

July 2, 2019

Mr. Paul Compton  
Regulations Division  
Office of General Counsel, Department of Housing and Urban Development  
451 7<sup>th</sup> Street SW, Room 10276  
Washington, DC 20410-0500

**RE: Proposed Rule: Housing and Community Development Act of 1980: Verification of Eligible Status Docket No. FR-6124-P-01**

Dear Mr. Compton:

I am writing on behalf of the Office of Immigrant Affairs (OIA) for the City of Philadelphia to express my strong opposition to the proposed rule from the Department of Housing and Urban Development (HUD) regarding *Verification of Eligible Status* as issued in the May 10, 2019 Federal Register (Docket No. FR-6124-P-01). The proposed rule directly interferes with Philadelphia's core mission of empowering and promoting the health immigrants.

Philadelphia's Mayor Jim Kenney, Health and Human Services, and other City agencies submitted comments regarding the approximately *Verification of Eligible Status*. OIA wholeheartedly supports the concerns raised in each comments and would like to provide additional insights on how this proposed rule negatively and unethically impacts the wellbeing of Philadelphia's immigrant communities.

Philadelphia's immigrant communities represent nearly 15 percent of all city residents and 19 percent of workers.<sup>1</sup> When the children of immigrants are taken into consideration, the two populations account for a quarter of Philadelphia's residents, nearly 390,000 people.<sup>2</sup> In recent years, immigrants have been critical to driving Philadelphia's growth and success. Between 2000 and 2016, a period in which the city's population grew for the first time in half a century, the number of residents who were born abroad increased by 69 percent.

Under current HUD regulations, families can live together even if one member is ineligible for housing assistance as long as the housing assistance is appropriately prorated and excludes the ineligible person from assistance. However, under this new rule, HUD proposes to prohibit

---

<sup>1</sup> "Philadelphia's Immigrants: Who They Are and How They Are Changing the City," *The Pew Charitable Trusts*, June 2018, page 13.

<sup>2</sup> *Ibid.*

mixed-status' families from living in public and other federally subsidized housing saying that the changes is needed to ensure that "HUD's limited financial resources be used to aid families lawfully present in the United States," affecting programs like public housing, Section 8 Housing Choice Vouchers, and Section 8 Project-Based Housing.<sup>3</sup> HUD proposes to verify the eligible immigration status of *all* recipients of assistance under the age of 62 and bar individuals who are not verified in an eligible immigration status from holding the lease. The mere presence of residents who are deemed "ineligible" or of a leaseholder without a verified eligible immigration status will cause the entire household to be evicted from subsidized housing after a maximum of 18 months. Tens of thousands of individuals would have to choose between separating from their loved ones and losing their homes.<sup>4</sup>

Changing the eligibility criteria of mixed-status families is problematic. Immigrants eligible for housing assistance include, but are not limited to, US citizens, legal permanent residents, refugees, asylees, Violence Against Women Act (VAWA) self-petitioners, victims of trafficking, individuals granted amnesty, and immigrants granted withholding of deportation/removal.<sup>5</sup> It is important to emphasize that mixed status family does not refer to the immigration status of the members, but rather whether the members are eligible or ineligible for housing assistance.

Altering the leaseholder eligibility will primarily harm children. It could contribute to the eviction of over 55,000 children across the nation who are either U.S. citizens or green card holders.<sup>6</sup> Although the child may be eligible for public housing assistance, an adult must be the leaseholder of the federally subsidized housing. However, this individual may be legally in the U.S., but may not be eligible for federally subsidized housing such as the case of a mother with a student visa and her U.S. citizen child living in public housing. By changing the leaseholder eligibility requirement in this blanket fashion, HUD fails to recognize the complex and varied living arrangements of immigrants, particularly those with children who are U.S. citizens or green card holders.

---

<sup>3</sup> "Proposed Rule Change: Mixed-Status Families in Public Housing and Housing Choice Voucher Housing," Los Angeles Homeless Services Authority, May 31, 2019.

<sup>4</sup> "HUD's Mixed-Status Rule," National Housing Law Project and National Low Income Housing Coalition, 2019.

<sup>5</sup> "Proposed Rule Change: Mixed-Status Families in Public Housing and Housing Choice Voucher Housing," Los Angeles Homeless Services Authority, May 31, 2019.

<sup>6</sup> Zolan Kanno-Youngs and Glenn Thrush, "HUD Says It Proposed Limit on Public Housing Aid Could Displace 55,000 Children," *The New York Times*, May 10, 2019, <https://www.nytimes.com/2019/05/10/us/politics/hud-public-housing-immigrants.html?module=inline>.

Moreover, the proposed policy creates administrative red tape and threatens millions of households, many of which consists only of U.S. citizens or other eligible immigrants. In the U.S., over 9 million residents and 120,000 seniors receiving federally subsidized housing would have to submit documents proving their citizenship and immigration status.<sup>7</sup> If they are unable to produce the documents in the allotted timeframe, they may lose their housing assistance.

The proposed rule would create administrative burdens for housing authorities and landlords, detrimentally impacting all families receiving federally subsidized housing benefits. First, housing authorities and private landlords will be forced to redirect their limited time and resources from property maintenance and employment-related services to terminating and evicting families. Evicting a tenant in Philadelphia can have an astronomical fiscal consequence to the landlord ranging from \$6,686 to 60,587.<sup>8</sup> Additionally, HUD would approximately need an additional \$200 million dollars to assist families with all-eligible members.<sup>9</sup> By HUD's own admission, the agency may be forced to compromise the quality and reduce the quantity of assisted housing: "fewer households served under the housing choice vouchers program."<sup>10</sup> The administrative burden clearly works against HUD's logic of proposing the rule.

I strongly urge you to rescind this proposal and instead advance policies that would help empower immigrant communities and expand access to stable and healthy housing.

Sincerely,



Miriam E. Enriquez  
Executive Director of the Office of Immigrant Affairs

---

<sup>7</sup> "HUD's Mixed-Status Rule," National Housing Law Project and National Low Income Housing Coalition, 2019.

<sup>8</sup> "The Eviction Process: For Private Landlords and PHA Landlords," City of Philadelphia, November 21, 2017, City of Philadelphia, <https://www.phila.gov/hhs/PDF/Meeting%202020Materials.pdf>.

<sup>9</sup> "HUD's Mixed-Status Rule," National Housing Law Project and National Low Income Housing Coalition, 2019.

<sup>10</sup> Ibid.