



Submitted Electronically

July 2, 2019

Regulations Division, Office of General Counsel
Department of Housing and Urban Development
451 7th St. SW, Room 10276
Washington, DC 20410

**Re: "Housing and Community Development Act of 1980: Verification of Eligible Status"
Notice of Proposed Rulemaking; Docket No. FR-6124-P-01, RIN 2501-AD89**

Dear Regulations Division:

The United States Conference of Catholic Bishops ("USCCB"), Catholic Charities USA ("CCUSA"), the Catholic Legal Immigration Network, Inc. ("CLINIC"), and the Catholic Health Association of the United States (CHA) appreciate the opportunity to provide public comment and share our grave concerns with the Department of Housing and Urban Development ("HUD") regarding the above-referenced Notice of Proposed Rulemaking ("NPRM" or "proposed rule") concerning eligibility for covered housing assistance programs, published in the Federal Register on May 10, 2019 (84 Fed. Reg. 20,589).¹

CCUSA is a national membership organization representing more than 167 diocesan Catholic Charities member agencies. These member agencies operate more than 2,600 service locations across the 50 states, the District of Columbia, and five U.S. territories. Their diverse array of social services reached more than 10 million individuals in need last year. These services include partnering with government agencies to deliver key safety net and community support programs, such as those administered by HUD. In respect and recognition of the inherent dignity of all persons, CCUSA supports efforts to ensure decent housing, including emergency shelter, for all, especially those who are the most vulnerable among us. In pursuit of this goal and in accordance with our faith, last year alone CCUSA member agencies provided housing services to over 70,000 people, including 35,000 permanent housing units and over 17,000 rental payments to keep clients in their homes. These services range from counseling assistance to building and managing affordable housing projects. The Catholic Charities ministry has broad experience in addressing homelessness and providing housing stability for very low-income households.

¹ Housing and Community Development Act of 1980: Verification of Eligible Status, 84 Fed. Reg. 20,589 (May 10, 2019).

USCCB is a nonprofit corporation whose members are the active Catholic Bishops of the United States. USCCB advocates and promotes the pastoral teachings of the U.S. Catholic Bishops in diverse areas of the nation's life. USCCB's Committee on Domestic Justice and Human Development assists the bishops in advancing the social mission of the Church, including its policy advocacy, education, and outreach in support of the Church's anti-poverty efforts. Additionally, for decades, USCCB's Committee on Migration has collaborated with the U.S. government to welcome and manage the provision of services to unaccompanied immigrant children, U.S. and foreign-born victims of human trafficking, and refugees. USCCB / Migration and Refugee Services advocates on behalf of these and other immigrant populations to advance the migration policy priorities of USCCB's Committee on Migration. The Catholic Church's work in assisting immigrants stems from the belief that every person is created in God's image and all are deserving of human dignity.

Embracing the gospel value of welcoming the stranger, CLINIC promotes the dignity and protects the rights of immigrants in partnership with a dedicated network of immigration legal services programs. CLINIC's national network primarily serves low-income immigrants and regularly advises and assists individuals in filing family-based immigration applications, naturalization applications, humanitarian forms of relief, and more. This network includes over 370 programs operating in 49 states, as well as Puerto Rico and the District of Columbia. CLINIC's work is guided by its Catholic identity, and Catholic social teaching demands special care and advocacy for the rights and dignity of the most vulnerable among us. Further, the sanctity of the family is an important element of Catholic social teaching and a high priority of the Catholic Church. Accordingly, CLINIC advocates for policies and procedures that promote and facilitate family unity of immigrant and mixed-status families.

CHA is the national leadership organization of the Catholic health ministry, comprised of more than 600 hospitals and 1,600 long-term care and other health facilities in all 50 states. CHA represents the largest not-for-profit providers of health care services in the nation. With more than more than 5 million admissions to Catholic hospitals each year, including one million Medicaid admissions, 1 in 7 patients in the United States is cared for in a Catholic hospital each year. As a Catholic health ministry, our mission and our ethical standards in health care are rooted in and inseparable from the Catholic Church's teachings about the dignity of each and every human person, created in the image of God. With 40 percent of health outcomes linked to social and economic factors, the Catholic health ministry sees each day the impact lack of housing has on the health of individuals and communities.²

Our organizations have grave concerns regarding the proposed rule, which we believe is contrary to law and in tension with the dignity of the person, the sanctity of the family, and the common good that we are called to support. As an initial matter, the underlying statute unambiguously recognizes mixed-status households' eligibility to partake in HUD programs. The statute allows mixed-status families that include at least one citizen or qualified immigrant to apply for **prorated assistance** in these programs. Further, the proposed rule would have a myriad of

² Bachrach, D., Pfister, H., Wallis, K., & Lipson, M, *Addressing patients' social needs: An emerging business case for provider investment* 9 (2014), available at <https://pdfs.semanticscholar.org/f564/d23c39841c171b09a258f1a527cb5d7f031a.pdf>

deeply troubling public policy consequences. We fear and anticipate that the influx of increased need derived from the impact of this proposed rule would be devastating to the low-income populations we serve. The rule would also threaten mixed-status families' unity and well-being. For these reasons, we respectfully urge HUD to withdraw the proposed rule in its entirety and, instead, maintain its long-standing regulations for the affected programs.

I. The Proposed Rule Conflicts with the Underlying Statute

HUD's proposed rule is premised on the understanding that allowing mixed-status families to participate in federally funded housing programs is a violation of Section 214 of the Housing and Community Development Act of 1980. This interpretation, however, is flawed and runs contrary to the plain text of the statute.

The Housing and Community Development Act of 1980 prohibits the Secretary of HUD from making financial assistance available to persons other than U.S. citizens or certain categories of eligible noncitizens in HUD's public and specified assisted housing programs.³ The Act enumerates certain eligible individuals for assistance and does not prohibit prorated assistance for eligible household individuals who are part of mixed-status families.⁴ Further, it states:

If the eligibility for financial assistance of at least one member of a family has been affirmatively established under the program of financial assistance and under this section, and the ineligibility of one or more family members has not been affirmatively established under this section, **any financial assistance made available to that family by the applicable Secretary shall be prorated**, based on the number of individuals in the family for whom eligibility has been affirmatively established under the program of financial assistance and under this section, as compared with the total number of individuals who are members of the family.⁵

Consequently, the law explicitly permits financial assistance if **at least one family member has been affirmatively established as eligible and assistance is prorated based on the number of eligible individuals in the family.**⁶

The law is unambiguous in acknowledging and permitting "mixed households," where at least one household member is eligible, to receive a prorated amount of assistance. The rent or benefit is simply adjusted based on the number of household members, the total household income, the number of eligible members of the household, and the type of rent subsidy.⁷ This form of

³ HUD, Regulatory Impact Analysis, *Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980*, Docket No. FR-6124-P-01, at 1 (Apr. 15, 2019); *see also* Housing and Community Development Act of 1980, 42 U.S.C. § 1436(a).

⁴ *See* Housing and Community Development Act of 1980, 42 U.S.C. § 1436(a).

⁵ *Id.* 42 U.S.C. § 1436(b)(2) (2019) (emphasis added).

⁶ *Id.*

⁷ HUD, Regulatory Impact Analysis, *supra* note 3, at 2 n. 4.

prorated assistance only benefits eligible recipients. In direct contrast to existing law, the proposed rule change would inhibit eligible individuals and households from partaking in HUD programs.

II. The Proposed Rule Will Lead to Family Separation and Instability for Mixed-Status Families

HUD should withdraw its proposed rule due to the serious public policy concerns it presents. In addition to the deeply troubling implications discussed in Section III, *infra*, the rule would have a devastating impact on mixed-status families⁸ by undermining their unity and stability.

According to HUD's own analysis, an estimated 25,000 households currently receiving assistance are mixed-status and would be negatively impacted by this rule, despite the fact that the vast majority of these families' members—an estimated 71 percent—are otherwise eligible for assistance.⁹ The proposed rule's adverse impacts would be disproportionality felt by children in these mixed-status families,¹⁰ including an estimated 55,000 children who are U.S. citizens, lawful permanent residents, or otherwise eligible for assistance.¹¹ Moreover, because Section 214 of the Act limits access to federally subsidized housing programs to U.S. citizens and a narrow list of noncitizens, there are a number of noncitizens with legal status who are ineligible for the program.¹² This means that the proposed rule would have impacts beyond families with undocumented members. It would also affect families with noncitizen members not specifically listed by the Act, such as individuals with Deferred Action for Childhood Arrivals or U nonimmigrant status.

If implemented, the proposed rule would require these families to make a heartbreaking choice—endure family separation so that eligible members could continue to qualify for critical subsidized housing programs or stay together and forfeit any housing assistance. This is a choice no family should be forced to make.

Family separation is inhumane and contrary to human dignity and as such, contrary to Catholic teaching. It also can cause irreparable harm to children, as separation often causes trauma and can lead to toxic stress. There has been extensive research exploring the short- and long-term effects of trauma and toxic stress on children, including analyses of the effects of Adverse Childhood Experiences (ACEs),¹³ such as family separation.¹⁴ Researchers have found that the impact of trauma can be compounded and that children can experience the effects of trauma long-

⁸ These are families comprised of members with different immigration statuses (*i.e.*, both U.S. citizen and noncitizen members).

⁹ HUD Regulatory Impact Analysis, *supra* note 3, at 6.

¹⁰ *Id.* at 6. (noting that 73 percent of eligible individuals in mixed-status families are children).

¹¹ *Id.* at 6-7.

¹² 42 U.S.C. § 1436(a).

¹³ A set of traumatic experiences that a child is either exposed to or witnesses (e.g., abuse, neglect, household dysfunction, etc.).

¹⁴ Jordan P. Davis, Tara M. Dumas & Brent W. Roberts, *Adverse Childhood Experiences and Development in Emerging Adulthood*, 6 EMERGING ADULTHOOD 223, 223–234 (2017).

term, across various domains in their lives (education, physical health, mental health, relationally, etc.).¹⁵ For instance, young children who experience toxic stress have higher rates of cardiovascular disease, cancer, and depression later in life.¹⁶ Families will be forced to separate if the rule is implemented—a fact that HUD itself acknowledges—and, as a result, will suffer these terrible consequences.¹⁷

It is expected that many families will instead choose to forego federal housing assistance to stay together.¹⁸ The negative implications for these families will also be severe and long-lasting. Lack of critical subsidies will lead to housing instability for many families, which in turn can contribute to physical and mental health problems,¹⁹ food insecurity,²⁰ and educational challenges.²¹ For instance, researchers have found that “[c]hildren experiencing residential instability demonstrate worse academic and social outcomes than their residentially-stable peers, such as lower vocabulary skills, problem behaviors, grade retention, increased high school drop-out rates, and lower adult educational attainment.”²²

Consequently, mixed-status families would be faced with an impossible choice – the consequences of which will be acutely and disproportionately felt by their children, including thousands of U.S. citizen children. In light of these impacts, the rule is ill-advised and untenable.

III. The Proposed Rule Will Have Additional Devastating Impacts on Vulnerable Individuals and the Agencies That Serve Them

As discussed below, our organizations maintain grave concerns about the proposed rule’s public policy ramifications and how they will affect vulnerable communities and the agencies that serve them. We believe the proposed rule conflicts with HUD’s own mission to promote fair and inclusive housing throughout the country. The proposed rule, as a matter of public policy, is likely to increase homelessness and costs. Furthermore, the proposed rule will disproportionately impact three of the nation’s most populous and expensive states that have large immigrant communities and limited public housing resources. We also anticipate that the proposed rule’s public policy ramifications will negatively impact the services our Catholic housing programs provide. We fear that housing assistance programs throughout the country will face a decrease in the quality and

¹⁵ *Id.*; Sara B. Johnson, Anne W. Riley, Douglas A. Granger, & Jenna Riis, *The Science of Early Life Toxic Stress for Pediatric Practice and Advocacy*, 231 PEDIATRICS 319, 319-327 (2013).

¹⁶ Sara B. Johnson, *et. al.*, *supra* note 15, at 319.

¹⁷ HUD Impact Analysis, *supra* note 3, at 7 (“[A]n alternative option would be for the household to ask ineligible members to leave.”).

¹⁸ *Id.* (“HUD expects that fear of the family being separated would lead to prompt evacuation by most mixed households, whether that fear is justified.”).

¹⁹ Megan Sandel, *et al.*, *Unstable Housing and Caregiver and Child Health in Renter Families*, 141 PEDIATRICS 1, 1-10 (2018).

²⁰ *Id.*

²¹ HEATHER SANDSTORM & SANDRA HUERTA, URBAN INSTITUTE, THE NEGATIVE EFFECTS OF INSTABILITY ON CHILD DEVELOPMENT, 6 (2013), *available at* <https://www.urban.org/sites/default/files/publication/32706/412899-The-Negative-Effects-of-Instability-on-Child-Development-A-Research-Synthesis.PDF>.

²² *Id.*

quantity of assisted housing and that the proposed rule will result in additional unintended consequences for vulnerable populations.

A. The Proposed Rule Will Undermine HUD's Stated Goal of Promoting a Fair and Inclusive Housing Market

HUD's own Regulatory Impact Analysis provides self-recognized negative effects of the rule, including: 1) children and families losing their home and potentially becoming homeless; 2) a reduction in the quantity of housing assistance and decrease in the quality of housing stock; and 3) an increase in administrative costs.²³ These detrimental effects on housing programs run contrary to the purpose of enacted housing policies. In addition, the consequences of the proposed rule are unacceptable in how they endanger access to important programs for vulnerable communities, including low-income housing recipients and children in those families.

The proposed rule is also in direct conflict with HUD's current mission statement. The agency is purportedly working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination, and transform the way HUD does business.²⁴ As discussed below, however, this proposed rule would undermine families' ability to access affordable housing and maintain their quality of life. As the principal federal agency responsible for programs to address housing needs, fair housing opportunities, and improvement and development of U.S. communities, we believe HUD has a responsibility to ensure everyone has access to "fair and equal" housing.

Explaining his belief in the need for this proposed change, Secretary Carson said: "Given the overwhelming demand for our programs, fairness requires that we devote ourselves to legal residents who have been waiting, some for many years, for access to affordable housing."²⁵ This demonstrates an understanding of the struggles of many to afford decent housing and the need for more housing assistance. Among low-income renters who have housing needs, only 21 percent receive assistance, leaving the vast majority to struggle to make ends meet, risking housing instability and homelessness.²⁶ While we support the intent to reduce long waiting lists for housing assistance, we do not support reducing these waiting lists at the expense of mixed-status families. Ultimately, this approach will not give more people access to affordable housing and it will violate our moral obligation to care for poor and vulnerable people. More should be done to address the housing needs of everyone in this country, but it must not be done by forcing mixed-status families out of stable housing.

²³ HUD, Regulatory Impact Analysis, *supra* note 3, at 13-15.

²⁴ *Mission*, THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (June 24, 2019), *available at* <https://www.hud.gov/about/mission>.

²⁵ Tracy Jan, *Trump Proposal Would Evict Undocumented Immigrants from Public Housing*, THE WASHINGTON POST (Apr. 18, 2019), *available at* https://www.washingtonpost.com/business/2019/04/18/trump-proposal-would-evict-undocumented-immigrants-public-housing/?utm_term=.c6fd40565b83.

²⁶ G. THOMAS KINGSLEY, URBAN INSTITUTE, TRENDS IN HOUSING PROBLEMS AND FEDERAL HOUSING ASSISTANCE, 13 (2017), *available at* <https://www.urban.org/sites/default/files/publication/94146/trends-in-housing-problems-and-federal-housing-assistance.pdf>.

B. The Proposed Rule Will Increase Homelessness and Undermine Efforts to Address Housing Instability

As individuals and families are forced to forego the housing assistance they currently receive, they may not be able to find affordable housing on their own. Straining their budgets to pay rent each month will have consequences—housing instability and even homelessness. The mixed-status families affected by this rule disproportionately live in states which contain three of the four metro areas with the highest rates of homelessness and where homelessness continues to increase: New York, Los Angeles, and San Francisco.²⁷ The homeless services are already strained in these metro areas. An increase in new families and individuals needing support without providing additional resources for these services is unsustainable. The cost of addressing homelessness, especially for families, is high. An emergency shelter program costs about \$4,800 per month, per family. Meanwhile, programs which provide a permanent housing subsidy, such as Section 214 programs, cost about \$1,200 per month per family.²⁸

Providing emergency homeless services is an expensive way to address housing instability. It is also less effective than homelessness prevention efforts. While an effective approach to homelessness exists through the Housing First model, it is easier to make an impact on reducing homelessness through prevention efforts.²⁹ Homelessness has a lasting impact and has the potential for a great number of negative consequences that must be prevented whenever possible.³⁰ Permanent housing subsidies are more impactful than other homelessness interventions for families.³¹ It is both economically and morally worthwhile to prevent homelessness by investing in families through housing assistance. Allowing mixed-status families to remain in their homes with their housing assistance intact would go a long way to make the best use of HUD's limited resources and preserve homeless services for those for whom prevention is no longer an option.

C. The Proposed Rule Will Disproportionately Impact Vulnerable Populations in Three of the Nation's Most Populous and Expensive States for Housing

HUD estimates 108,000 tenants in 25,000 mixed households would be affected by the proposed regulatory changes nationwide.³² Approximately 72 percent of these mixed families

²⁷ JOINT CENTER FOR HOUSING STUDIES OF HARVARD UNIVERSITY, *THE STATE OF THE NATION'S HOUSING 2018*, 34 (2018), *available at* http://www.jchs.harvard.edu/sites/default/files/Harvard_JCHS_State_of_the_Nations_Housing_2018.pdf.

²⁸ Daniel Gubits, et al., U.S. Department of Housing and Urban Development Office of Policy Development and Research, *Family Options Study: 3-Year Impacts of Housing and Services Interventions for Homeless Families*, xxxi (October 2016), *available at* <https://www.huduser.gov/portal/sites/default/files/pdf/family-Options-Study-Full-Report.pdf>.

²⁹ Patrick J. Fowler, et al., *Solving Homelessness from a Complex Systems Perspective: Insights for Prevention Responses*, 40 *ANNUAL REVIEW OF PUBLIC HEALTH* 465, 477 (2019), *available at* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6445694/pdf/nihms-1014367.pdf>.

³⁰ MARTHA R. BURT, ET AL., U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF POLICY DEVELOPMENT AND RESEARCH, *STRATEGIES FOR PREVENTING HOMELESSNESS*, XI (MAY 2005), *available at* https://www.huduser.gov/Publications/pdf/Strategies_for_preventing_Homelessness.pdf.

³¹ Daniel Gubits, et al., *supra* note 28, at 31.

³² HUD, *Regulatory Impact Analysis*, *supra* note 3, at 6.

reside in three states: California, Texas, and New York.³³ Grave concerns exist in each of these jurisdictions regarding the devastating impact on vulnerable individuals and the agencies that serve them. In California, the Housing Authority of the City of Los Angeles (HACLA) fears 8,000-10,000 individuals in 1,500 mixed-status families, many of whom are U.S. citizens and legal permanent residents, would be negatively affected by the proposed regulations.³⁴ For these families, the negative effects of the rule would be devastating in one of the most expensive metropolitan areas in the country.³⁵ The result would place more families on the brink of homelessness despite being qualified for relief under current law and HUD regulations. Approximately 6,500 individuals would be forced from HACLA-funded public housing, which includes nearly 4,500 qualified individuals.³⁶ Additionally, HACLA's Housing Choice Voucher Program provides assistance to nearly 900 mixed-status families, exposing nearly 2,000 more individuals to potential homelessness.³⁷ The Housing Authority of the County of Los Angeles (HACoLA) has nearly 400 mixed-status families using the Housing Choice Voucher Program and approximately 100 in public housing who would also be at risk of homelessness should the proposed regulations go into effect.³⁸

In Texas, the Housing Authority of the City of Austin estimates that 5 percent of the families it serves would be negatively affected by the regulations and also believes a larger percentage would be affected in cities such as Dallas or Houston.³⁹ New York accounts for 12 percent of mixed-status households, or approximately 13,000 individuals in 3,000 households.⁴⁰ With 55,000 total program-eligible children nationwide, approximately 6,600 New York children would be susceptible to homelessness despite program eligibility.⁴¹ These cities are some of the most vibrant and culturally enriched areas in the nation because of immigrant communities. They are also in heavily populated areas where vulnerable communities often seek assistance to make ends meet. The proposed rule would only create additional hurdles for these families to secure affordable housing, placing them at a heightened risk of homelessness.

Most mixed-status families receiving housing assistance reside in states where rental costs are high and there is a lack of affordable housing supply, putting them at a particularly high risk for homelessness. California, where 37 percent of mixed-status families reside, has the second

³³ *Id.*

³⁴ Los Angeles Homeless Services Authority Comments on *Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980*, Docket No. FR-6124-P-01, Sarah Dusseault and Peter Lynn, (May 24, 2019).

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ John Henneberger and Christina Rosales, EPISODE 10: INSIDE HUD'S PLAN THAT MAY THREATEN MIXED-STATUS FAMILIES A LITTLE LOUDER (2019), available at <https://anchor.fm/texas-housers/episodes/Episode-10-Inside-HUDs-plan-that-may-threaten-mixed-status-families-e42iop>.

⁴⁰ Greg B. Smith, *HUD Rule Change Could Rip Apart Families in NYC Public Housing*, THE CITY (May 15, 2019), <https://thecity.nyc/2019/05/hud-rule-change-court-rend-families-in-nyc-public-housing.html>.

⁴¹ *Id.*

highest Fair Market Rent for a 2-bedroom apartment in the country at a cost of \$1,804 per month.⁴² The cost for the same size apartment in New York, where 12 percent of mixed-status families reside, is the fifth highest in the country at \$1,599 per month.⁴³ A 2-bedroom apartment in Texas, where 23 percent of mixed-status families reside, is still more expensive than in most other states at \$1,055 per month.⁴⁴ These same states contain 6 of the 10 large metropolitan areas with the most severe shortage of rental homes available to extremely low-income households: Riverside-San Bernardino-Ontario, Los Angeles-Long Beach-Anaheim, Houston-The Woodlands-Sugar Land, San Diego-Carlsbad, Dallas-Fort Worth-Arlington, and Austin-Round Rock.⁴⁵ The proposed rule intends for mixed-status families or family member with ineligible status to make an orderly transition to other affordable housing.⁴⁶ However, the rental landscape in the regions where the majority of mixed-status families receiving assistance reside will make it extremely difficult for these families to find unassisted affordable housing.

D. The Proposed Rule Will Further Negatively Impact Catholic Programs Addressing Housing Insecurity

In Catholic programs, we anticipate and fear that not only our housing programs would be affected by the proposed rule, but also residual programs such as homelessness outreach, financial self-sufficiency, food and nutrition programs, among others. For example, Catholic Charities served 71,000 individuals in our housing programs, including permanent supportive housing and rapid re-housing and 10 million overall across all programs in 2017. Given Catholic Charities' holistic case management approach, most clients receive more than one service. We labor in the streets inviting and serving those who have been left out to know and experience the tremendous and abundant love of God. Catholic Charities works to prevent homelessness by providing financial assistance and long-term support and strives to resolve issues that may lead to homelessness. From quality project real estate development to conducting homeless outreach, Catholic Charities sees the emotional, physical, and financial toll being levied upon millions of families and individuals as a result of America's affordable housing crisis. Under the proposed rule, Catholic Charities and other housing providers would be required to terminate assistance for mixed-status families and potentially forced to push eligible residents, including children and seniors, out of the household. In addition, the loss of housing would create the need for services that might not have been necessary with stable housing.

E. The Proposed Rule Will Cause the Quality and Quantity of Assisted Housing to Decrease

The proposed rule will have real economic costs, will not be cost effective, and will harm current and future low-income renters in need of assistance. In fact, transferring assistance from the current 25,000 mixed-status families to families with only eligible members will cost HUD

⁴² ANDREW AURAND, ET AL., NATIONAL LOW INCOME HOUSING COALITION, *OUT OF REACH 2019*, 17 (2019), available at https://reports.nlihc.org/sites/default/files/oor/OOR_2019.pdf.

⁴³ *Id.* at 18.

⁴⁴ *Id.*

⁴⁵ ANDREW AURAND, ET AL., NATIONAL LOW INCOME HOUSING COALITION, *THE GAP: A SHORTAGE OF AFFORDABLE HOMES*, 8 (MARCH 2019), available at https://reports.nlihc.org/sites/default/files/gap/Gap-Report_2019.pdf.

⁴⁶ Housing and Community Development Act of 1980: Verification of Eligible Status, 84 Fed. Reg. at 20,595.

over \$370 million annually, according to its own estimates.⁴⁷ It is unlikely that HUD will receive additional allocations from Congress to cover this expense. As HUD’s own analysis states: “Housing assistance is not an entitlement and the federal budget for housing is not expected to increase because of this rule.”⁴⁸ Therefore, the quantity of housing vouchers will be decreased and the quality of service at public housing complexes will be reduced to cover the increased cost of the proposed rule. Again, HUD’s own analysis acknowledges this consequence of the proposed rule and the likely outcome.⁴⁹

F. The Proposed Rule’s Documentation Requirements Will Have Unintended Consequences for Eligible Households

In addition to the negative effects of this rule outlined above, we foresee unintended consequences due to the new documentation requirements for seniors and U.S. citizens. If an individual is unable to produce the newly required documents, they will lose their housing assistance, which may result in eviction and homelessness. Up to seven percent of U.S. citizens do not have documents readily available that can prove their citizenship.⁵⁰ This number is likely to be higher among those receiving housing assistance in Section 214 programs because low-income individuals are less likely to have documentation than those with higher incomes. Twelve percent of U.S. citizens earning less than \$25,000 per year are not able to easily produce a U.S. birth certificate, a naturalization certificate, or a valid unexpired U.S. passport.⁵¹ The risk of an eligible U.S. citizen or senior not being able to produce the proper documentation and therefore not being able to maintain their housing assistance is higher for the most vulnerable. For example, if they already lack the necessary documentation, seniors and people with disabilities may not be able to obtain it because of decreased mobility. People who are homeless or formerly homeless may have lost important documents if they did not have a safe place to store their belongings while they experienced homelessness. The new documentation requirements add administrative barriers which could cause more eligible recipients of housing assistance to experience housing instability.

IV. Conclusion

The Catholic Church teaches that access to safe, decent, and affordable housing is a fundamental human right. “There must be made available to all men everything necessary for leading a life truly human, such as food, clothing, and shelter.”⁵² Housing is more than a market commodity, it is a basic social good.⁵³ “This conviction is grounded in our view of the human

⁴⁷ HUD, Regulatory Impact Analysis, *supra* note 3, at 11-12.

⁴⁸ *Id.* at 13.

⁴⁹ *Id.* at 3.

⁵⁰ BRENNAN CENTER FOR JUSTICE, CITIZENS WITHOUT PROOF: A SURVEY OF AMERICANS’ POSSESSION OF DOCUMENTARY PROOF OF CITIZENSHIP AND PHOTO IDENTIFICATION 2 (NOV. 2006), *available at* http://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf.

⁵¹ *Id.*

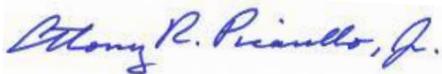
⁵² Second Vatican Council, *Gaudium et Spes: Pastoral Constitution on the Church in the Modern World, Promulgated by Pope Paul VI, no. 26 (December 7, 1965)*.

⁵³ *What Have You Done to Your Homeless Brother?: The Church and the Housing Problem*, Document of the Pontifical Commission “Justitia et Pax” on the Occasion of the International Year of Shelter for the Homeless, no. 2.3 (December 27, 1987).

person and the responsibility of society to protect the life and dignity of every human person by providing the conditions where human life and human dignity are not undermined, but enhanced.”⁵⁴ Because housing is a basic right of the human person, the government has a positive and proactive role to play in its provision.⁵⁵ HUD must not neglect its responsibility to serve the poor and vulnerable and ensure that safe, decent, and affordable housing is available to mixed-status families.

Denying subsidies to eligible individuals because of their membership in a mixed-status family is not only morally wrong, it is also concerning from a fiscal perspective and is in conflict with the underlying statute. The rule would have grave consequences for families, vulnerable communities, and the organizations that serve them. It will lead to family separation and create unnecessary housing instability amongst eligible applicants and their families – facts recognized by HUD’s own analysis. Given these consequences, we believe the proposed rule is unacceptable, and we urge HUD to withdraw this deeply flawed proposed rule.

Respectfully submitted,



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⁵⁴ *Homelessness and Housing: A Human Tragedy, A Moral Challenge*, A Statement Issued by the Administrative Board of the United States Catholic Conference, no. 5 (March 24, 1988).

⁵⁵ *The Right to a Decent Home: A Pastoral Response to the Crisis in Housing*, A Statement of the Catholic Bishops of the United States, no. 57 (November 20, 1975).