



Asian American Federation

July 9, 2019

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

Re: "Housing and Community Development Act of 1980: Verification of Eligible Status" Notice of Proposed Rulemaking; Docket No. FR-6124-P-01, RIN 2501-AD89

To Whom It May Concern:

The Asian American Federation is submitting a comment in response to the recently proposed rule by the Department of Housing and Urban Development, which was formally published in the Federal Register as Document Number 2019-0044 on May 10, 2019. The Federation's mission is to raise the influence and well-being of the pan-Asian American community through research, policy advocacy, public awareness, and organizational development. We represent a network of over 70 member organizations and partner agencies in New York City supporting our community with their work in health & human services, education, economic development, civic participation, and social justice. Our policy and demographic research places our organization in a unique position to comment on the social and economic impact of the proposed "verification of eligible status" rule that will impact thousands of "mixed-status" families in government subsidized housing. We recommend the Department of Housing and Urban Development withdraw this proposal, which will force thousands of children into homelessness and destabilize communities across the United States, undermining HUD's mission. The Federation and its member agencies believe that families deserve to live together under one roof.

Impact on Asians living in New York City

As the fastest growing demographic group, as well as the fastest growing undocumented demographic group in New York State, the 60,000 Asian Americans living in public housing or Section 8 buildings in New York City are particularly vulnerable to this proposed rule. Furthermore, Asian Americans have the highest rate of poverty in New York City of all racial and ethnic groups, at over 20%, and thus critically depend on public benefits such as subsidized housing. When examining all these statistics along with the fact that 7 in 10 Asian New Yorkers

are immigrants, it becomes clear that thousands of mixed-status Asian American households will face the decision of either staying together or staying in their home -- in a high-cost housing market with few feasible options, homelessness within our communities will inevitably increase if the rule is implemented.

Critically, the most vulnerable segment of Asian American communities, our youth population, will be irreparably impacted by HUD's proposal. Already, over 20,000 children in New York City sleep in homeless shelters every night, and New York is currently witnessing an acute homelessness crisis. Figures from a 2017 report by the Department of Housing and Urban Development (HUD) show that homelessness among Asian Americans has been rising as well: from 2016 to 2017, Asian Americans experienced the highest growth in homelessness among all racial groups, at 44 percent.¹ When combined with the fact that 9 in 10 Asian children have at least one immigrant parent, many of whom are undocumented, thousands of low income, citizen children will face homelessness if the proposed rule is implemented. Housing instability among children has been shown to damage, among other things, cognitive development, school retention, physical/mental health, and overall self sufficiency. Our citizen children deserve the right to a stable shelter during their formative youth years.

In New York City as a whole, there are 3,000 mixed status households receiving public housing and rental assistance, totaling approximately 11,400 individuals who would lose their prorated housing assistance (43% of them children).² The proposed rule will only exacerbate New York City's affordable housing shortage and associated homelessness problem, placing undue burden on both New York City and New York State to address the problems created by this proposed rule, and burden private landlords with new unfunded mandates to enforce immigration rules that are not in their purview. Housing is unequivocally a basic need, and yet the fear that this proposed rule has engendered in New York is prompting families to flee public housing and put themselves at risk of homelessness.

Impact on Asian Americans Across the Nation

Like in New York, the Asian American community in the United States is the fastest growing demographic among all racial and ethnic groups, and over a quarter million Asian Americans nationwide received HUD subsidized housing assistance. Furthermore, Asian Americans are one of the fastest growing poverty populations, with more than half of all Asian Americans in poverty living in only 10 Metropolitan Statistical Areas. Analysis of US Census 2016 ACS data shows that the majority of all Asian Americans in poverty live in zip codes with housing costs above the national median. Thus, with a dearth of viable housing options, many mixed-status families will have no option but to face homelessness, worsening the housing crisis HUD seeks

¹ <https://files.hudexchange.info/resources/documents/2018-AHAR-Part-1.pdf>

² Public Comment, The City of New York, <https://www.regulations.gov/document?D=HUD-2019-0044-2921>

to solve. Overall, the Center on Budget and Policy Priorities estimates that 1,200 Asians would be affected nationwide.³

In addition to the proposed rule, Asian Americans face a set of additional challenges in finding stable and affordable housing. Our member agencies have seen Asian American immigrant homeowners subject to predatory lending scams, which often proliferate due to decreasing HUD funding for in-language counseling, and we expect these instances, along with landlord harassment and intimidation, to only increase if this proposed rule goes into effect. Without proper and timely messaging in Asian languages, Asian American families are both unaware of their rights as tenants and fearful of interacting with the federal government, and are much more easily taken advantage of. Moreover, around 20% of Asian Americans live in multigenerational households, which are much more likely to be mixed-status, thus placing both children and the elderly especially at risk of homelessness.

Among mixed-status families nationwide, 70% currently receiving HUD assistance are composed of eligible children and at least one ineligible parent, and it is likely that these families will forgo the subsidies to avoid separation.⁴ In fact, HUD has noted in their regulatory impact analysis that “HUD expects that fear of the family being separated would lead to prompt evacuation by most mixed households, whether that fear is justified.” This rule would effectively evict as many as 55,000 children and 108,000 total individuals in mixed status families (in which nearly 3 out of 4 are eligible for assistance) from public housing, Section 8, and other programs covered by the proposed rule.⁵

When taking the HUD proposal in the context of other federal government proposals, such as the expansion of public charge and the proposal of a citizenship question on the 2020 Census, we have seen a definitive chilling effect within our immigrant communities: fear and confusion among Asian Americans have led to those eligible for public assistance programs withdrawing from benefits in unprecedented numbers.⁶ In New York specifically, with the impending public charge expansion, we have seen Asian non-citizens disenroll from SNAP benefits at eight times the rate of Asian citizens, which was much higher than the overall non-citizen to citizen difference.⁷ Consequently, we believe that if this proposed rule is implemented, not only families

3

<https://www.cbpp.org/research/housing/demographic-data-highlight-potential-harm-of-new-trump-proposal-to-restrict-housing>

⁴ HUD, Regulatory Impact Analysis, Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980

⁵ <https://aapidata.com/undocumented/>

6

<https://www.nbcnews.com/news/asian-america/advocates-worry-housing-issues-may-lead-asian-american-census-undercount-n900381>

⁷ From a community meeting with the New York Department of Social Services, 2019

with undocumented members, but also eligible non-citizen families across the nation will disenroll from public housing in droves in fear of eviction and separation.

Overall, the impact of HUD's proposed rule, if implemented, would have devastating consequences across the United States: the presence of a single ineligible member of a household could lead to disqualification of the entire household, including citizens, children, and the elderly who are eligible for public housing and Section 8 programs.⁸

Conclusion

We urge HUD to follow its statutory obligation to the Fair Housing Act and perform what it defines as "affirmatively further fair housing": "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics."⁹ The Asian American community, both in New York and across the nation, will be deeply impacted by the HUD proposal if implemented. The threat of homelessness, as well as family separation, will regrettably prompt mixed-status families to forgo housing -- a basic necessity. The proposed rule will harm not only Asian Americans, but all immigrant communities across the country, particularly those with mixed-status families. Thus, based on the reasons above, stories we have heard from community members, and fears we are seeing across the board, we ask HUD to immediately withdraw its current proposal.

Sincerely,

Jo-An Yoo
Executive Director
Asian American Federation

⁸ <https://www.urban.org/urban-wire/asian-american-seniors-are-often-left-out-national-conversation-poverty>

⁹ 42 U.S.C.A. § 3608(e)(5) (West 2019)