



NATIONAL LOW INCOME HOUSING COALITION

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Samantha Deshommes, Chief

Regulatory Coordination Division, Office of Policy and Strategy

U.S. Citizenship and Immigration Services

Department of Homeland Security

20 Massachusetts Avenue NW

Washington, DC 20529-2140

Re: DHS Docket No. USCIS-2010-0012, RIN 1615-AA22, Comments in Response to Proposed Rulemaking: Inadmissibility on Public Charge Grounds

The following comments are submitted on behalf of the National Low Income Housing Coalition (NLIHC) in response to the Department of Homeland Security's (DHS) Notice of Proposed Rulemaking to express our strong opposition to the changes regarding "public charge," published in the Federal Register on October 10, 2018 (CIS No. 2499-10; DHS Docket No. USCIS-2010-0012). NLIHC opposes the rule as it would have profound and negative consequences on immigrant families' ability to access critical and life-saving benefits, including housing assistance. We urge the rule to be withdrawn in its entirety, and that long-standing immigration policies continue to remain in effect.

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.

The proposed public charge rule is a dramatic shift from decades of immigration policy, and if finalized, will result in a policy that is fundamentally un-American. The Administration has proposed to change long-standing policy by adding to the definition of public charge a number of additional programs on which DHS would

judge applicants, including usage of the Section 8 Housing Choice Voucher, Section 8 Project-Based Rental Assistance, and Public Housing programs, as well as Supplemental Nutrition Assistance Program, Medicaid, and parts of Medicare.

The rule specifically targets low-income immigrants, a population that already faces substantial barriers to housing. The proposed rule puts immigrants in an impossible bind: having to choose between accessing the supports they need to live safe and healthy lives or protecting their immigration status. Among the most harmed by the proposed rule are children, including U.S. citizen children, who would likely decrease participation in support programs, despite remaining eligible.

Already, fear of being judged for use of benefits is creating a chilling effect: our housing partners throughout the country tell us of families dropping benefits even before this rule is finalized. Colleagues at health centers and WIC clinics tell the same stories: families are shying away from using needed benefits out of fear of the Administration's policies. By chilling access to assistance from already at-risk groups, the new public charge rule threatens to plunge those already struggling even deeper into poverty, making their route to a better life nearly impossible. For this reason, NLIHC stands united with our partners against the public charge rule—even if the direct housing impact of the rule were reduced to zero—because the public charge rule will force immigrants and their families to forego other forms of critical assistance.

As advocates for affordable housing, we are very aware of the critical role that Medicaid, the Children's Health Insurance Program, and SNAP play in supporting low-income families. Numerous studies point to the positive long-term effects of receipt of health, nutrition and housing programs. Using benefits can help individuals and their family members become healthier, stronger, and more employable in the future and are a powerful tool for self-sufficiency. These programs should not be considered as part of the public charge determination.

As families turn away from health care and food or housing assistance, they are forced to pay out of pocket, reducing their already limited household budgets. As use of rental assistance decreases, the likelihood that low income families fall into homelessness increases, with all of its personal and societal costs. Blaming immigrant families for the increasing gap between wages and housing costs and stripping them of their ability to access safe and affordable homes will only increase our country's racial and economic disparities and put housing and well-being further out of reach for many families. The proposed rule, if implemented, would create significant longer-term costs to the federal government; people in unstable homes have poorer health, lowered educational attainment and lessened lifetime earnings.

The real issue is the lack of sufficient funding to ensure that every family, regardless of immigration status, has access to one of the most basic of human rights—a safe place to call home. Given this fact, we urge the Administration to seek robust funding for affordable housing programs in its upcoming budget request, instead of proposing significant cuts as the Administration has done in the past. Housing is the cornerstone of what every person needs to survive and thrive. It impacts every aspect of our lives— education, health, economic security, and more. Yet millions of people across the country struggle to afford housing. Today, one in four renters in America is spending more than half of their income on rent, and homelessness

rates are rising in many communities across the country as growing numbers of people are unable to find an affordable home.

A robust body of research has shown that access to affordable housing has broad, positive impacts on families, seniors, people with disabilities, and the economy. Having safe and stable housing is crucial to a person's health, sustaining employment, and overall self-sufficiency. According to the Harvard Joint Center for Housing Studies, families who have affordable housing can spend nearly five times as much on healthcare, a third more on food, and twice as much on retirement savings. They can pay down debt, save to pay for college, or buy a home when they are not struggling to pay housing costs.

Children who live in a stable, affordable homes enjoy better health and educational outcomes, greater access to economic opportunities, enjoy better mental and physical well-being, and benefit from stronger communities.¹ In fact, out of households currently receiving rental assistance, nearly 40 percent include children.² Housing assistance lifts about a million children out of poverty each year,³ and can improve a child's chances for long-term economic mobility—one study finds that children in households receiving Housing Choice vouchers have higher adult earnings and a lower chance of incarceration.⁴ Housing assistance also improves child health - children of families receiving housing assistance had a 35 percent higher chance of being labeled a "well child," a 28 percent lower risk of being seriously underweight and a 19 percent lower risk of food insecurity.⁵

Additionally, studies have also shown that that unstable housing situations can lead to negative consequences for people, including increased hospital visits, loss of employment, and mental health problems. These effects will be particularly prominent in children, many of whom are U.S. citizens, who are part of immigrant families. Research has shown that economic and housing instability negatively impacts children's cognitive development, leading to poorer life outcomes as adults.⁶ Housing instability is directly correlated to decreases in student retention rates and contributes to homeless students' high suspension rates, school turnover, truancy, and expulsions, limiting students' opportunity to obtain the education they need to succeed later in life.⁷

¹ See ELAYNE WEISS, NATIONAL LOW INCOME HOUSING COALITION, A PLACE TO CALL HOME, (2016), available at <https://nlihc.org/sites/default/files/A-Place-To-Call-Home.pdf>.

² CENTER ON BUDGET AND POLICY PRIORITIES, NATIONAL AND STATE HOUSING FACT SHEETS & DATA (August 2017), available at: <https://www.cbpp.org/research/housing/national-and-state-housing-fact-sheets-data>.

³ See TRUDI RENWICK AND LIANA FOX, U.S. CENSUS BUREAU, THE SUPPLEMENTAL POVERTY MEASURE: 2016 (September 2017), <https://www.census.gov/content/dam/Census/library/publications/2017/demo/p60-261.pdf>.

⁴ See FREDRIK ANDERSSON, JOHN C. HALTIWANGER, ET. AL, NATIONAL BUREAU OF ECONOMIC RESEARCH, CHILDHOOD HOUSING AND ADULT EARNINGS: A BETWEEN-SIBLINGS ANALYSIS OF HOUSING VOUCHERS AND PUBLIC HOUSING (Revised September 2018), available at <http://www.nber.org/papers/w22721>.

⁵ See ELIZABETH MARCH, CHILDREN'S HEALTH-WATCH, RX FOR HUNGER: AFFORDABLE HOUSING, (December 2009), available at http://www.vtaffordablehousing.org/documents/resources/435_RxforhungerNEW12_09.pdf.

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

⁷ See 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 (Mar. 2014) (Ph.D. dissertation, Howard University), available at <http://gradworks.umi.com/3639463.pdf> (citations omitted).

The rule's impact will not be limited to immigrants and their families. Public housing agencies and other affordable housing providers have already begun to receive questions from tenants fearful about the implications of the public charge rule on their families. Housing providers will experience increased call volume and traffic from tenants and applicants about the new policies. They will also have to update forms and notices to ensure that they are providing tenants and applicants with accurate information about the potential consequences of receiving certain housing assistance. Housing providers are anticipating that the chilling effect of this rule will result in many eligible immigrant families to forgo housing assistance, leading to tenant turnover in their assisted units. These are significant administrative costs on owners and property managers that are completely unaddressed in the rule.

Furthermore, the rule would generate a tremendous workload for housing providers that will need to provide immigrants with documentation regarding their history of benefit receipt. The draft form I-944 instructions included in the NPRM direct individuals to provide documentation if they have ever applied for or received the listed public benefits in the form of "a letter, notice, certification, or other agency documents" that contain information about the exact amount and dates of benefits received.⁸ This will create a huge administrative cost for affordable housing providers, many of which do not have the resources or capacity to respond to requests for documentation.

Finally, in the proposed rule, DHS asks about unenumerated benefits— including whether additional programs should explicitly be counted, and whether use of other benefits should be counted in the totality of circumstances. We strongly oppose adding any additional programs to the list of counted programs, or in any way considering the use of non-listed programs in the totality of circumstances test. No additional programs should be considered in the public charge determination. The programs enumerated in the proposed rule already go far beyond what is reasonable to consider and will harm millions of immigrant families. The addition of any more programs would increase this harm to individuals, families and communities.

We urge the Department to immediately withdraw its current proposal and turn its efforts to advancing policies that strengthen, rather than hurt, the ability of families to support themselves. If we want our communities to thrive, everyone, including immigrants, must have access to critical benefits that put them on a path to health and self-sufficiency and enriching their communities.

Thank you for the opportunity to submit comments on the proposed rulemaking. Please do not hesitate to contact Elayne Weiss, NLIHC Senior Policy Analyst, to provide further information.



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⁸DEP'T HOMELAND SEC., FORM I-944, INSTRUCTIONS FOR DECLARATION OF SELF-SUFFICIENCY (2018), available at <https://www.regulations.gov/document?D=USCIS-2010-0012-0047>.