



December 10, 2018

SUBMITTED ELECTRONICALLY

Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, DC 20529-2140

Re: DHS Docket No. USCIS-2010-0012, Inadmissibility on Public Charge Grounds

To Whom It May Concern:

At Home Forward, housing is what we do, and people are the reason it matters. We firmly believe in hearing and amplifying the voices of those with a lived experience of homelessness, barriers to housing stability, connections to vulnerable populations, or interactions with various systems addressing poverty. With these values as a guide, we turned to residents, participants, and staff to ask about the Department of Homeland Security's proposed rule entitled "Inadmissibility on Public Charge Grounds," DHS Docket No. USCIS-2010-0012. Displaying bravery and empathy, they voiced clear concerns with the proposal and its potential impact on our community.

Our residents and participants, members of Home Forward's Resident Advisory Committee, first provided a reminder that immigrant populations are members of our communities, residing in our properties and programs as fellow residents and participants. They are friends and neighbors. And they are living here to pursue a better life. In this regard, they also emphasized that most moved to this country due to dangerous or traumatizing circumstances in their home countries. Having left behind their family and the only world they knew, immigrant populations simply need time and support. Our residents affirmed that immigrants are hard-working individuals trying to support their families who face barriers like new languages,



distance from family supports, and unfamiliar systems. One resident, discussing the barriers faced by immigrant populations, stated, “I’m not sure I could go through what they have sacrificed and be as successful.”

Home Forward’s residents and participants also emphasized the history of this country encouraging immigration and supporting immigrant populations. However, they highlighted the fear that many immigrant populations experience and the deterrent effect this proposal would have on families who would no longer seek safe housing assistance, vital medical services, or important nutrition support. These residents also recognized that every day Home Forward provides supports to this population, and that reducing the use of government-provided services would strain our limited resources and have a detrimental impact on our full resident population. Finally, residents and participants looked beyond their immediate community, emphasizing the negative ways in which this proposal affects our country as a whole.

Staff were equally clear about the impacts of this proposal on vulnerable communities. Through their comments, staff channeled Home Forward’s values, particularly in standing against proposals that exacerbate the conditions of people experiencing poverty. They pointed out that housing, as a basic life necessity, should not be limited to those with privilege, and that families and children should not have to choose between stable housing and the immigration status of fathers and mothers or sisters and brothers. One staff member worried that this proposal could prevent people from seeking immigration status adjustments after receiving necessary services. Another staff member indicated that this proposal places people “between a rock and a hard place” by forcing them to choose between vital immediate supports and long-term stability. Another shared their family’s personal story of immigrating and the critical need for support to build the foundation for success.

Staff also shared their experiences performing anti-poverty work with immigrant families. They described hard-working people earning minimum wage, paying taxes, supporting their families, and striving to become independent. They also recognized that households with minor children, disabilities, aging family members, or other impediments to work need supports at times. In this regard, they



emphasized that most households containing immigrant populations do not rely primarily on benefits or subsidies, but simply require assistance to achieve goals of self-sufficiency. This provided a helpful reminder that the social safety net should not discriminate, but should remain strong and flexible enough to catch anybody who may need help in times of need.

Ultimately, staff described the ‘public charge’ proposal as an obstacle to the immigration process and included language like “anti-poor,” “fear-based,” and “anti-immigrant” to describe its effects. Nonetheless, they struck a constructive note, sounding the importance of forming, amending, and implementing policies that support vulnerable populations toward a broader goal of success for all who call this country home. They voiced a clear desire to continue pursuing successful approaches in support of our community’s most vulnerable households.

Home Forward appreciates the brave, thoughtful, and informed voices of residents, participants, and staff. Consistent with our values, we will keep working on housing, and we will keep focusing on people. In the meantime, thank you the opportunity to comment, and for your consideration.

Ian Davie
Chief Operating Officer
Home Forward



In addition to the thoughts of our local community, we also sign on to the public comments submitted by the Council of Large Public Housing Authorities (CLPHA), which follow:

The mission of PHAs across the country is to serve low-income families in our communities by providing decent, safe, and affordable housing. Access to housing assistance provides low-income families the flexibility to cover other basic needs like healthcare, which are fundamental to achieving—and maintaining—self-sufficiency. The Department of Housing and Urban Development’s (“HUD”) Section 8 Housing Choice Voucher Program (“Section 8”) and Public Housing Program (“Public Housing”) are key to providing housing stability for these vulnerable populations. Therefore, we are extremely concerned that the Proposed Rule seeks to include the receipt of Section 8 or Public Housing assistance as a basis for determining that an individual is likely to become a public charge.

As a preliminary matter, we note a change from an analysis that an individual is “likely to become primarily dependent on the government for subsistence” to an individual “who receives one or more public benefits.” Herein, DHS appears, by definition, to attack and punish the successful administration of Section 8 and Public Housing programs to the individuals for which they are intended. In other words, the litmus test is no longer whether an individual is “primarily dependent” on government assistance. Rather, it is whether an individual participates in these housing programs at all.

The Proposed Rule seems to demand that eligible families decide between accessing essential housing assistance or maintaining their ability to enter or remain in the United States. Either choice will have detrimental results—the family foregoes access to decent, safe, affordable housing or is deemed a public charge. The practical result of the Proposed Rule is to penalize families for participating in the very housing programs that are meant to serve them. This directly contradicts the mission of PHAs, and as such, we respectfully submit that the Proposed Rule be abandoned in its entirety.

Further, we note that the Proposed Rule, even at this stage, holds a detrimental impact on the communities we serve. As discussed in further detail below, PHAs



across the country are experiencing increased demands on their already limited and underfunded resources because of the ambiguity and confusion caused by the Proposed Rule.

Below are our detailed comments on the Proposed Rule.

1. The inclusion of housing assistance in the determination of a public charge, when eligible status is an existing pre-requisite for program participation, creates confusion and otherwise undermines the mission of those programs.

The public charge test is applied when an individual enters the United States or seeks an adjustment of status, usually to become a lawful permanent resident. The public charge test does not apply to certain categories of immigrants. Among these categories are those individuals who are eligible to participate in Section 8 and Public Housing. In other words, individuals who participate in the Section 8 and Public Housing programs generally have not been subject to the public charge test and participation in those programs is limited to individuals who have eligible immigration status already.

If those individuals who receive housing assistance are not subject to the Proposed Rule, why then are the Section 8 and Public Housing programs specifically included as “negative factors” in the public charge evaluation? The inclusion of these housing programs in the Proposed Rule has created unnecessary confusion in our communities. It is therefore incumbent upon DHS to explicitly clarify that, subject to certain exceptions, individuals who are currently participating in or are otherwise eligible to participate in the Section 8 or Public Housing programs are not subject to the current public charge test or the Proposed Rule.

2. The Proposed Rule is increasing the administrative burden on PHAs across the country, despite proposing no direct changes to the housing programs administered by PHAs.

Beyond the confusion referenced above, the Proposed Rule has created unnecessary fear in our communities and caused a chilling effect in the populations we serve. It is clear that DHS has anticipated this chilling effect:



“Moreover, the proposed rule would also result in a reduction in transfer payments from the federal government to individuals who may choose to disenroll from or forego enrollment in a public benefits program. Individuals may make such a choice due to concern about the consequences to that person receiving public benefits...”

It is also clear that DHS anticipated that the Proposed Rule would result in cost savings, estimated at \$2.27 billion in “total reduction in transfer payments from federal and state governments ... due to the disenrollment or foregone enrollment in public benefits programs.” While DHS seems to acknowledge that the Proposed Rule will have “downstream and upstream impacts on state and local economies, large and small businesses, and individuals,” DHS seems to focus on reduced revenues. DHS provides the example of medical companies and retailers facing reduced revenues due to decreased participation. Further, in regards to the potential for increased costs, DHS focuses on “new direct and indirect costs on various entities and individuals associated with regulatory familiarization” with the Proposed Rule. DHS overlooks the very real and practical administrative burdens and associated costs for this chilling effect.

We doubt that DHS’s estimate cost savings took into account the lengthy waiting lists for participation in the Section 8 and Public Housing programs. Any disenrollment or return of housing assistance under the Proposed Rule will not result in any savings to PHAs or the federal programs because the demand for such assistance far outstrips the available assistance. Further, PHAs will be faced with increased administrative costs given the anticipated disenrollment/new enrollment turnover. PHAs will have to proceed with processing the next individual on the waiting list, as well as closing out the family that is exiting the program.

One CLPHA member PHA recounted a recent instance where a household had received Family Unification Program voucher rental assistance under the Section 8 Program since 2012. The family of eight included five minor children, including three minor siblings whom the head of household retained custody over after her own mother passed away. Ultimately, the PHA was notified that the family was choosing to withdraw from the program upon the advice of counsel because they



feared it would endanger the immigration status of the husband of the head of household.

Clearly, the Proposed Rule will not result in any cost savings to PHAs.

3. Access to decent, safe, affordable housing is necessary for building healthy communities and increasing family self-sufficiency.

Lastly, DHS fails to recognize that beyond “cost savings” and “reduced revenues,” the Proposed Rule has a very real human cost. Communities thrive and economies flourish when individuals and families are stable and healthy. Access to safe, affordable housing is crucial for these communities. This country is facing an affordable housing crisis and PHAs are doing their part to provide assistance. This crisis leaves many households already having to make hard choices between paying for rent and paying for medical care and other basic needs. It should come as no surprise that the low-income communities which PHAs serve are often the same communities who are eligible to participate in the healthcare and nutrition programs the Proposed Rule likewise intends to include in the public charge test. Elimination of housing assistance coupled with the inclusion of healthcare and nutrition programs leaves little to no ability for these communities to thrive.

Under the Proposed Rule, those families who are in most need of such housing, health, and nutrition services will opt out of those programs, forgoing basic health and nutrition needs. This will severely impact the health of not only those families but the communities at large. Healthy families will reject assistance, e.g. healthcare, so the overall health of the community will suffer. Less healthy populations amongst the most vulnerable communities will perpetuate health risks and lead to less self-sufficiency.

Clearly, the overall weakening of the health infrastructure in these vulnerable communities must be avoided.