

Congress of the United States

Washington, DC 20515

May 10, 2019

Benjamin S. Carson Sr., M.D.
Secretary
United States Department of Housing and Urban Development
451 7th Street S.W.
Washington, D.C. 20410

Dear Secretary Carson:

We write to express our profound concern with the proposed rule¹ currently being crafted by the U.S. Department of Housing and Urban Development (HUD) which is aimed at curtailing current program benefits for residents in public and other assisted housing programs.² Further, the underlying premise of the proposal is deeply flawed and therefore, is unlikely to solve many of the challenges our nation's affordable housing programs face, as the Department and the Trump Administration purport to claim.

First, we believe that this proposed rule change runs counter to HUD's original intent and breaks with policy the Department has had in place for over twenty years. Under HUD's current regulatory guidelines, noncitizens of the United States who participate in affordable housing programs are only required to provide a signed declaration, proof of legal status and a signed verification consent form.³ Similar requirements are provided for seniors aged 62 or older, but only requiring a signed declaration of eligible immigration status and proof of age.⁴ The proposed rule backtracks on these flexible mechanisms by requiring ***all*** persons to submit immigration-related proof, or "other appropriate documentation specified by HUD." Such documentation would be required at the time of application for assistance. We worry that this burden will overwhelm families given the lengthy case processing delays by the US Citizenship and Immigration Services (USCIS).⁵ Currently, the average case processing time has increased by 46% in comparison to 2016.⁶ **Such delays in paperwork, including lost or misplaced legal noncitizen credentials, may cause families, who are otherwise eligible for benefits, to lose their home under this proposed rule.**

We also strongly reject the rule's aim to limit opportunities for financial assistance for which "mixed families" are currently eligible. Currently, the Department permits "mixed families" to live together in subsidized housing even if one or more of the family members is an ineligible immigrant by prorating the subsidy for the household so any member of the family who declares themselves to be ineligible is excluded from the benefits calculation.

¹ Department of Housing and Urban Development. 24 CFR Part 5. Docket No. FR 6124-P-01
<https://www.federalregister.gov/documents/2019/05/10/2019-09566/verification-of-eligible-status>

² 12 U.S.C. 1715z; 12 U.S.C. 1715z-1; 12 U.S.C. 1701s; 42 U.S.C. 1437 *et seq.*

³ 24 CFR 5.508(b)(3)

⁴ 24 CFR 5.508(b)(2)

⁵ <https://qz.com/india/1541313/visa-processing-time-for-h-1b-hopefuls-has-doubled-under-trump/>

⁶ *Id.*

However, the proposed changes to the rule, and the subsequent impact they will have on families are disturbing. By altering the rule, HUD is attempting to limit access to prorated assistance for “mixed families,” many of which are currently receiving this assistance. When crafted in response to section 214, the original rule intended the use of prorated assistance for mixed family households to assure family unity for those who would be eligible. The retroactive nature of the proposed rule’s provisions is likely to exacerbate homelessness across the country since heads of households, spouses and other current tenants would be forced to meet new criteria that were not in force during the time of their original lease or provision of benefits. ***Your approach represents a major shift from current HUD policy***, and by design makes it more difficult for families to have access to assistance for which they would otherwise be eligible.

Finally, the underlying justification for the Department’s proposed rule change seems deeply flawed. The Department indicates that it is making these proposed changes in order to be more consistent with the statute’s stated goal of ensuring that HUD’s limited financial resources be used to aid families “lawfully present in the United States”.⁷ While it is certainly true that HUD’s resources are limited, that should not be a justification for restricting housing assistance for immigrant families and families with mixed-citizenship status. Housing and legal experts additionally question whether the policy you are creating would make any dent in the waiting lists for affordable housing that you are seeking to reduce.

For example, a recent study conducted by the National Low-Income Housing Coalition identified approximately 1.6 million families on public housing waiting lists around the country and more than 2.8 million families on waitlists for the Housing Choice Voucher program, commonly referred to as the Section 8 program.⁸ Combined, these two waitlists represent more than 4.4 million families nationwide. This rule does not solve the core problem in our nation’s housing crisis; the total number of families currently on waitlists would not be reduced substantially, as the rule would impact 25,000 families depending on HUD-assisted programs. This rule is little more than smoke and mirrors and attempts to illustrate that housing related issues would be remedied by this rule. The only thing this proposed rule would do is potentially make another 22,000 to 25,000 families homeless or tear families apart.⁹

Again, while it is certainly true that HUD’s resources are limited, its limited budget should not be used as excuse to cruelly punish hardworking families and some of our most vulnerable neighbors. Instead, Congress and the Administration should be working together to increase HUD’s financial resources to provide strong, sustainable, inclusive communities and quality affordable homes for all, as is HUD’s mission.

For all these reasons, we believe the proposed rule would fail to advance any meaningful public policy benefit, but it would needlessly inflict hardship on thousands of working families, seniors and others. We ask the agency to withdraw this rule. Under no circumstances, should it be adopted in its current form.

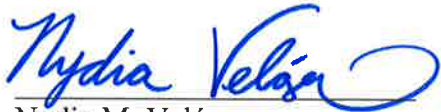
⁷ Department of Housing and Urban Development. 24 CFR Part 5. Docket No. FR 6124-P-01
<https://www.federalregister.gov/documents/2019/05/10/2019-09566/verification-of-eligible-status>

⁸ National Low Income Housing Coalition, *Millions of Families on Voucher and Public Housing Waiting Lists*. March 7, 2016. <https://nlihc.org/resource/millions-families-voucher-and-public-housing-waiting-lists>.

⁹ <https://www.citylab.com/equity/2019/04/public-housing-rent-assistance-immigrant-families-hud-policy/587479/>

Thank you for your attention to this matter.

Sincerely,



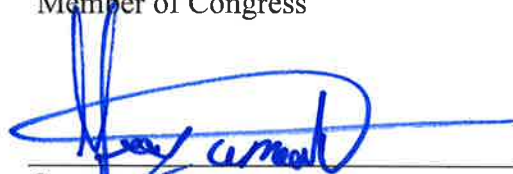
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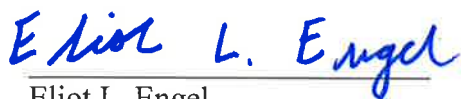
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