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July 9, 2019

Office of General Council
Rules Docket Clerk
Department of Housing and Urban Development
451 Seventh St., SW, Room 10276
Washington D.C. 20410—0001

Submitted electronically through www.regulations.gov

Re: HUD-2019-0044 Comment on Proposed Rule Change

The Metro Council wishes to provide input regarding proposed rule change “FR-6124-P-01 Housing and Community Development Act of 1980: Verification of Eligible Status” regarding “mixed-status households.” This rule change is in direct conflict with your stated mission and values; may be a violation of federal law; and will unnecessarily harm stably housed American citizens. For these reasons we urge you to not proceed with the proposed rule change.

HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all, and your vision is to improve lives and strengthen communities to deliver on the American Dream. The proposed rule change will end the eligible status of tens of thousands of American households who currently receive federal housing status, and furthermore threaten the stability of thousands of American households with children and seniors. These outcomes are not congruent with your stated values. We urge you to realign your proposed policy changes with your departmental role and mission.

Additionally, we believe this rule change is a violation of the Federal Fair Housing Act. The proposed rule either intentionally discriminates or, at a minimum, creates a disparate impact based upon race and national origin since it targets immigrant families that legally reside within the US. Barring non-citizens from federal housing programs will disproportionately impact citizen family members, particularly children and seniors, based on race and national origin.

The proposed rule change is not about keeping undocumented immigrants from benefiting from federal housing assistance. The law already prohibits undocumented immigrants from accessing these subsidies. We believe this rule has been proposed to create a climate of fear and confusion for immigrants and people of color. It is a false solution that displaces the responsibility for policy solutions to the housing crisis on poor and

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marginalized Americans. The housing crisis calls on us to come together to find real solutions that expand housing opportunity for all low-income Americans.

In greater Portland, we face a shortage of more than 47,000 homes affordable to households at or below 50% of the median family income, approximately \$37,000 or less for a family of four. More than 8,000 children in greater Portland attended school while living homeless last year. The housing crisis is disproportionately impacting people of color, the disabled, and senior citizens—Americans who have limited means as a result of discrimination in the workplace and inadequate social safety systems. In Oregon, for every five families who are eligible for affordable housing assistance according to HUD programs, only one affordable housing unit or program slot is available. In Oregon, 80 percent of eligible American families in need do not get housing assistance.

That is why the Metro Council is taking action to address the growing housing crisis in our region. We worked with our community to create a regional housing bond and voters overwhelmingly supported the measure—approving \$653 million of property tax resources to be invested in building affordable homes across the region— infrastructure that will last for generations. We are urgently working to create more than 3900 homes to address our regional housing shortage, but this is only the first step of many more needed to stabilize the tens of thousands of families who wait for affordable housing.

Under the current rules, ‘mixed status’ households are eligible for HUD programs, however only American citizen household members are eligible for financial assistance. All non-citizen household members must pay their portion of the rent. Under the current rules American families and broader communities are stabilized when multi-generational families are able to live together under one roof, providing supports such as child care, and reducing the rate of homelessness.

Along with the rest of greater Portland, Washington County is experiencing rapid population growth and economic development, but until recently the county was best known for its bucolic and productive agricultural industry. Migrant and seasonal workers arrived to work the land more than 60 years ago, and have remained a part of our agricultural industry for generations. Today, their children, and their children’s children are American citizens, both naturalized and US born, and many of these Latinx families continue to work in the secondary labor market in food service, landscaping, and other manual labor. These families struggle to keep up with the rising costs of housing, health care and child care, the vast majority of Latino children in Washington County public education qualify for free and reduced lunch.

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Our partner in Washington County, Centro Cultural, reports that intergenerational households support the whole family unit. Grandparents who are too elderly to work, and do not have stable or sufficient income, can provide free childcare and assist with other domestic needs of the family. Parents who need to work two or more jobs to provide for the family can depend on grandparents to pick the kids up at school or get them to doctor appointments. These are strong and stable American households and this is how low-income families are getting by in the new economy.

Under the proposed rule change these “mixed status households” would no longer be eligible for federally funded affordable housing programs. This means that in the midst of a housing crisis, this rule will result in more American citizens losing their homes and facing certain housing instability, eviction, and homelessness. It is expected that more than 55,000 American citizen children will be evicted from their housing, no longer eligible to receive housing assistance because of the immigration status of other members of their family.

Finally, the proposed rule change also requires additional documentation from senior households to verify their citizenship status. This documentation is not easily attainable, is sometimes not available for older Americans, and will unnecessarily subject many elderly households to housing instability.

Northwest Pilot Project (NWPP), a partner in Multnomah County serving low-income seniors who experience homelessness and housing insecurity regularly assists elderly clients with obtaining the necessary documentation to apply for subsidized and affordable apartment buildings. Because many of their clients have disabling conditions that result in problems with cognition and executive functioning, they frequently help clients with the entire process of obtaining proof of identity and citizenship including state ID cards, Social Security cards, and birth certificates. For some, it is virtually impossible to obtain a birth certificate, due to recordkeeping problems in their respective states of birth.

NWPP reports the story of one client, an 82 year old with dementia who lived in a transitional housing and lost all his documents during a period of institutionalization. “After weeks of correspondence with Oklahoma, his state of birth, we learned that even a delayed birth record was unavailable to him as the supplemental documentation we gathered with the help of his medical social worker was deemed insufficient. Fortunately, he was eventually able to access permanent subsidized housing, but if the new policy were

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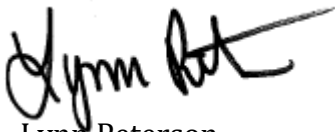
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enacted, he would undoubtedly lose his apartment and become homeless, gravely endangering his health and well-being after years of living stably in his home.”

We provide this additional and local context to your department to provide further information about the direct impacts of the proposed rule change. These local programs are life-saving and essential to many of our constituents, their families and broader communities. We hope you understand the urgent need for HUD to expand housing stability in Oregon and across the nation, not to undermine it. We urge you not to proceed with the proposed rule change.

Sincerely,



Lynn Peterson
Metro Council President



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