



CITY OF PHILADELPHIA

Office of Homeless Services
1401 JFK Boulevard – 10th flr.
Philadelphia, PA 19102
Ph: (215) 686-7106
Fax: (215) 686-7187
Email: Liz.Hersh@phila.gov

Elizabeth G. Hersh
Director of the Office of Homeless Services

July 2, 2019

Office of General Counsel
Rules Docket Clerk
US Department of Housing and Urban Development (HUD)
451 7th Street SW, Room 10276
Washington, DC 20410-0500

Dear Mr. Compton and staff:

Thank you for considering this response to the Department's proposed policy changes on "verification of eligible status," as published in the Federal Register on May 10, 2019 (84 FR 20589). The City of Philadelphia Office of Homeless Services strongly opposes this proposed rule, which would undermine our good work to address homelessness in our city. We urge its complete withdrawal, leaving HUD's long-standing regulations remaining in effect.

The mission of the Office of Homeless Services is to provide the leadership, coordination, planning and mobilization of resources to make homelessness rare, brief and non-recurring in Philadelphia. Homeless Services works collaboratively with more than 60 mostly nonprofit homeless housing and service providers that, combined with city, state and federal governmental partners, comprise Philadelphia's homeless service system. The system serves both people who are experiencing homelessness and those at imminent risk of homelessness through homelessness prevention and diversion; emergency, transitional, permanent supportive housing, and rapid re-housing; case management, supportive services; emergency response, service days (cleanup of encampments); and food and commodity distribution to emergency housing facilities and soup kitchens.

The Trump Administration has framed this proposal as a means to manage scarce resources in the face of overwhelming demand, a challenge that we in the Office of Homeless Services know well. We share your concerns about people spending years on waiting lists for affordable homes. Many Philadelphians are struggling to pay for housing, especially the lowest-income households. Census data shows that there are roughly 125,000 severely cost-burdened renters and owners in Philadelphia. In response to the inadequacy of our affordable housing supply, the City's recent *Housing Action Plan* sets out goals to support new housing opportunities for 36,500 households and preservation of 63,500 currently occupied homes over the next 10 years.¹ As detailed below, we have our own assessment of resource gaps within the homeless assistance system. HUD has identified a legitimate social policy problem, but has proposed a solution that

¹ *Housing for Equity: An Action Plan for Philadelphia*, October 2018, <https://www.phila.gov/media/20190115161305/Housing-Action-Plan-Final-for-Web.pdf>.

will only worsen the situation. In our view, this rule would not affect the vast majority of the 3 million people on waiting lists nor the 6 million waiting to get on a list.² It would impede our work and could lead many currently-housed U.S. citizens into experiences of homelessness.

I. By Reducing the Quality and Quantity of Federally Assisted Units, the Proposed Rule Will Increase Stress on the Inadequately Resourced Homeless Assistance System

Although Secretary Carson stated that HUD has proposed this rule in an effort to address the waitlist crisis for subsidized housing,³ HUD's own analysis concludes that fewer families are likely to receive assistance as a result of the rule. According to HUD, if the agency were to replace the 25,000 currently assisted mixed status families with households whose members are all eligible, the transition could create more than \$200 million in new costs. Yet, HUD notes in its analysis that "the federal budget is not expected to increase because of this rule." In fact, the Administration's FY2020 budget proposal cut funding for Section 214 housing assistance. According to HUD's analysis:

the likeliest scenario would be that HUD would have to reduce the quantity and quality of assisted housing in response to higher costs....With part of the budget being redirected to cover the increase in subsidy, there could be fewer households served under the housing choice vouchers program....

In other words, HUD will not be able simply to switch out mixed status families for waitlist families. Because waitlist fully eligible families will require higher per-household subsidy cost, the rule would reduce the supply of vouchers available. Many on the waitlists would remain unable to access this housing assistance. Further, the costs of implementation to housing providers could deter them from participating or continuing to participate in these programs, which would decrease the potential to move off of waitlists even more, as vouchers are only as good as the supply of units in which they can be used. These costs include, but are not limited to collecting proof of citizenship status from current residents and future applicants, formally evicting mixed status families and households unable to produce documentation, turning units over, updating forms and notices, and responding to inquiries about the new policy.

This policy would remove families from their homes, sending more households to the doors of the homeless assistance system, requiring a more inefficient use of Federal funding to serve fewer families. HUD's Family Options Study showed that long-term housing subsidies are more cost-effective and produce more positive outcomes than traditional homeless assistance. They outperform the newer rapid re-housing intervention,⁴ though we have no excess capacity anyway.

Meanwhile, experts estimate that there is currently a \$50 billion backlog of needed repairs in public housing, and HUD predicts that the rule would reduce the "maintenance of the units and possibly [lead to] deterioration of the units that could lead to vacancy." Even worse, the Trump administration has proposed to eliminate the federal fund used to make (already insufficient) public housing repairs.⁵ Age, blight and

² Alicia Mazzara, *Housing Vouchers Work: Huge Demand, Insufficient Funding for Housing Vouchers Means Long Waits*, Center on Budget and Policy Priorities, April 19, 2017, <https://www.cbpp.org/blog/housing-vouchers-work-huge-demand-insufficient-funding-for-housing-vouchers-means-long-waits>.

³ Tracy Jan, "Trump Proposal Would Evict Undocumented Immigrants from Public Housing," *Washington Post*, April 18, 2019, https://www.washingtonpost.com/business/2019/04/18/trump-proposal-would-evict-undocumented-immigrants-public-housing/?utm_term=.f68fec836d53.

⁴ *Family Options Study: 3-Year Impacts of Housing and Services Interventions for Homeless Families*, U.S. Department of Housing and Urban Development, 2016, <https://www.huduser.gov/portal/sites/default/files/pdf/Family-Options-Study-Full-Report.pdf>

⁵ 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>.

vacancy in Philadelphia's housing stock already contribute to the shortage of safe, decent affordable housing. This rule would exacerbate that scarcity.

Analysis of Philadelphia's homeless housing inventory during community's recent strategic planning process revealed a need for homeless assistance to support more than 10,000 additional households in order to bring our supply in line with the needs that we see. As stated in our plan:

People experiencing homelessness need housing, first and foremost. Permanent supportive housing, rapid re-housing, and prevention assistance all provide rental subsidy and supportive services, each targeted to households and subpopulations requiring a specific level of service. ...Limited resources make rapid rehousing less rapid and openings in permanent supportive housing scarce. This leads to emergency shelter entry by people who could otherwise have remained safely where they were. The demand for homeless housing and services far exceeds the supply.⁶

Given our insufficient resources to re-house those experiencing homelessness, the Office of Homeless Services has been strategically growing our ability to offer homelessness *prevention* services. After we tripled our prevention budget over the past 3 years, our City Council just approved a budget that provides us with an extra \$800,000 next fiscal year to help low-income families on the brink of homelessness. The money could keep up to 400 more families from needing to sleep in shelters. For every \$1 spent on homelessness prevention, we save \$3 in avoiding emergency shelter costs⁷ and save the human costs of emergency shelter stays.

Though our approach and the options available evolve over time, Homeless Services' work has long been to *keep* people housed. As HUD knows, the majority of our Federal funds are dedicated to just that, renewing funding for programs that are already providing long-term housing support to people who had previously experienced homelessness. We cannot fathom how HUD can contend that forcing housed people into homelessness is in the public's interest.

II. More Children and Survivors of Interpersonal Violence Will Experience the Trauma of Homelessness

Children

HUD estimates that 55,000 children who are eligible for the covered housing programs will be displaced and at risk of homelessness as a result of implementation of this rule. The changes proposed are *designed* to force families to make choices that will harm their child's health, i.e., 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. HUD's analysis makes an assumption that families can objectively make choices based "to maximize the welfare of the family," concluding that "the economic benefit of children growing in a two-parent household outweighs the financial assistance from the housing subsidy."

HUD expects that "fear of the family being separated would lead to prompt evacuation by most mixed households, whether that fear is justified." If so, this rule would effectively evict as many as 108,000 individuals in mixed status families nationwide, nearly 3 out of 4 of whom are eligible for assistance. HUD believes that in terms of maximizing family welfare, "a household would probably suffer a worse outcome by trying to adapt to the new rules than by leaving together."

⁶ *Roadmap to Homes: Philadelphia's Five Year Strategic Plan for the Homeless Assistance System*, September 2018, <http://philadelphiaofficeofhomelessservices.org/wp-content/uploads/2018/11/ohs-2018-road-map-strategic-plan.pdf>.

⁷ Office of Homeless Services internal calculation.

However, the calculus may be less clear for those with lived experience in a city in which there are only 34 affordable units available for every 100 extremely low-income renter households, and where more than one in 14 renters faced the threat of eviction in 2016, with many more forced out of their homes by illegal actions or harassment.⁸ In this environment, housing assistance is an especially rare and valuable good. Research shows that rental assistance results in significant positive effects for future child outcomes and family economic security, and more immediate improvements in child health.”⁹

In contrast, research shows that 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. 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.¹⁰ 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 in the long term.¹¹

Eviction and other forms of housing instability are particularly harmful for children, for example, causing them to be more likely to display behavioral problems and to struggle in school.¹² Housing instability is directly correlated to decreases in student retention rates, limiting opportunities to obtain the education they need to succeed later in life.¹³ Even for those for whom homelessness can be prevented, economic and housing instability impedes children’s cognitive development, leading to poorer life outcomes as adults.¹⁴

Healthy development suffers for children who experience homelessness, even for a brief time. The younger and longer a child experiences homelessness, the greater the cumulative toll of negative health outcomes.¹⁵ This is why our system works so hard to house families as quickly as possible and to support positive early childhood development while they are in our system.¹⁶

The alternative option for mixed families, forced separation, is also a stressful and traumatizing experience for children, which can alter the architecture of a child’s developing brain and have lifelong consequences.¹⁷ Family separations undermine family stability, and leads to toxic stress, trauma, and attachment issues in children. Even a temporary separation has an enormous negative impact on the

⁸ Mayor’s Task Force on Eviction Prevention and Response: report and recommendations, June 2018,

<https://www.phila.gov/hhs/PDF/Mayors%20Task%20Force%20on%20Eviction%20Prevention%20and%20Response-Report.pdf>

⁹ Elizabeth March, “Rx for Hunger: Affordable Housing,” *Children’s Health-Watch; Medical-Legal Partnership*, December 2009, http://www.vtaffordablehousing.org/documents/resources/435_RxforhungerNEW12_09.pdf.

¹⁰ A. Bovell-Ammon & M. Sandel, *The Hidden Health Crisis of Eviction*, Boston University School of Public Health, 2018, <http://www.bu.edu/sph/2018/10/05/the-hidden-health-crisis-of-eviction/>; M. Desmond & R. Tolbert Kimbro, “Evictions Fallout: Housing, Hardship, and Health,” *Social Forces*, 94:1 (2015), 295-324.

¹¹ Megan Sandel et al., “Unstable Housing and Caregiver and Child Health in Renter Families,” *Pediatrics* 141:2 (February 2018), <http://pediatrics.aappublications.org/content/141/2/e20172199>.

¹² *Housing Instability is Linked to Adverse Childhood Behavior*, How Housing Matters, May 9, 2019, <https://howhousingmatters.org/articles/housing-instability-linked-adverse-childhood-behavior/>.

¹³ 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* 55, Howard University Ph.D. dissertation, <http://gradworks.umi.com/3639463.pdf>.

¹⁴ Heather Sandstrom & Sandra Huerta, *The Negative Effects of Instability on Child Development: A Research Synthesis*, Urban Institute, 2013, <https://www.urban.org/sites/default/files/publication/32706/412899-The-Negative-Effects-of-Instability-on-Child-Development-A-Research-Synthesis.PDF>.

¹⁵ Megan Sandel, Richard Sheward, and Lisa Sturtevant, *Compounding Stress: The Timing and Duration Effects of Homelessness on Children’s Health*, Insights from Housing Policy Research, 2015, <https://www.issuelab.org/resources/21731/21731.pdf>.

¹⁶ See J.J. Cutuli & Joe Wilard, “Building Early Links for Learning: Connections to Promote Resilience for Young Children in Family Homeless Shelters,” *Zero to Three* 39:4 (March 2019), p43-50.

¹⁷ S. Simha, “The Impact of Family Separation on Immigrant and Refugee Families,” *North Carolina Medical Journal* 80:2 (March-April 2019), 95-96.

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.¹⁸

Survivors of Interpersonal Violence

HUD's proposed rule will also disproportionately harm survivors of domestic violence, sexual assault, human trafficking, and stalking. Ready access to safe, affordable housing is critical to survivors' ability to flee abusive homes. This is why HUD's definition of homelessness includes the category of people who are fleeing or attempting to this kind of violence, have no other residence, and lack the resources or support networks to obtain other permanent housing. Financial security, and affordable housing in particular, are critical to increasing survivors' chances of escape, recovery, and prevention of future abuse.¹⁹ Strikingly, domestic violence, including sexual abuse, is reported as the acute cause of homelessness among 22% to 57% of all homeless women; 38% of all domestic violence survivors become homeless at some point in their lives.²⁰

Violent perpetrators are well-aware of the link between a victim's financial independence and access to safety. Abusers notoriously keep survivors in a state of isolation, poverty, and economic dependence, conditioning them to fear retaliation. They keep survivors captive in part by holding vital records and/or immigration documents hostage. As a result, even current and future survivors who are eligible for subsidized housing, even citizens, will be vulnerable to eviction under the proposed rule. Submitting required documentation will be challenging for those whose abusers have destroyed or withheld their documents from them as a tool of abuse.

If the proposed rule goes into effect, ineligible survivors and their eligible children already living in subsidized housing, as well as eligible survivor households who cannot produce documentation, could be evicted and forced to return to a violent home where they face an even greater risk to their safety. Securing non-subsidized housing is also extremely difficult for survivors. They are susceptible to manipulation by landlords who charge them high rents for single rooms in unsafe conditions. It is commonly known that the danger to a victim actually increases after escape, with one estimate noting a 75% increase in violence for at least two years.²¹ Others face discrimination such that either no one will rent to them, or they cannot get their name on a lease or utility bills.

III. Documentation Requirements Get In the Way of Housing People Experiencing Homelessness

Philadelphia's homeless assistance system has extensive work in recent years to expand and ensure low-barrier access to housing, in line with national best practices and Federal guidance on implementing a Housing First approach. In brief, we believe that access to safe, decent housing without preconditions is the most effective way to support people experiencing homelessness in rebuilding or stabilizing their lives. All people need the safety and stability of a home to overcome challenges and pursue opportunities, and an experience of homelessness is fundamentally resolved with a home.

In our experience in removing barriers to housing, we find that virtually every time that people experiencing homelessness are asked what stands in the way of their moving forward, the response will include mention of lacking required identification and/or other documentation and description of the

¹⁸ Laura C. N. Wood, "Impact of Punitive Immigration Policies, Parent-Child Separation and Child Detention on the Mental Health and Development of Children," *BMJ Paediatrics Open* 2(2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6173255/>.

¹⁹ See <https://www.cdc.gov/violenceprevention/pdf/ipv-technicalpackages.pdf>.

²⁰ See <https://www.acf.hhs.gov/fysb/resource/dv-homelessness-stats-2016>.

²¹ See <http://stoprelationshipabuse.org/educated/barriers-to-leaving-an-abusive-relationship/>.

arduous process of trying to obtain such documents once originals are lost. 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. Some with documentation have birth certificates or IDs that don't reflect their current name, such as trans folks, who experience homelessness disproportionately. Recognizing this reality, we have eliminated all documentation requirements under our control and work with partners to help people obtain the documents that they need to meet others' rules.

Thus, we are distraught that this proposed rule creates *additional* documentation requirements that threaten housing security for 9.5 million U.S. citizens currently receiving HUD assistance and all future U.S. citizens seeking these benefits. The rule requires that U.S. citizens provide documentary evidence of their citizenship, a practice that has proven to be burdensome, costly and unnecessary to protect program integrity.²² The proposed requirements will also be especially burdensome for recipients of rental assistance who were formerly homeless, as well as for people experiencing homelessness who could be assisted by these programs in the future. They will also present challenges to other segments of the population, including citizens over the age of 50, citizens of color, citizens with disabilities, and citizens with low incomes. One survey showed that at least 12 percent of citizens earning less than \$25,000 a year do not have proof of citizenship.²³

Under the proposed rule, those unable to produce the required documents within the required time period will lose their housing assistance, and will be evicted from their homes. Adding documentation requirements creates more barriers to housing for those who need it most, and could cause many who have gained stability through rental assistance to return to homelessness.

IV. Conclusion

In sum, the proposed rule on verification of eligible status will:

- increase homelessness by decreasing access to safe, affordable housing;
- subject more children and survivors of interpersonal violence to the traumatic experience of homelessness, with long-term impacts on their quality of life; and
- increase obstacles to securing or maintaining rental assistance for people who are experiencing or who previously have experienced homelessness, among other groups of U.S. citizens.

We urge HUD to immediately withdraw its current proposal, and dedicate its efforts to advancing policies that strengthen—rather than undermine—the capacity of our assisted housing programs to address the needs of the millions who cannot yet access affordable homes.

Sincerely,



Elizabeth G. Hersh
Director, City of Philadelphia Office of Homeless Services

²² Donna Cohen Ross, *New Medicaid Citizenship Documentation requirement is Taking a Toll: States Report Enrollment Is Down and Administrative Costs Are Up*, Center on Budget and Policy Priorities, March 13, 2007, <https://www.cbpp.org/research/new-medicaid-citizenship-documentation-requirement-is-taking-a-toll-states-report>.

²³ *Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*, Brennan Center for Justice, November 2006, http://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf.