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**Gale A. Brewer, Borough President**

## **Gale A. Brewer, Manhattan Borough President Testimony to US Department of Housing and Urban Development On the Proposed Rule on Mixed-Status Families in Public Housing July 9, 2019**

My name is Gale Brewer, and I am the Manhattan Borough President. I represent 112,607 Manhattanites who live in 101 New York City Housing Authority (NYCHA) public housing developments totaling 52,999 units.<sup>1</sup> On behalf of these residents, I submit my comments concerning HUD’s proposed rule to allow only households with all members possessing eligible immigration status to live in federal housing assistance units, thereby disallowing indefinite pro-rated subsidies for mixed-status households with both eligible and ineligible members.

While the intent of the proposed amendment is to bring HUD regulation “into greater alignment” with current provisions under Section 214 of the Housing and Community Development Act of 1980, which bars HUD from granting financial assistance to individuals without eligible immigration status, I believe that this proposed rule is misguided, as public housing agencies (PHAs) already pro-rate subsidies for mixed-status families under current regulation.

Local PHAs such as NYCHA have been diligent in enforcing subsidy proration. For example, one public housing resident who sought help from my office was Manuel, an undocumented father of two who lost his wife (who had legal immigration status) on April 27, 2016. Prior to her death, the wife was the head of household and leaseholder of the family’s apartment at NYCHA’s Grant Houses. The family paid a monthly rent of \$122. Upon her death, NYCHA increased the rent to \$571 due to prorating in light of Manuel’s undocumented status—a calculation that was done in accordance with Section 214. Unfortunately, the rent increase has caused Manuel to fall into rental arrears, since his only sources of income are \$336 in Social Security benefits and survivor’s benefits for his children, \$238 in NYC Department of Human Resources Administration (HRA) shelter assistance, and \$350 in SNAP. It is likely that without relief or additional income, the family will not be able to remain in their unit beyond this year.

The above example illustrates that the current Section 214 regulation is effective in withholding subsidies to individuals without eligible immigration status. Additionally, Manuel’s struggles to meet the family’s new rent shows that the other intent of the proposed amendment—to remove all mixed-status families with ineligible leaseholders from public housing—will have dire consequences for housing stability.

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<sup>1</sup> New York Housing Authority “NYCHA Fact Sheet 2019” *NYCHA 2.0* March 2019  
[https://www1.nyc.gov/assets/nycha/downloads/pdf/NYCHA-Fact-Sheet\\_2019.pdf](https://www1.nyc.gov/assets/nycha/downloads/pdf/NYCHA-Fact-Sheet_2019.pdf)

Affordable housing is difficult to attain in New York City especially for residents who live near or below the poverty line. The latest available data from the 2017 NYC Housing Vacancy Survey shows that for the city's lowest-rent units at less than \$800 per month, the vacancy rate is only 1.15%.<sup>2</sup> A sizeable segment of NYCHA's public housing and Section 8 housing fall into this lowest-rent tier, providing homes for the city's most vulnerable populations. Manuel's story highlighted the added burden that mixed-status families experience, since they must pay more to account for undocumented family members who do not qualify for federal housing assistance. And particularly for families like Manuel's where the children do have legal immigration status but are not old enough to become leaseholders, keeping only family members with eligible immigration status in the unit is not an available option.

Data provided by NYCHA speaks to this grim reality: the proposed rule will impact 2,800 families or about 11,400 residents in New York City—4,900 of them children. Of those 2,800 families, 1,800 reside in NYCHA's traditional public housing comprising more than 7,300 affected individuals—3,100 of them children. An additional 1,000 families live in NYCHA-administered Section 8 units, comprising over 4,100 affected individuals—1,800 children. In a real estate market with 1.15% vacancy rate for housing priced at a comparable tier as public housing units, New York City's mixed-status families, if evicted from NYCHA, will have little or no prospect of securing alternative permanent housing.

New York City's homeless population is large. There are over 60,000 people in shelters and another estimated 4,000 on the streets, according to data reported by the Coalition for the Homeless.<sup>3</sup> HUD's own 2018 Annual Homeless Assessment Report finds that New York City accounts for more than 14% of the nation's homeless population.<sup>4</sup> Although NYCHA prioritizes referrals from the NYC Department of Homeless Services to fill its vacant units, not all households currently on the waiting list are homeless, and filling vacancies without giving regard to displacing 2,800 families will add to rather than reduce New York City's homeless population.

Finally, in an environment where PHAs are cash-strapped and NYCHA in particular has unmet capital needs of \$32 billion, the proposed rule will increase costs yet support fewer families. HUD's own analysis estimates that the rule would cost an added \$193 to \$227 million in annual subsidies, and that increased per-household housing assistance will lead to fewer households projected to be served under the Section 8 housing choice voucher program. Assisting fewer families runs counter to the proposed rule's stated goal of moving PHAs' waiting lists faster.

In summary, the proposed rule does not serve policy, enforcement, or budgetary purposes. I strongly urge HUD to rescind the proposed rule and continue to provide much needed housing to all families regardless of immigration status.

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<sup>2</sup> NYC Department of Housing Preservation and Development, 2017 NYC Housing Vacancy Survey Selected Initial Findings, <https://www1.nyc.gov/assets/hpd/downloads/pdf/about/2017-hvs-initial-findings.pdf>.

<sup>3</sup> Coalition for the Homelessness, "Basic facts About Homelessness in New York City Fact Sheet" Updates June 2019 <https://www.coalitionforthehomeless.org/basic-facts-about-homelessness-new-york-city/>

<sup>4</sup> HUD, The 2018 Annual Homeless Assessment Report (AHAR) to Congress, <https://files.hudexchange.info/resources/documents/2018-AHAR-Part-1.pdf>