

December 19, 2025

*Submitted via [www.regulations.gov](http://www.regulations.gov)*

Regulatory Coordination Division  
Office of Policy and Strategy  
Citizenship and Immigration Services  
U.S. Department of Homeland Security  
5900 Capital Gateway Drive  
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Re: DHS Docket No. USCIS-2025-0304: Public Charge Ground of Inadmissibility; RIN 1615-AD06

## **I. Introduction**

The Disaster Housing Recovery Coalition (DHRC), led by the National Low Income Housing Coalition (NLIHC), submits the following comments in strong opposition to the Department of Homeland Security’s (DHS) Proposed Rule entitled “Public Charge Ground of Inadmissibility,” published in the Federal Register on November 19, 2025. DHS should withdraw the Proposed Rule in its entirety.

The [Disaster Housing Recovery Coalition](#) is composed of [more than 900 national, state, and local organizations](#), including many working directly with disaster-impacted communities and with first-hand experience recovering after disasters. [We work to ensure](#) that federal disaster recovery efforts reach all impacted households, including the lowest-income seniors, people with disabilities, families with children, veterans, people experiencing homelessness, and other at-risk populations who are often the hardest-hit by disasters and have the fewest resources to recover afterwards.

The DHRC is led by the NLIHC, The National Low Income Housing Coalition (NLIHC) is an organization whose members include state and local affordable housing coalitions, residents of public and assisted housing, nonprofit housing providers, homeless service providers, fair housing organizations, researchers, faith-based organizations, public housing agencies, private developers and property owners, local and state government agencies, and concerned citizens. While our members include the spectrum of housing interests, we do not represent any segment of the housing industry. Rather, we work on behalf of and with low-income people who receive and those who are in need of federal housing assistance, especially extremely low-income people and people who are homeless.

This proposed rule change, which shifts the definition of “public charge” to include a wide variety of additional programs, will result in significant confusion, harm, and expense as it relates to disaster response and recovery programs. While the rule correctly states that there is a congressionally created exception for “short-term, non-cash, in-kind emergency disaster relief,” the majority of disaster assistance offered through the Federal Emergency Management Agency (FEMA), the Small Business Administration (SBA), the Department of Housing and Urban

Development (HUD), is not in-kind and is cash based.<sup>1</sup> As a result, the arbitrary and expansive nature of this rule will cover most forms of assistance offered in the aftermath of a disaster by the federal government. While the majority of these programs already maintain eligibility criteria that allow only citizens, green card holders, and those with specified special status<sup>2</sup> to access this type of assistance, the abrupt nature and large scope of this rule will create a significant chilling effect on access to disaster response and recovery programs regardless of program applicability, risking the lives of first responders and disaster-impacted families, preventing recovery and deepening housing and homelessness-related issues, and requiring state and local governments to increase expenditures to compensate.

## **II. Disaster Recovery Assistance Entails a Wide Variety of Programs with Varying Eligibility Qualifications and Additional Requirements**

Assistance in the aftermath of a disaster is typically divided into three phases, emergency response, short-term recovery, and long-term recovery. Generally, state and local responders handle much of the immediate emergency response assistance, while FEMA and SBA assistance dominate short-term recovery, and HUD largely takes on long-term recovery programs. Charitable organizations, specifically Volunteer Organizations Active in Disasters (VOADs) are present throughout this process providing supplemental support and assistance.

### *A. Emergency Response*

State and local governments have the primary responsibility for responding to disasters – albeit the federal government does assist with funding, pre-disaster training, and other support measures. Disaster response is typically organized via the National Response Framework (NRF), which details the types of support available for different community functions that may be impacted by disasters, support roles for government agencies, as well as the National Incident Management System – which helps the different responding agencies coordinate efforts in the aftermath of an event. These include:

- **ESF #1:** [Transportation](#)
- **ESF #2:** [Communications](#)
- **ESF #3:** [Public Works and Engineering](#)
- **ESF #4:** [Firefighting](#)
- **ESF #5:** [Information and Planning](#)
- **ESF #6:** [Mass Care, Emergency Assistance, Temporary Housing, and Human Services](#)
- **ESF #7:** [Logistics](#)
- **ESF #8:** [Public Health and Medical Services](#)
- **ESF #9:** [Search and Rescue](#)
- **ESF #10:** [Oil and Hazardous Materials Response](#)
- **ESF #11:** [Agriculture and Natural Resources Annex](#)
- **ESF #12:** [Energy](#)
- **ESF #13:** [Public Safety and Security](#)
- **ESF #14:** [Cross-Sector Business and Infrastructure](#)

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<sup>1</sup> See 8 U.S.C. 1611(b)(1)

- **ESF #15: External Affairs**

While the ESFs linked above are used by the federal government to organize response support for state and local jurisdictions following disasters, state and local governments typically mirror this system within their own coordinating and response structures. Particularly pertinent to this comment are ESFs #4, #6, #8, and #9.

ESF #4 details firefighting response to disasters. Firefighting is inherently a local activity, with county, city, and volunteer firefighting companies responding to 9-1-1 calls regarding post-disaster fires and medical emergencies. In many areas, pre-existing agreements called “mutual aid agreements” exist between localities. These agreements allow firefighters from neighboring areas to assist in disaster response operations.

ESF #6 deals with the human component of disaster response, including emergency shelters, emergency food and water stations, as well as more temporary housing requirements for the population of areas impacted by disasters. Largely, the sheltering component of this ESF is taken on by the American Red Cross – although some localities may maintain emergency shelters of their own. Similarly, many VOADs maintain food distribution capabilities and operations to complement the distribution of emergency food and water provided through localities, the state government, as well as federal agencies. These programs are low-barrier by design – with little to no eligibility requirements or identity verification. This permits individuals regardless of status or background to access lifesaving emergency assistance, preventing medical emergencies, displacement, and other negative results from disaster impacts.

ESF #8 covers the medical aspects of disaster response. For non-pandemic related incidents, local, state, and national stakeholders involved in this ESF will focus on providing emergency medical services – sometimes in stand alone locations and sometimes directly at emergency shelters – as well as assisting impacted hospitals, moving patients, ensuring that the supply chain for medical facilities is quickly rebuilt, and providing important public information on compromised water systems and potential health hazards in the aftermath of disasters. As with the services provided in ESF #6 these programs are low-barrier, with little to no eligibility requirements to access this life-saving medical care.

ESF #9 deals with Search and Rescue. While many state and local governments maintain fire and policy units with search and rescue capabilities, this ESF ensures that needed responders from the surrounding area and region can quickly respond to direct search and rescue needs just hours after a disaster begins. Responding to 9-1-1 and other calls for assistance, these responders brave the disaster area to ensure that individuals that are trapped, hurt, or otherwise unable to evacuate the impacted area can do so.

#### *B. Short-Term Recovery*

FEMA may provide disaster victims with low-interest loans, veterans’ benefits, tax refunds, excise tax relief, unemployment benefits, crisis counseling, and free legal assistance. These

resources are available once the president grants a governor's request for Individual Assistance (IA) programs as part of a disaster declaration.<sup>2</sup> Assistance offered by FEMA include:

When requested by the state, territorial, or Tribal Nation impacted by a federally declared disaster, FEMA provides Transitional Shelter Assistance (TSA) to cover the cost of staying in an approved hotel or motel for an initial period of up to 14 days (which may be extended in 14-day intervals for up to six months if an applicant remains eligible). TSA does not cover additional fees, such as resort fees, that hotels may include in the cost of a room. Some participants in the program have been required to present credit cards before being provided access to rooms, in accordance with an individual hotel's policy on incidentals. These costs and requirements constitute major barriers to accessing temporary housing under this program. TSA is funded through the Public Assistance Program, discussed later in this article.

The Housing Assistance provision of the Individuals and Households Program (IHP) provides financial and direct assistance for disaster-caused housing needs not covered by insurance or provided by any other source.

Lodging Expense Reimbursement (LER) is available to reimburse disaster survivors for hotels, motels, or other short-term lodging while an applicant is displaced from their primary residence. Funds are awarded for expenses incurred from the start date of the disaster to seven days following the disaster survivor's approval for rental assistance. While LER is similar in concept to the TSA program discussed above, program funding is only available to reimburse disaster survivors for short-term lodging costs that already have been paid. As a result, this program is often inaccessible to disaster survivors with lower incomes, who have less of an ability to pay such expenses up front.

FEMA can provide for 18 months of Rental Assistance to assist survivors in renting temporary housing. The initial amount is based on the impacted area's Fair Market Rent (FMR) and covers rent plus utilities typically for two months, although it may also be used as a security deposit equal to one month of FMR. Households may seek Continued Temporary Housing Assistance when alternate housing is not available. Full rental assistance is available for a period of 18 months. FEMA's rental assistance program often is unworkable for low-income survivors because assistance is only provided in 2-month increments and the amount of assistance may not be enough to secure housing.

FEMA may also provide Direct Temporary Housing Assistance when disaster survivors are unable to use Rental Assistance due to a lack of available housing resources. The program is open to renters whose primary residence was destroyed and to homeowners whose primary residence suffered damage above \$12 per square foot. Recipients of Direct Temporary Housing Assistance are required to work with a case manager to access alternative permanent housing at

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<sup>2</sup> Federal Emergency Management Agency, Individual Assistance Program and Policy Guide (2021). Available at: [https://www.fema.gov/sites/default/files/documents/fema\\_iappg-1.1.pdf](https://www.fema.gov/sites/default/files/documents/fema_iappg-1.1.pdf)

the conclusion of the program. Assistance is provided for up to 18 months unless extended at the request of the impacted government and approved by FEMA. Direct Temporary Housing Assistance is not counted toward the IHP maximum award amount and must be specifically requested by the impacted government. Direct Temporary Housing Assistance may include:

- Direct Lease Program, which allows FEMA to lease directly with existing, non-damaged, rental properties for disaster survivors. In recent years, Direct Lease Programs have been unable to serve many households because it has been challenging to recruit landlords to participate.
- Manufactured Housing Units provided by FEMA and made available to use as temporary housing.
- Multi-Family Lease and Repair, which allows FEMA to enter into lease agreements with owners of multi-family rental properties and make repairs to provide temporary housing.
- Permanent or Semi-Permanent Housing Construction, which allows home repair and/or construction services to be provided in insular areas outside the continental U.S. and other locations where no alternative housing resources are available, and where other types of FEMA Housing Assistance are unavailable, infeasible, or not cost effective.

Home repair assistance, which are cash grants available to homeowners for damage not covered by insurance. These grants are intended to repair homes to safe, sanitary, or functional conditions. Grants are not intended to return the home to its pre-disaster condition. However, recent FEMA reforms now permit accessibility features needed due to a disaster-created disability, as well as some home strengthening measures to be added. Home replacement cash grants, available to homeowners to help replace a destroyed home that is not covered by insurance.

In addition to housing assistance, the IHP includes Other Needs Assistance (ONA), which provides financial assistance for disaster-related necessary expenses. State, Tribal, and Territorial governments are required to pay for 25% of ONA costs, while FEMA covers the remaining 75%. Governments can decide to administer the program directly, in tandem with FEMA, or allow FEMA to fully administer the program. FEMA removed the requirement that applicants apply for SBA loans to access portions of this program in 2024. This program includes:

- *Displacement Assistance*: FEMA created this new form of assistance in 2024 to increase access to disaster assistance. Displacement assistance is a one-time payment based on the cost of 14 days in a hotel at a rate chosen by the state, territory, or Tribal Nation impacted by the disaster.
- *Serious Needs Assistance*: which provides up to \$750 to meet lifesaving or life-sustaining needs such as water, food, first aid, prescriptions, infant formula, diapers, consumable medical supplies and durable medical equipment, and fuel

for transportation. It is important to note that there are two forms of Serious Needs Assistance. *Expedited* Serious Needs Assistance can provide the one-time payment up front to disaster survivors applying from the impacted area. Non-expedited Serious Needs Assistance still requires a FEMA inspection finding the home was sufficiently damaged.

- *Reimbursement for Cleaning and Sanitization Expenses*, is available to assist disaster survivors in paying for cleaning and demolding impacted homes to prevent additional damage or potential health and safety concerns.
- *Reimbursement for Medical, Dental, Childcare, Personal Property, and Transportation Expenses* created by the disaster are also available.

In addition to FEMA assistance, the SBA offers disaster recovery loans to impacted homeowners. These funds can be utilized for home repair and replacement and a number of other disaster-related uses. It is important to note that these are one of the only types of funds available to owners of non-owner-occupied rental housing, who are not eligible for FEMA assistance.

SBA can provide physical disaster loans to cover uninsured or uncompensated losses of a home or personal property. A homeowner can apply for a loan to repair or rebuild a primary residence to its pre-disaster condition based on the verified losses, and homeowners may apply for up to \$200,000 to repair or replace their home to its pre-disaster condition. The loan amount can increase by as much as 20% to help homeowners rebuild in a manner that protects against damage from future disasters of the same kind, up to the \$200,000 maximum. Both homeowners and renters may apply for loans—up to \$40,000—to replace personal property (anything not considered real estate or part of the structure of the home) lost in a disaster. The interest rate on SBA physical disaster loans depends on the applicant's ability to secure credit from another source.

### *C. Long-Term Recovery*

HUD was initially a major player in the world of disaster recovery and response before the creation of the (relatively) unified disaster response and recovery system headed by FEMA. Today, this history is reflected by the agency regularly allocating long-term recovery funding to disaster-impacted areas. HUD also operates several additional programs focused on housing and economic recovery. While common sense would dictate that the agency would have a larger role in the immediate aftermath of disasters given its experience in housing low-income and marginalized households, the agency primarily operates within the long-term recovery space via its Community Development Block Grant – Disaster Recovery (CDBG-DR) Program.

CDBG-DR funding is provided for presidentially declared major disasters by appropriations acts and is generally tailored to disasters within a specific date range. To determine how much of the approved funds a state or local government receives, HUD uses a formula that considers damage estimates and disaster recovery needs unmet by other federal disaster assistance programs such as FEMA and SBA. In addition to any requirements cited in the specific appropriation act, the

regular CDBG regulations at 24 CFR 570 apply to CDBG-DR funds. However, CDBG-DR appropriations generally grant HUD broad authority to issue waivers and alternative requirements identified in a *Federal Register* notice issued by HUD following the announcement of the appropriation.

CDBG-DR grantees, usually states, must prepare an action plan to assess housing, infrastructure, and economic revitalization needs and then identify activities to address unmet needs. Public participation in devising the action plan is required. In the regular CDBG program, a minimum 30-day public review and comment period is required. However, in recent CDBG-DR *Federal Register* notices, HUD has reduced the public participation period to a mere 14 days. Advocates stress that more time for public engagement is necessary, especially since the consequences of the final plan will have long-term impacts on low-income households.

The regular CDBG program requires that at least 70% of the funds be used for activities that benefit low- and moderate-income households or those with income at or less than 80% of the area median income. The CDBG-DR *Federal Register* notices regarding funds for the 2017 disasters maintained the 70% low/mod-income benefit requirement; however, most of the major notices between Hurricane Katrina in 2005 and 2016 allowed waivers so that only 50% of the CDBG-DR had to meet the low/mod benefit test. In 2020 FEMA and HUD signed a Memorandum of Understanding that streamlined the use of CDBG-DR funds to pay for portions of FEMA PA projects. Under this new streamlining agreement, only the portion of the project funded directly by HUD CDBG-DR is required to meet CDBG requirements, such as targeting low-income households. Previously, the use of CDBG-DR funding on FEMA PA projects would extend such requirements to the entire project.

Recent *Federal Register* notices have required that at least 80% of the total funds provided to a state address unmet needs within an area designated by HUD as being the most impacted and distressed. They have also required the action plan to propose allocating CDBG-DR to primarily address unmet housing needs and describe how the grantee's program will promote housing for vulnerable populations, including a description of activities to address the housing needs of homeless people and to prevent extremely low-income households from becoming homeless.

### **III. This Vague and Overly Broad Rule will Create a Chilling Effect on Program Access**

As the preceding section shows, there is a myriad of emergency response components and disaster response and recovery programs – all with different purposes, administering agencies, and requirements. This complicated ecosystem is already difficult for disaster survivors to navigate – something that will be made worse by confusion over which programs are covered under this rule, and which are exempted. As a result, a chilling effect will be created as individuals refrain or avoid programs out of concern that accessing the assistance they are eligible for may impact their immigration status.

This chilling effect is created by the arbitrary, expansive, and confusing definitions within this rule. While lacking details on the new tools and guidance DHS plans to create, the proposed rule clearly signals that the agency plans to reinterpret the law, rejecting long-standing precedent that an individual can be found likely to become a public charge only if they are likely to become “primarily dependent on the government for subsistence, as demonstrated by either (i) the receipt of public cash assistance for income maintenance or (ii) institutionalization for long-term care at government expense.” This longstanding meaning of public charge, based on decades of case law and ratified by Congress was written into the 1999 field guidance, as well as the 2022 final rule. In contrast, this rule reflects an attempt to expand the concept of public charge allowing denials for virtually any reason, including the use of supplementary benefits received by many workers, as well as a broader range of health conditions.

Because the proposed rule does not define means-tested public benefits and uses a variety of other terms to describe the programs that will be considered, including “public benefit programs,” and “public resources,” and “any type of public resources,” it maximizes confusion around what programs may be applicable. The amount of confusion generated by this rule would likely impact programs that are not subject to the rule and impact individuals with valid green cards or similar status who may choose to avoid programs and assistance for which they are eligible to avoid negative immigration impacts.

This claim is not without precedent. The chilling effect of this vague and arbitrary rule can be anticipated by observing the impact of similarly vague public charge rules proposed in the recent past. The chilling effect created by earlier iterations of this proposed rule had sweeping impacts, not only on individuals seeking green card approvals, but U.S. citizens and their families.

Data from the U.S. Census Bureau released in 2020 showed a precipitous drop in enrollment for a wide variety of federal programs after information surrounding the previous iteration of this proposed rule was released.<sup>3</sup> It is unlikely that such a disenrollment would have occurred in 2020 but will not in 2026 – indicating that the release of this proposed rule is likely to have significant chilling effects on individuals’ willingness to access assistance.

The chilling effect and hesitancy created by similarly vague public charge rules in the past were so strong that it impacted individuals and families who were not even covered by the rule itself but entire immigrant communities across the country.<sup>4</sup> As a result, citizens and green card

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<sup>3</sup> Randy Capps, Michael Fix, and Jeanne Batalove, “Anticipated ‘Chilling Effects’ of the Public-Charge Rule are Real: Census Data Reflect Steep Decline in Benefits Use By Immigrant Families,” Migration Policy Institute, December 2020. Available at: <https://www.migrationpolicy.org/news/anticipated-chilling-effects-public-charge-rule-are-real>

<sup>4</sup> Bernstein, Hamatal, Dulce Gonzalez, Michael Karpman, and Stephen Zuckerman. 2019. “One in Seven Adults in Immigrant Families Avoided Public Benefit Programs in 2018.” Washington, DC: Urban Institute. Bernstein, Hamatal, Sara McTarnaghan, and Dulce Gonzalez. 2019. “Safety Net Access in the Context of the Public Charge Rule: Voices of Immigrant Families.” Washington, DC: Urban Institute; Straut-Eppsteiner, Holly. 2020. “Documenting through Service Provider Accounts Harm Caused by the Department of Homeland

holders from immigrant communities across the country declined to access needed and necessary programs to avoid any potential immigration related consequences.

This impact extended outward to other aspects of interaction with government-run services, including emergency services. A 2018 study found that public charge concerns and confusion over the rule increases fear and anxiety around interactions with police and other government authorities.<sup>5</sup>

This research clearly details that broad, vague, and arbitrary proposed public charge rules created significant chilling effects in the past. These chilling effects reached all government programs and households – regardless of whether they were covered by the rule. It is exceptionally unlikely that such impacts would occur in the past and not occur again due to this proposed rule. Given the prominent role that law enforcement, fire, and EMS departments play in disaster response, and the myriad of federal assistance programs active in assisting impacted households in recovering after disasters, this chilling effect will impact government activity and programs during and after disasters.

#### **IV. The Chilling Effect Created by This Rule will Harm Disaster Survivors and First Responders**

As stated in this comment's overview of disaster response and recovery programs, emergency response services in the aftermath of a disaster do not have requirements that disaster survivors verify their identity, demonstrate residence, or immigration status prior to receiving emergency services and medical care. In addition, as stated in the proposed rule, these programs fall under a congressionally created exception that prevents a definition of public charge to encompass such programs. Despite this exception, and as demonstrated by the chilling effects resulting from previous and similarly vague proposed public charge rules detailed in the above section, the lack of definitions and the rhetoric proposed in this rule will have a significant chilling impact on the willingness of disaster survivors to reach out to emergency services for assistance during or immediately after a disaster – which will in turn harm first responders and disaster survivors themselves.

It is well documented that delays in individuals calling 9-1-1 lead to increased danger and mortality for individuals in emergency situations requiring medical services or police intervention.<sup>6</sup> As shown in the preceding section, individuals impacted by the chilling effect

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Security's Public Charge Rule." Washington, DC: National Immigration Law Center; Tolbert, Jennifer, Samantha Artiga, and Olivia Pham. 2019. "Impact of Shifting Immigration Policy on Medicaid Enrollment and Utilization of Care among Health Center Patients." San Francisco: Henry J. Kaiser Family Foundation.

<sup>5</sup> Chen L, Young MT, Rodriguez MA, Kietzman K. Immigrants' Enforcement Experiences and Concern about Accessing Public Benefits or Services. *J Immigr Minor Health.* 2023 Oct;25(5):1077-1084. doi: 10.1007/s10903-023-01460-x. Epub 2023 Mar 1. PMID: 36859637; PMCID: PMC10509127.

<sup>6</sup> See *JAMA Surgery*, "Association Between Emergency Medical Service Response Time and Motor Vehicle Crash Mortality in the United States," February 6, 2019; See also Gregory DeAngelo, Marina Toger, Sarit

created by this rule would be less likely to call emergency services due to the fear that doing so would impact their immigration status, regardless of whether they have or do not have a green card. Individuals seeking rescue from rising floodwater or storm surge, home fires, the failure of personal medical equipment, injuries sustained by structural collapse or flying debris would be less likely to call emergency services, more likely to delay such a call, or more likely to never call at all. As this hesitancy would increase dramatically in the aftermath of this rule, the amount of injury and death experienced in immigrant communities impacted by disasters would directly increase.

This confusion and chilling effect would not only impact disaster survivors themselves, but also those tasked with rescuing and getting disaster-impacted individuals and families to safety. Often, first responders will brave the effects of a disaster, whether it is wind, water, or fire, to assist those trapped or experiencing a medical emergency. If an individual in a dangerous situation waits to call for emergency assistance, and only call for assistance once the situation has become so severe that they are in grave peril, the responder to the call will be forced to brave the more significant and dangerous situation to assist them – increasing their own risk of injury and increases the need for more costly emergency solutions.

In addition, an individual or a family who are experiencing confusion regarding this rule may forgo evacuating to emergency shelters, choosing instead to shelter in place – something already of concern to some emergency managers and first responders.<sup>7</sup> If a family chooses not to go to an emergency shelter prior to a disaster out of fear that it may impact their immigration status, they will likely need emergency rescue during the disaster itself or immediately afterward. Not only does this impact increase the costs of disaster responses, it again places first responders in jeopardy, requiring them to brave the impacts of a disaster to save individuals who would otherwise have been safe in emergency shelter.

Whether by not calling for emergency assistance as quickly as possible or by avoiding safe emergency shelters out of fear of immigration impacts – the confusion and chilling effect created by this rule will increase the cost of disaster response, in terms of resources and lives.

## **V. The Chilling Effect Created by This Rule will Harm the Ability of Families, States and Territories to Recover**

In addition to the direct harm the chilling effect created by this rule will have on first responders and disaster survivors, it will also slow the process of disaster recovery. FEMA, HUD, and SBA programs require impacted households to apply for assistance before providing funds. The chilling effect of this rule would likely prevent a household, whether or not this public charge

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Weisbord, Police Response Time and Injury Outcomes, The Economic Journal, Volume 133, Issue 654, August 2023, Pages 2147–2177, <https://doi.org/10.1093/ej/uead035>

<sup>7</sup> Alex Harris, Disaster Relief Groups Worry Immigrants Won't Go to Hurricane Shelters Amid Crackdown, FL Keys News, June 25, 2025. Available at: <https://www.flkeysnews.com/news/weather/hurricane/article308996505.html>

rule applies to them, from filling out an application for assistance based on their fear of adverse immigration actions. The lack of applicants, and the resulting lack of distributed housing repair and recovery assistance, will prevent impacted housing stock from recovering - increasing housing costs and homelessness in the aftermath of disasters.

As demonstrated by previously issued vague and arbitrary public charge-related rules, a chilling effect is created that stops households from applying for assistance regardless of how such a rule would apply to them. This effect would exist for disaster recovery programs – likely in an amplified form given FEMA’s status as a subagency of DHS and heavy law enforcement involvement in recovery operations. First, this chilling effect will directly prevent households from receiving the financial assistance necessary to recover from these disasters, extending and amplifying the harm caused by disaster – including damage to personal property, real property, employment issues, and other financial and medical problems that disaster assistance programs are designed to address. Impacted families will be displaced, faced with higher housing costs, and in worst cases, enter homelessness.

Second, the lack of assistance funding reaching disaster impacted communities will stunt their community’s recovery. Disaster assistance relies upon impacted households to apply for assistance, subsequently providing repair for their homes. A lack of applicants means that less homes will be repaired in the aftermath of a disaster. The impact of a disaster on the existing housing stock is related to the affordability of housing in the surrounding area.<sup>8</sup> Where disaster-impacted housing stock is not repaired or replaced, those living in the impacted community will face higher costs for housing. This impact will also stretch to neighboring communities that were not impacted by a disaster – those that were living in now-destroyed homes will need to live somewhere. Due to the increased demand, housing prices will increase for neighboring communities as well. As a result, housing cost burden and homelessness will increase across the impacted community and region wide. While a changing climate has become one of the fastest growing drivers of homelessness and housing expenses across the country, the chilling impact created by this rule will intensify and expand this effect.<sup>9</sup>

## **VI. The Chilling Effect Created by This Rule will Increase Costs to Local and State Governments**

The stagnated recovery prompted by the chilling effect of this rule will increase costs and funding needs for a variety of programs regarding homelessness, housing assistance programs,

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<sup>8</sup> Nicole Lambrou, Crystal Kolden, Anastasia Loukaitou-Sideris, Disaster recovery gentrification in post-wildfire landscapes: The case of Paradise, CA, International Journal of Disaster Risk Reduction, Volume 118, 2025, 105235, ISSN 2212-4209, Available at:

<https://www.sciencedirect.com/science/article/pii/S2212420925000597>.

<sup>9</sup> See Robbie Sequeira, Fires and Floods are Eviscerating US Communities, Intensifying the Housing Crisis, Stateline, February 7, 2025. Available at: <https://stateline.org/2025/02/07/fires-and-floods-are-eviscerating-us-communities-intensifying-the-housing-crisis/>

medical care, workforce subsidies. These increased funding needs and the loss of valuable tax income will work together to dramatically increase local and state government costs.

Post-disaster displacement of impacted families is commonly related to access to post-disaster assistance.<sup>10</sup> Where individuals are unable to access assistance – whether through program rules or, as created by this rule, a chilling effect on the ability of families to apply for assistance, an initial post-disaster displacement will often become permanent. For many disaster impacted states and localities, which are already paying for disaster response and related costs related to infrastructure, police and firefighter overtime, emergency operations, and other disaster related tasks, the drop in tax revenue created by this displacement will create significant burden on budgets at the exact moment they are most in need of funds.

Due to the chilling effect created by this rule, a state or territory will not see the additional disaster-related funding crunch end after the immediate emergency is resolved. Residents who avoid applying for assistance due to this chilling effect will need greater levels of assistance as they attempt to navigate recovery unassisted by federal programs that they believe will impact their immigration status. Without programs to replicate these lost funds, individuals will remain in substandard housing, become homeless, and suffer additional medical and social complications that will require additional expenditures at the state level.

Studies have clearly shown that increases in homelessness and economic turmoil create additional levels of costs on the part of state and local governments. An increase in homelessness has shown to strain the budgets of many emergency services budgets across the country.<sup>11</sup> Higher rates of homelessness and substandard housing increase strain on medical systems.<sup>12</sup> Criminal courts and prison systems also strain at the impact of populations experiencing unassisted economic distress – like higher housing costs – especially in areas that have moved to criminalize homelessness.<sup>13</sup>

As a result, this gap in tax revenue, combined with the increased cost of homelessness and housing instability, will create a perfect storm that can overwhelm the budgets of states and localities.

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<sup>10</sup> Elizabeth Ferris, “Displacement, Natural Disasters, and Human Rights,” Commentary, Brookings Institution, October 17, 2008. Available at: <https://www.brookings.edu/articles/displacement-natural-disasters-and-human-rights/>

<sup>11</sup> U.S. Department of Housing and Urban Development, Exploring Homelessness Among People Living in Encampments and Associated Cost, 2020. Available at:

<https://www.huduser.gov/portal/sites/default/files/pdf/Exploring-Homelessness-Among-People.pdf>

<sup>12</sup> Coe AB, Moczygemba LR, Harpe SE, Gatewood SB. Homeless patients' use of urban emergency departments in the United States. J Ambul Care Manage. 2015 Jan-Mar;38(1):48-58. Available at:

<https://pmc.ncbi.nlm.nih.gov/articles/PMC9827455/>

<sup>13</sup> Ruan, Nantya and Zwiebel, Elie and Bishop, Michael and DuPey, Bridget and Jones, Nicole and Kline, Ashley and Mitson, Joshua and O'Connor, Darren, Too High a Price 2: Move on to Where? (May 7, 2018). U Denver Legal Studies Research Paper No. 18-14, Available at

SSRN: <https://ssrn.com/abstract=3174780> or <http://dx.doi.org/10.2139/ssrn.3174780>

## **VII. Conclusion**

In sum, the vague and arbitrary nature of this rule will create a chilling effect on assistance program access that will extend far beyond the programs and population the Administration intends to be impacted by this rule. This chilling effect will mirror those seen during past Administrations' attempts to implement similar rules regarding public charge. Among the impacts of this chilling effect will be the willingness and ability of disaster impacted households to access emergency services in during and immediately after a disaster and, subsequently, federal programs designed to assist disaster-impacted households in recovery. The result of this will include greater mortality from incidents of disaster, both among first responders and disaster impacted households, increasing homelessness and housing affordability issues, and increased costs with decreased revenue for state and local governments attempting to recover after disasters. As a result of these impacts, we respectfully request that DHS withdraw the proposed rule in its entirety.

Thank you for your consideration.