Proposed Rule Change:
Mixed-Status Families in Public Housing and Housing Choice Voucher Housing

On May 10, 2019, the U.S. Department of Housing and Urban Development (HUD) released a proposed rule change which would restrict the ability of “ineligible” immigrants to reside with eligible family members in housing units subsidized by selected programs. Comments are due by July 9, 2019 at 8:59 p.m. PST.

Currently, Ineligible Immigrants Can Reside in Public or Section 8-Subsidized Housing

- An ineligible immigrant can reside in public housing or Section 8-subsidized housing if they are part of a mixed-status family – meaning at least one member of the household is a U.S. Citizen or an eligible immigrant.
- When applying for assistance the ineligible immigrant can elect not to contend an eligible immigration status and not submit documentation for verification.
  - When this situation occurs, housing subsidies are reduced and the subsidy assistance is based on the number of eligible immigrants or citizens in that household.
- A leaseholder can be an ineligible immigrant so long as they are part of a mixed-status family.

What is HUD Proposing to Change?

- The proposed rule would enact two major changes:
  - The proposed rule would require the verification of the eligible immigration status of all residents under the age of 62 in public housing or Section 8-assisted housing.
  - The proposed rule would specify that individuals who are not eligible due to immigration status may not serve as the leaseholder, even as part of a mixed-status family.
- Households found to be ineligible through either of these new rule changes would have a maximum of 18 months to vacate their unit.

What Categories of Immigrants Are Eligible for the Affected Programs?

- Eligible immigrants include, but are not limited to:
  - Legal permanent residents
  - Refugees, asylees, VAWA self-petitioners, victims of trafficking
  - Persons granted withholding of deportation/removal
  - Persons granted amnesty

What Categories of Immigrants Are Ineligible for the Affected Programs?

- Undocumented immigrants
- Non-citizen students
- Diplomats
- Visitors/tourists
- Any others who don’t fall under “eligible” categories
What Programs Would Be Impacted?

- Public Housing
- Section 8 Housing Choice Vouchers
- Section 8 Project-Based Housing

What Programs Would Not Be Impacted?

- CDBG
- HOME
- HOPWA
- CoC-Funded Programs
- Transitional Housing Programs

These Proposed Changes Would Have Major Impacts in Los Angeles and Beyond

- According to HUD’s own analysis, this rule could impact 25,000 households, representing over 100,000 people nationwide.
- Among these 25,000 households, approximately 76,000 people are legally eligible for housing benefits, including 55,000 children.
- The Housing Authority of the City of Los Angeles (HACLA) estimates that about 1,500 mixed-status families live in their public housing developments—of these households, there are 6,500 family members that could be impacted, two-thirds of whom are eligible immigrants.
- HACLA also estimates that additional 4,000 people live in mixed-status households in their Housing Choice Voucher program.

How Can My Organization Make a Difference?

- This rule change will be open for public comment until July 9, 2019 at 8:59 p.m. PST. You can submit a comment by going to the federal register page for this rule change and clicking comment here.
- Once the public comment period closes, HUD is required to collect all comments and respond to each one. Your comment can make a difference!
- You can use the comment template linked here—make sure to add information about how your own organization works to prevent and end homelessness in Los Angeles.