

# United States Senate

WASHINGTON, DC 20510

June 12, 2019

Benjamin S. Carson Sr., M.D.  
Secretary  
United States Department of Housing and Urban Development  
451 7th Street S.W.  
Washington, D.C. 20410

Dear Secretary Carson:

We are writing to oppose the proposed rule<sup>[1]</sup> currently under consideration by the U.S. Department of Housing and Urban Development (HUD) that would make two changes to HUD's regulations implementing section 214 of the Housing and Community Development Act of 1980. This proposed rule could potentially result in thousands of American children being made homeless and, in some cases, would force families of mixed citizenship status to separate. This misguided approach runs counter to HUD's mission and breaks with the sensible policies the Department has had in place for over two decades under both Republican and Democratic administrations. Truncating current program benefits for residents in public and other assisted housing programs<sup>[2]</sup> is misguided and will not solve the challenges our nation's affordable housing programs face, as the Department and the Trump administration claim. This is nothing more than an attempt to advance a dangerous agenda that targets and scapegoats the immigrant community.

We believe this proposed rule is antithetical to HUD's mission to create strong, sustainable, and inclusive communities that provide quality affordable housing for all. Current laws and regulations already prohibit federal housing programs from subsidizing immigrants who are undocumented or otherwise have ineligible immigration status, while ensuring that families with mixed immigration status can stay together and receive the assistance they qualify for. In total, about 11,400 people in the New York City could be evicted from their homes, almost half of them children. Nationwide, more than 108,000 people — mostly in California, Texas and New York — would be affected, according to your agency. Such a move would displace thousands of children who are citizens, exacerbate homelessness and increase costs for both local, state, and federal governments.

Under HUD's current regulatory guidelines, only one member of a family is required to provide a signed declaration, proof of legal status and a signed verification consent form if they are a noncitizen of the United States.<sup>[3]</sup> Similar requirements are provided for seniors aged 62 or older, but only require a signed declaration of eligible immigration status and proof of age.<sup>[4]</sup> The proposed rule would make compliance more difficult for applicants by requiring *all* persons to submit immigration-related proof, or "other appropriate documentation specified by HUD" at the time of application for assistance. This change does nothing to address the affordable housing crisis and may actually take assistance away from eligible immigrants and citizens.

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<sup>[1]</sup> Department of Housing and Urban Development. 24 CFR Part 5. Docket No. FR 6124-P-01  
<https://www.federalregister.gov/documents/2019/05/10/2019-09566/verification-of-eligible-status>

<sup>[3]</sup> 24 CFR 5.508(b)(3)

<sup>[4]</sup> 24 CFR 5.508(b)(2)

We also strongly reject the rule's aim to limit opportunities for financial assistance for which "mixed families," or families of mixed citizenship status, are currently eligible. HUD's proposed changes and the subsequent impact they will have on families are disturbing. Currently, the Department permits "mixed families" to live together in subsidized housing even if one or more of the family members is an ineligible immigrant by prorating the subsidy for the household so any member of the family who declares themselves to be ineligible is excluded from the benefits calculation. By altering this rule, HUD is attempting to limit access to prorated assistance for "mixed families," many of which are currently receiving this assistance. The original rule intended the use of prorated assistance for mixed family households to assure family unity for those who would be eligible. The retroactive nature of the proposed rule's provisions is likely to exacerbate homelessness across the country since heads of households, spouses, and other current tenants would be forced to meet new criteria that were not in force during the time of their original lease or provision of benefits. Your Department's approach is a major shift from current HUD policy that will make it more difficult for families to have access to the assistance they would otherwise be eligible for.

Forcing American children into homelessness does not solve any housing issues, rather, it creates new ones and would likely end up costing more in homeless services and trauma-related healthcare expenditures. The systemic targeting of struggling immigrant families only hinders the integrity of the U.S. housing market and overall American economy. Instead of pushing proposals that would potentially make another 22,000 to 25,000 families homeless or tear families apart,<sup>[9]</sup> Congress and the administration should be working together to provide strong, sustainable, inclusive communities and quality affordable homes for all.

Thank you for your attention to this matter.

Sincerely,



Kirsten Gillibrand  
United States Senator



Ron Wyden  
United States Senator

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<sup>[9]</sup> <https://www.citylab.com/equity/2019/04/public-housing-rent-assistance-immigrant-families-hud-policy/587479/>

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