



CITY OF HOUSTON

Housing & Community Development Department

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Office of General Counsel, Rules Docket Clerk
Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-0500

Re: HUD Docket No. FR-6124-P-01, RIN 2501-AD89 Comments in Response to Proposed Rulemaking:
Housing and Community Development Act of 1980: Verification of Eligible Status

Dear Sir/Madam,

I am writing on behalf of the City of Houston's Housing and Community Development Department (HCDD) in response to the Department of Housing and Urban Development's (HUD) proposed rule regarding "verification of eligible status," published in the Federal Register on May 10, 2019 (RIN 2501-AD89; HUD Docket No. FR-6124-P-01). Like thousands of other housing providers, administrators, and advocates, I oppose the rule changes.

I have three concerns with this proposed change: 1) it purports to solve a problem that doesn't exist, 2) it will reduce the quality of life in Houston's diverse communities by reducing access to vital services and increasing homelessness, and 3) it imposes additional costs on the housing industry without commensurate savings for taxpayers.

As they have for more than 20 years, public housing agencies today provide housing subsidies only to U.S. citizens in a household. Under current law, families of mixed immigration status receive prorated subsidies. No federal funds are being used to help those who are not citizens or eligible immigrants. The changes in the proposed rule would require agencies like mine to become extensions of immigration enforcement, barring U.S. citizens from receiving assistance if they live with someone who is not eligible.

Living with someone who is not a citizen or eligible immigrant is a regular family arrangement and should not be punished. Providers of subsidized affordable housing have worked within this rule structure for decades without issue. At the Houston Housing Authority, just 42 families of the 22,500 households who receive public housing assistance include someone who is not a citizen or eligible immigrant. The proposed rule change does not fix any identified problem in our housing system today and, in fact, would worsen the state of affordable housing.

Second, I am very concerned that the Administration’s proposed rule change will reduce the quality of life and communities in America’s fourth largest city. While household income in Houston has increased over the last decade, it has not kept up with the rising cost of rent or the median home sales price. In Houston, 80% of extremely low-income residents are housing cost burdened. Someone earning the minimum wage must work more than 100 hours per week to rent a two-bedroom home here. As the Houston Chronicle recently reported:

Fewer and fewer homes in Houston fall in the category of what’s called “naturally occurring affordable housing”—that is, private housing that is affordable to people with low incomes. As of 2017, 335,000 of the affordable multifamily housing units in Harris County were at risk of becoming unaffordable...¹

With this rule change, many mixed-status families will forgo subsidies to avoid separation, increasing the risk of family homelessness in Houston. About 70% of mixed-status families currently receiving HUD assistance are composed of eligible citizens or legal residents, many of them children. As someone running a department committed to ensuring that all residents have a safe, affordable place to call home, I am saddened to see that your agency seems to be counting on the fact that fear would drive mixed-status families out of their homes. HUD’s regulatory impact analysis for the proposed change finds that “HUD expects that fear of the family being separated would lead to prompt evacuation by most mixed households, whether that fear is justified.”²

I am disheartened and disappointed that the federal agency dedicated to advancing affordable housing is effectively *hoping for evictions* and departures from vital housing assistance programs for some of our most vulnerable residents. Family separations undermine family stability. Even a temporary separation has profound implications for children’s health and education, and many parents struggle to restore the parent-child bond once it has been disrupted.³

This policy change will cause increased homelessness and housing instability in Houston among an already vulnerable population, in conflict with federal policy priorities of ending homelessness and federal mandates for states to assist everyone, regardless of immigration status. For example, the U.S. Interagency Council on Homelessness (USICH) has prioritized ending and preventing homelessness among families with children, regardless of immigration status.⁴

Third, the proposed rule change will cost the housing industry *more* in the long run, while imposing unnecessary administrative burdens on agencies. If enacted, the proposed rule will increase the cost of running public housing agencies. This is particularly true for the first year of implementation, when agencies will need to develop policies and procedures for the new verification process, as well as the related exemption/waiver processes. Increased terminations and evictions resulting from the change will result in

¹ <https://www.houstonchronicle.com/news/houston-texas/houston/article/Ben-Carson-claimed-people-here-illegally-13873332.php>; Sarah Smith, Ben Carson claimed ‘people here illegally’ are keeping Houstonians from public housing. Here’s what he got wrong.

² 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 7 (Apr. 15, 2019).

³ Laura C. N. Wood, *Impact of Punitive Immigration Policies, Parent-Child Separation and Child Detention on the Mental Health and Development of Children*, 2 *BMJ PAEDIATRICS OPEN* (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6173255/>.

⁴ U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, SUMMARY OF ESSENTIAL ELEMENTS OF THE PLAN 2 (July 2018), https://www.usich.gov/resources/uploads/asset_library/Summary_of_Essential_Elements_of_the_Plan.pdf; U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, HOME, TOGETHER: THE FEDERAL STRATEGIC PLAN TO PREVENT AND END HOMELESSNESS 6 (2018), https://www.usich.gov/resources/uploads/asset_library/Home-Together-Federal-Strategic-Plan-to-Prevent-and-End-Homelessness.pdf.

increased processing costs, legal fees and court costs associated with the eviction process, eligibility determinations, and the costs of readying the now vacant units for re-letting.

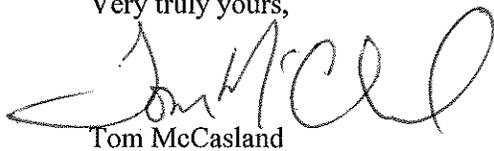
HUD estimates that elimination of mixed families will cost the Federal government an additional \$179-210 million per year, which HUD's own analysis suggests is unlikely to be appropriated. The analysis also acknowledges that states with higher concentrations of non-citizens – New York, California and Texas – are likely to bear the brunt of the costs of these policies. HUD has made no allowances for the disproportionate regional impacts.

Finally, Secretary Carson targeted Houston when he suggested that this proposed rule change would reduce our city's long housing waitlist by eliminating families that include non-citizens from the list. This is a disingenuous argument. Long waitlists in Houston are a sign that the need for affordable housing far outstrips supply and a legacy of housing policy failures that date to the World War II era.

While public housing in cities like New York grew thanks to government subsidies from the 1930s to the 1960s, Houston relied instead on the private market to provide housing. Today in Harris County, one in 17 households receives publicly-subsidized housing assistance, compared to one in six in New York City. The solution to long waitlists in Houston is increased public investment and innovative collaboration with the private sector.

In conclusion, HUD should be focused on how to increase funding for affordable housing, not strategies for taking it away. The proposed rule change runs counter to our values and our priorities as a nation in ending homelessness and increasing access to safe, decent homes. There is no need for the proposed change and I urge you to abandon this approach.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tom McCasland". The signature is fluid and cursive, with a large initial "T" and "M".

Tom McCasland