May 24, 2019

Mr. Paul Compton  
General Counsel  
U.S. Department of Housing and Urban Development  
451 7th Street SW, Room 10276  
Washington, D.C. 20410-0500  

RE: Docket No. FR-6124-P-01

Dear Mr. Compton:

On behalf of the Los Angeles Continuum of Care (LA CoC), the Los Angeles Homeless Services Authority (LAHSA) submits our response to the request for comment regarding Verification of Eligible Status as issued in the May 10, 2019 Federal Register (Docket No. FR-6124-P-01). LAHSA writes in strong opposition to the proposed rule out of concern that it will exacerbate the homelessness and housing crisis by pushing thousands of Angeleno families already in need of assistance closer to the brink of homelessness.

LAHSA is a joint-powers authority of the City and County of Los Angeles and serves as the lead agency in the LA CoC. LAHSA is responsible for funding a significant portion of the interim housing, permanent housing, and supportive services for individuals and families experiencing homelessness in Los Angeles County.

Los Angeles County is home to roughly 3.5 million immigrants – making up over one-third of the county population. These immigrant households contribute to the economy and are just as likely to be in the labor force as U.S.-born citizens; immigrant households have lower average incomes than their non-immigrant counterparts and, coupled with the Los Angeles area’s high rents, many are housing cost burdened. In 2016, Los Angeles County was home to just under 500,000 severely cost-burdened households (regardless of immigration status), meaning these households paid over half of their income on rent.

According to the Housing Authority of the City of Los Angeles (HACLA), this proposed rule has the potential to impact 8,000 to 10,000 individuals that live in households assisted by HACLA, many of whom are U.S. citizens or legal permanent residents. About 1,500 mixed-status families live in HACLA-administered public housing. These households have both members that are citizens, legal permanent residents, or another qualified immigrant status, and other members of the household that do not have qualified status. Within those families, nearly 4,500 family members are qualified to receive housing assistance. Non-qualified family members residing in public housing units, or market-rate units supported by a Housing Choice Voucher (HCV), are not receiving benefits that they are not qualified for, as housing authorities pro-rate assistance based on the number of qualified individuals in a household, thereby reducing the subsidy that the household receives.

This rule, therefore, would not redistribute housing benefits from unqualified individuals to qualified ones, as non-qualified family members do not receive assistance. In fact, the U.S. Department of Housing and Urban Development’s (HUD) own analysis of the rule notes that by removing prorated subsidies, overall costs to HUD to serve the same number of

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households would need to increase. Subsidies would need to increase by an estimated $193 to $227 million annually to serve the same number of households, meaning HUD would need Congress to either significantly increase funding to the public housing and Housing Choice Voucher programs or serve significantly fewer households.³

The proposed rule would potentially force over 6,500 individuals out of HACLA-funded public housing, including nearly 4,500 qualified individuals, many of whom are U.S.-born children and individuals. In addition to public housing, HACLA’s Housing Choice Voucher (HCV) program provides housing assistance to nearly 900 mixed-status families, leaving approximately 2,000 more individuals, including children, at risk of losing their housing. In addition, there are just under 400 mixed-status families using the HCV program and just under 100 in public housing at the Housing Authority of the County of Los Angeles (HACoLA) who would also be at risk if this proposed rule goes into effect.

If this new proposed rule goes into effect, many low-income qualified and unqualified immigrants may not only be removed from their homes, but many more may also forgo public housing benefits completely, even if they remain eligible, leaving an even greater portion of the population in increased instability and more likely to fall into homelessness. In 2018, Los Angeles County saw over 9,600 unsheltered individuals report experiencing homelessness for the first time, the majority of which cited either an economic hardship (i.e., financial reasons, eviction) and/or a weakened social network (being separated from family) as the primary driver into homelessness.⁴ This rule has the potential to bring financial hardship onto more families, and potentially weaken the familial and social networks that can serve as bulwarks against homelessness as unqualified immigrants may decide to separate from the rest of their family in order to allow the qualified members to continue to receive their housing subsidy. Additionally, children of unqualified immigrants may end up in the care of other family members or friends and, quite possibly, even foster care – one of system feeders into youth homelessness.

This proposed rule change will not enable any HUD funds to be used towards subsidies for qualified immigrants or U.S. born citizens that previously were not. Current regulation does not allow any part of a housing subsidy from HUD to be used for an unqualified immigrant in public housing. By restricting specific family members from residing in HUD-assisted housing, the Administration is asking families to make impossible decisions between splitting up or potentially facing eviction during the recertification process and opening themselves up to homelessness. Furthermore, many of the mixed-status families residing in public housing or utilizing the HCV program consist of an unqualified immigrant parent and qualified children, meaning that this proposed rule change has the potential to harm many children.

While we appreciate the Administration’s attempt at increasing the supply of affordable housing for our most vulnerable residents, threatening evictions to thousands of other vulnerable families is not the solution. More investments in public housing operating and capital funds, as well as in the HCV program, would go further to help alleviate the housing crisis in our country. We look forward to working with the Administration on how to structure more investments in affordable housing in order to prevent more families and individuals from falling into homelessness.

Sincerely,

Sarah Dusseault  
Vice Chair, LAHSA Commission

Peter Lynn  
Executive Director
