

United States House of Representatives  
Committee on Financial Services  
2129 Rayburn House Office Building  
Washington, D.C. 20515

May 10, 2019

The Honorable Benjamin S. Carson  
Secretary  
U.S. Department of Housing and Urban Development  
451 7th Street S.W.  
Washington, DC 20410-0001

Dear Secretary Carson:

The Department of Housing and Urban Development's (HUD) proposed changes to Section 214 of the Housing and Community Development Act of 1980 (Section 214) are consistent with the Trump administration's previous egregious attempts to intimidate immigrant communities, separate families, and undermine American values. If implemented, this rule would put tens of thousands of families who are living in public housing or Section 8 project-based rental (PBRA) assistance or receiving a Section 8 Housing Choice Voucher (HCV) at risk of eviction, homelessness, and family separation despite existing requirements that prevent people with ineligible immigration status from receiving HUD subsidies. We urge you to immediately withdraw this proposed rule.

**Current laws and regulations already prohibit federal housing programs from subsidizing immigrants who are undocumented or otherwise have ineligible immigration status, while ensuring that families with mixed immigration status can stay together and get the help that they qualify for.** Under existing requirements, eligibility for federal housing assistance is restricted to U.S. citizens with narrow exceptions for certain immigrants who are legally residing in the U.S. such as refugees.<sup>1</sup> If a family includes individuals with varying immigration statuses—often referred to as a mixed status family—rental assistance is prorated to ensure that individuals who are not eligible for housing assistance do not receive a subsidy. For example, if a family consisting of two parents and one child receives a Section 8 Housing Choice Voucher, but only one parent and the child are U.S. citizens while the second parent does not have eligible immigration status, that family of three's rent would be calculated to fully account for the incomes of both parents and then prorated to ensure that the parent who does not have eligible immigration status does not receive assistance. Therefore, the family pays a larger share of their rent than they would if all three family members were eligible for rental subsidy. Prorated rent ensures that the family members who are eligible can receive the housing they need while not also receiving a subsidy for the non-qualifying family member. It also preserves family integrity by allowing mixed status families to live together under the same roof. In sum, HUD's proposed rule is unnecessary to achieve the purported goal of ensuring that federal housing programs are not subsidizing persons with ineligible immigration status due to existing requirements that already prevent this.

Despite existing requirements that ensure that people who do not have eligible immigration status are not receiving federal subsidies, **HUD's proposal would unnecessarily target mixed status families, putting them at risk of eviction, homelessness, and family separation.** Under the proposed rule, every individual who is independently receiving public housing or Section 8 PBRA or HCV assistance, or is included in a household that is receiving such assistance would be required to verify their immigration status even if they are not personally receiving a federal subsidy. These households would face termination of benefits if every person in the household does not have eligible immigration status. Families facing termination of benefits as a result of the proposed rule would be forced to make an impossible and heart wrenching choice to either forfeit critical housing assistance, which could put them at risk of eviction and homelessness, or separate their family to

exclude members that do not have eligible immigration status in order to preserve the family's eligibility for housing assistance. For many mixed status families where the children are U.S. citizens, the proposed changes could mean separating young children from their parents or leaving them with no way to access the benefits they qualify for. Similarly, for families where the grandparents are U.S. citizens, this could mean separating them from their caretakers.

**Moreover, this proposed rule could inadvertently harm an untold number of U.S. citizens who do not have access to the necessary documentation.** U.S. citizens receiving public housing or Section 8 PBRA or HCV assistance could similarly face termination of benefits if they cannot come up with the necessary documentation to prove their citizenship. And U.S. citizens applying for housing assistance could also be turned away for lack of documentation, which would disproportionately act as a barrier to housing for persons experiencing homelessness who often do not have a way to securely store such documentation. We have seen time and time again that efforts to impose identification requirements for polling stations have disproportionately stifled the votes of people of color.<sup>2</sup> Similarly, there are concerns that, to the extent that this proposed rule negatively impacts U.S. citizens, it will disproportionately impact people of color.

This proposed rule is yet another proposal from HUD under your leadership that fundamentally contradicts the agency's mission "to create strong, sustainable, inclusive communities and quality affordable homes for all." This cruel and needless targeting of struggling immigrant families only contributes to historic patterns of inequality, which ultimately hinder the U.S. housing market and American economy. For these reasons, we urge you to immediately withdraw this proposed rule. If you have any questions about this letter, please contact Alia Fierro with Chairwoman Waters' staff at (202) 225-4247.

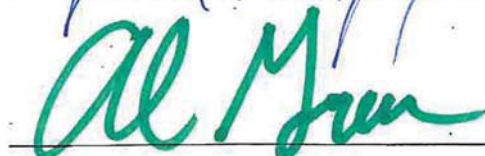
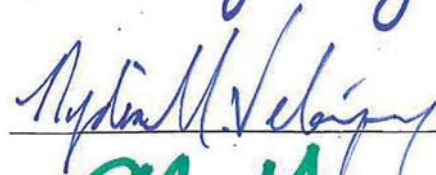
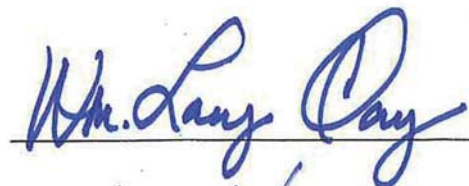
Sincerely,



The Honorable Maxine Waters  
Chairwoman



The Honorable Sylvia Garcia



*Ray Pusoy*

*VK M M*

*Gene Vargas*

*Alma Adams*

*Al Garcia*

*Jesus Garcia*

*Bill Foster*

*Bill Foster*

*Tamara*

*Maya*

*Joyce Beaty*

*Bob*

#### Endnotes

<sup>1</sup> 42 U.S.C. § 1436a(a); 24 C.F.R. § 5.506

<sup>2</sup> See e.g. Zoltan L. Hajnal, Nazita Lajevardi, and Lindsay Nielson, “Do Voter identification laws suppress minority voting? Yes. We did the research.” Washington Post, February 15, 2017.