



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

July 9, 2019

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Regulations Division
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
Proposed Rule [Docket No. FR-6124-P-01, RIN 2501-AD89]**

Thank you for the opportunity to comment on the “Housing and Community Development Act of 1980: Verification of Eligible Status Proposed Rule” [Docket No. FR-6124-P-01] published by the U.S. Department of Housing and Urban Development (HUD) on May 10, 2019.

Please accept this letter as the comments of the Co-Chairs of the Consortium for Citizens with Disabilities (CCD) Housing and Rights Task Forces. CCD is a working coalition of national consumer, advocacy, provider, and professional organizations working together with and on behalf of the over 57 million children and adults with disabilities and their families living in the United States. CCD advocates for national public policy that ensures full equality, self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

We are deeply concerned that the proposed rule would lead to significant harm to many people with disabilities and their families and communities. The rule not only threatens to undermine the well-being of families with mixed eligibility status, it would create additional and far-reaching negative consequences. Many people with disabilities will be at risk of losing their housing because of the difficulties they face in securing the necessary documentation to verify their citizenship or immigration status; housing authorities and private landlords will face significant burdens to collect documents; and many direct care workers who serve people with disabilities will face risks of losing their housing, exacerbating an already dire workforce shortage. We urge that the proposed rule be withdrawn in its entirety.

People with disabilities and their families will be hurt by the proposed rule.

People with disabilities and their families already face a national shortage of accessible, affordable housing – particularly the lowest-income people with disabilities. The dearth of accessible, affordable housing is a continuing and significant barrier to integrated community living, making it difficult for people with disabilities to move from segregated facilities into the community, and putting many people with disabilities at risk of unnecessary institutionalization or homelessness.

People with disabilities comprise a large percentage of the individuals served by HUD programs, including programs covered under the proposed rule. For example, about 1 in 3 households using Section 8 vouchers are headed by a person with a disability who is under 62, and about 1 in 5 households living in public housing are headed a person with a disability who is under 62. The proposed rule would affect nearly every one of the 4.5 million households assisted under public housing and Section 8 programs, including 1.6 million older adults and 1.3 million people with disabilities under 62, by imposing new and onerous burdens on these households.

People with disabilities often have few financial resources and remain among the country’s poorest. At the same time, people with disabilities all too often face discrimination when seeking housing. Termination of assistance under the proposed rule could put people with few options at risk, with tremendous cost to their health, earning potential, well-being and other significant harm. HUD’s Regulatory Impact Analysis omits any analysis of the impacts the new documentation requirements for citizenship or eligible immigration status will have on the majority of households currently receiving benefits. However, even focusing exclusively on the impacts on current “mixed family” households, HUD estimates the proposed rule, if finalized as written, will eliminate eligibility for housing assistance for approximately 25,000 of these households. HUD data show that over 5,000 people in those households have disabilities. In practice, the impact will be much broader.

The proposed rule jeopardizes housing stability and potentially exacerbates negative outcomes – including homelessness, institutionalization, and incarceration – that occur when people with disabilities lack affordable housing. Unstable housing situations can cause individuals to experience increased hospital visits and loss of employment, are associated with increased likelihood of mental health problems in children and can dramatically increase the risk of an acute episode of a behavioral health condition, including relapse of addiction, in adults. Having safe and stable housing is crucial to a person’s good health, sustaining employment, and overall self-sufficiency.

New documentation requirements disproportionately hurt people with disabilities.

Millions of U.S. citizens currently receiving HUD assistance could be at risk of losing their housing assistance, including people with disabilities, if they cannot meet the proposed rule’s new requirements to provide proof of citizenship or immigration status. We are deeply concerned that many people with disabilities will be at risk of losing assistance they are eligible to receive because of these burdensome documentation provisions. A significant share of people with disabilities may not have the required documents to verify citizenship or immigration status, including people who have experienced homelessness and people moving out of institutions.

Obtaining the necessary documents, such as a U.S. birth certificate or a valid, unexpired passport, often requires other documents that people with disabilities may also lack, such as a government-issued photo ID, which can be costly and time-consuming to obtain. People with disabilities often face additional obstacles to accessing proof of citizenship and identity, including challenges with transportation to identification-issuing offices and other accessibility barriers. This provision would threaten housing assistance for millions of households that otherwise remain eligible for assistance.

The proposed rule imposes significant burdens on housing authorities and private landlords.

HUD's Regulatory Impact Analysis determined that the rule, if implemented as proposed, will likely reduce the public housing unit stock and quality, and estimated a potential budgetary loss in the hundreds of millions of dollars annually. By HUD's own assessment, the proposed rule will likely lead to a decrease in the number of assisted families, further intensifying the shortage of affordable housing in the U.S.

Housing providers and landlords will also be significantly encumbered by the rule. Under the proposed rule, public housing agencies and private property owners and managers would need to collect documents "proving" citizenship of residents receiving HUD assistance, as well as future applicants for assistance. These changes will place a significant burden on housing authorities and other subsidized housing providers. There are also significant costs associated with evicting and terminating the assistance of thousands of mixed status families; HUD estimates these would total upwards of \$3.3 million just for the formal eviction processes. Housing providers will experience increased call volume and traffic from tenants and applicants with questions and concerns about the new policies and the implications for their families. There are also costs associated with updating forms and notices to ensure that they are providing tenants and applicants with accurate information about the potential consequences of receiving certain housing assistance.

These costs could deter housing providers from participating or continuing to participate in these programs, further shrinking the supply of affordable housing. The proposed rule will require already overburdened public housing authorities and housing providers to take on additional administrative costs, without providing the benefit of reducing waitlists or improving public housing.

The impact on the direct support workforce could undermine community integration.

People with disabilities rely on the services of direct support professionals, and the demand for these services is growing.¹ An estimated one million immigrants work in direct care, making up a quarter of the direct care workforce.² One in four direct care workers is an immigrant, and

¹ PHI, Direct Care Workforce Year in Review 2018, 3 (2019) at <https://phinational.org/resource/the-direct-care-workforce-year-in-review-2018/>.

² Robert Espinoza, Immigrants and the Direct Care Workforce (2017) at <https://phinational.org/resource/immigrants-and-the-direct-care-workforce/>.

because of low-paying jobs, 52% access public benefits to survive.³

The proposed rule would impose new burdens on the direct care workers who provide critical support to people with disabilities, many of whom work hours that make it difficult to make personal trips during the day to secure additional paperwork. This misguided policy proposal is both cruel and counterproductive to the availability of individuals receiving HUD assistance who are also critical employees. The proposed rule would likely exacerbate the existing shortage of direct support workers, leaving people with disabilities without access to the services critical to live and participate in the community. This result would violate the rights of people with disabilities to live in the most integrated setting appropriate to their needs, while increasing public costs.

Conclusion

Thank you again for the opportunity to provide comments. In addition to concerns with the overall discriminatory, counterproductive and punitive nature of the proposed rule, we believe it would be particularly problematic for people with disabilities and their families. We urge HUD to withdraw this proposed rule.

Sincerely,

CCD Housing Task Force Co-Chairs:

Andrew Sperling, National Alliance on Mental Illness
Molly Burgdorf, The Arc of the United States

CCD Rights Task Force Co-Chairs:

Jennifer Mathis, Bazelon Center for Mental Health Law
Mark Richert, National Disability Institute
Kelly Buckland, National Council on Independent Living

³ PHI, *supra* note 1, at 12.