen—rather than undermine—the ability of immigrants to support themselves and their families in the future.

Thank you for the opportunity to submit comments on the proposed rulemaking. Please do not hesitate to contact me if you have any questions or need further information.

Very Respectfully,



Adam Carbullido

Director of Policy and Advocacy