

The Department of Housing and Urban Development (HUD) Proposed Rule: [FR-6124-P-01 Housing and Community Development Act of 1980: Verification of Eligible Status](#)

As New York City's largest provider of shelter and services for homeless families with children, Women In Need (Win) is strongly opposed to HUD's proposed rule to take housing assistance away from mixed status immigrant families. In New York City's extraordinarily tight housing market, the proposed rule would deepen the family homelessness crisis, while failing to address the underlying issue: the need for more affordable housing. Neither do the alternatives proposed in HUD's Regulatory Impact Analysis (April 15, 2019) address the underlying need for affordable housing. Rather than seeking out and investing in strategies to wrongfully deny assistance to eligible Americans, public agencies should be investing effort and resources into expanding the nation's affordable housing stock.

It is estimated that the proposed rule would displace 11,400 people from their homes in New York City alone, and that almost half of them would be children.¹ HUD's analysis found that over 70 percent of the individuals in mixed status households are eligible for assistance. Because one member of the family is not eligible for or receiving HUD housing assistance, while often contributing to the family income and the economy New York City's, mixed status families would be forced to leave their homes in one the tightest housing markets in the country. According to the New York City Housing Vacancy Survey, the citywide rental vacancy rate was 3.63 percent in 2017, and the vacancy rate for apartments at the 2017 HUD Fair Market Rate for the New York Metro Area was 2.52 percent.² The proposed rule would effectively displace thousands of children from their homes, leaving them few, if any, options other than homeless shelter.

New York's right to shelter mandate protects the children who would be made homeless by the proposed rule from being forced to sleep on the street. But given the reality of New York City's housing market, the City is already grappling with a family homelessness crisis that exceeds the shelter system's current capacity. The number of families with children in New York City shelter has been increasing since 2014, with an average of 12,585 families made up of 39,743 individuals sleeping in shelter each night last year.³ This far exceeds New York City's shelter capacity; in September of 2018, over 2,780 families with children were sheltered in a commercial hotel.⁴ The proposed rule would push an estimated 11,400 additional individuals in families into an already overburdened system.

The proposed rule would also make it harder for families in shelter to leave for a permanent home. By eliminating two of the most effective and widely used tools for bridging the affordability gap – Section 8 vouchers and placement into public housing – the Administration is narrowing the door out of shelter

¹ Ferré-Sadurní, L. (2019, May 16). She's Undocumented. Her Children Aren't. The Trump Administration Wants to Evict Them. *The New York Times*. Retrieved: <https://www.nytimes.com/2019/05/16/nyregion/public-housing-immigration-trump.html?auth=login-email&login=email>

² NYC Department of Housing Preservation and Development. (February 9, 2018). *Selected Initial Findings of the 2017 New York City Housing and Vacancy Survey*. Retrieved: <https://www1.nyc.gov/assets/hpd/downloads/pdf/about/2017-hvs-initial-findings.pdf>

³ Win analysis of NYC Department of Homeless Services Daily Report Data. Data retrieved from: <https://data.cityofnewyork.us/Social-Services/DHS-Daily-Report/k46n-sa2m>

⁴ Citizen's Committee for Children. (March 2019). *Family Homelessness in New York City*. Retrieved: <https://www.cccnewyork.org/blog/family-homelessness-in-new-york-city/>

and prolonging the time families and children spend in temporary housing. This carries a human and societal cost, as well as a financial one. New York City spends \$5,760 per month for each family with children in shelter.⁵

The cost of the proposed rule would disproportionately impact localities like New York. HUD's Regulatory Impact Analysis found that mixed status families are not equally distributed across the U.S., and that three states (California, Texas, and New York) are home to 72 percent of all mixed status families. As such, the proposed rule would drain public resources and create a burden for Americans in some parts of the country, while barely impacting others. Further, HUD would be shifting the cost of assistance for eligible individuals in mixed status families to states and localities. HUD's analysis found that over 70 percent of the individuals in mixed status households are eligible for assistance from HUD. By denying them assistance on the basis of an ineligible family member, HUD is evading its responsibility to provide assistance and transferring it to localities like New York City. Such a measure is unjust.

The proposed rule does not accomplish any intended or compelling purpose. It would not address the housing affordability crisis that underlies the need for housing assistance. And it would not increase the number of Americans assisted, or create savings or efficiencies in the use of public resources. After years of disinvestment in local housing and homelessness programs, this latest proposal from HUD further shifts the cost of housing and assistance onto localities, and is out of touch with the nation's needs without helping Americans.

⁵ NYC Mayor's Office Operations. (February 2019). *Preliminary Mayor's Management Report. Department of Homeless Services*. Retrieved:

<https://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2019/dhs.pdf>