July 9, 2019

Office of General Counsel, Rules Docket Clerk
Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-0500

Re: HUD Docket No. FR-6124-P-01, RIN 2501-AD89 Comments in Response to Proposed Rulemaking: Housing and Community Development Act of 1980: Verification of Eligible Status

Dear Sir/Madam:

I am writing on behalf of the Los Angeles County Office of Education (LACOE) in response to the Department of Housing and Urban Development’s (HUD) proposed rule to express our strong opposition to the changes regarding "verification of eligible status,” published in the Federal Register on May 10, 2019 (above entitled docket no.). HUD’s proposed rule change would have significant negative effects on mixed status families and children. Many families and U.S. citizen children will be forced into homelessness or unsafe housing by this proposed change. As educators, we know well the terrible harm students experiencing homelessness and housing insecurity suffer. These children face school attendance issues, trauma and chronic stress, instability in academics including reduced educational outcomes, health and mental health related concerns, and behavioral issues, at home and in the school setting. Because of the seriousness and certainty of the harm, we urge the rule to be withdrawn in its entirety, and that HUD’s long-standing regulations that promote family integrity remain in effect.

LACOE is acutely aware of the needs of youth as they struggle to maintain stability and academic success in the midst of homelessness. As the largest regional intermediate educational agency in the nation, LACOE served over 70,000 children and youth experiencing homelessness during the 2017-2018 school year in LA County’s 80 school districts and more than 300 charter schools. The McKinney-Vento Homeless Assistance Act mandates that each local educational agency appoint a homeless liaison to ensure that children and youth experiencing homelessness have access to public education, equal to their housed peers. The school’s homeless liaisons seek to connect the youth and the family to resources and access to housing, properly identifying and serving homeless students,
reducing barriers to school enrollment, ensuring access to transportation services, and coordinating resources through community outreach and collaboration. Homeless youth have difficulties in accessing stable housing and services in order to address their academic as well as social, emotional and physical needs. These issues severely influence a homeless youth’s ability to attend school, learn and reach full academic potential. Without stable housing, youth are at great risk for academic and social failure. The proposed regulation will add to the homeless student population, whose resources are stretched thin.

Although HUD contends that the proposed rule purports to address the waitlist backlog faced by a majority of Public Housing Authorities nationwide,1 the rule appears to be little more than an attack on immigrant families and their U.S. citizen children.2 Blaming struggling mixed status immigrant families will not increase affordable housing. In fact, HUD’s own analysis reveals that fewer, not more, families are likely to receive assistance because of the rule change.

I. The Proposed Rule Will Hurt Tens of Thousands of Immigrant Families Including Many Citizen Children.

Stress and Trauma have a Long-Term Impact on Self-Reliance and Communities

The proposed rule places tens of thousands of immigrant families at risk of homelessness, jeopardizing their family and housing stability, both of which are critical to getting families on a pathway to self-sufficiency and better life outcomes. The rule threatens to undermine the well-being of low-income U.S. citizens, by forcing mixed status families to make an impossible decision — either break up to allow eligible family members to continue receiving assistance or forgo the subsidies so that the families can stay together. Family separation undermines family stability, and leads to toxic stress, trauma, and attachment issues in children. Even a temporary separation has an enormous negative impact on the health and educational attainment of these children later in life, and many parents struggle to restore the parent-child bond once it has been disrupted by a separation.3

However, since 70% of mixed status families currently receiving HUD assistance are composed of U.S. citizen children and at least one ineligible parent, it is likely that these families will forgo the subsidies to avoid separation. In fact, HUD is relying on this, admitting that “HUD expects that fear of the family being separated would lead to prompt evacuation by most mixed households, whether that fear is justified.” Therefore, this rule would effectively evict as many as 108,000 individuals in mixed status families (in which nearly 3 out of 4 are eligible for assistance) from public housing, Section 8, and other programs covered by the proposed rule. These mass evictions and departures from housing assistance will cause increased rates of homelessness and unstable housing among an already vulnerable population.

Debilitated Health and Mental Health of Children: Poor Educational Outcomes

These outcomes will not only hurt families while they struggle to find housing in the short term, but will also lead to reduced opportunities and increased health problems for these families in the long term. Research demonstrates that unstable housing situations can affect health, increasing hospital visits, and the loss of employment. Unstable housing is associated with increased likelihood of mental health problems in children, and can dramatically increase the risk of an acute episode of a behavioral health condition, including relapse of addiction in adults. Having safe and stable housing is crucial to a person’s health, sustaining employment, and overall self-sufficiency. These effects will be particularly prominent in the children, nearly all of whom are U.S. citizens, in these mixed status families. Research has shown that economic and housing instability impedes children’s cognitive development, leading to poorer life outcomes as adults.

When the families that we work with have safe and affordable housing, they are able to establish attachments, and create routines. Families may consistently connect to local schools, maintain relationships with local medical providers and receive needed services. Safe and stable housing

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5 Id. at 8.
7 Megan Sandel et al., Unstable Housing and Caregiver and Child Health in Renter Families, 141 PEDIATRICS 1 (2018), http://pediatrics.aappublications.org/content/141/2/e20172199.
reduces the stressors that can potentially cause child abuse and neglect, and it can help to safeguard against substance abuse.

Second Class Citizens and Access to Needed Resources

By eliminating the ability of mixed status families to receive prorated assistance on a permanent basis, the proposed rule robs eligible children of housing subsidies because they have parents with ineligible noncitizen status. Section 214 of the Housing and Community Development Act of 1980 (Section 214) limits access to federally subsidized housing programs to U.S. citizens and a specific list of noncitizen categories. Nearly all of the children in mixed status families who are receiving HUD assistance covered by Section 214 are U.S. citizens and lawful permanent residents who live with parents or other adults who do not have eligible immigration status. Since these children lack the legal capacity to sign leases themselves, the adult heads of household, including those who do not receive assistance, must sign these contracts on behalf of their family. However, by prohibiting the ineligible adults from living in subsidized units, the proposed rule forecloses the possibility of these U.S. citizen and LPR children from receiving any housing assistance under the covered housing programs, in direct contradiction to the federal law.

In addition to the harms outlined above, barring U.S. citizen children from housing creates a two-tiered system of citizenship, based on the family a U.S. citizen is born into or the person they love. This denigrates relationships that are bedrock to a child’s sense of well-being. Further, as immigration rules and enforcement change, many undocumented parents and youth will be hesitant to come to school or have difficulty getting there as a result of being uprooted from their communities and from their extended families. This will impact not just the student’s educational access and their achievement, but access to other resources and support such as trauma-informed wraparound services related to education, health, transportation, and family services.

II. The Proposed Rule Will Put Vulnerable Children on the Streets

Thousands of immigrant mixed status families will be evicted, including 55,000 children who are eligible for federally subsidized housing under this proposal, causing health problems for children. Unstable housing and homelessness also means that children are more likely to have behavioral problems and to struggle in school, and in classrooms where the student population changes frequently, all students may fall behind.

School Attendance

Children who fill our classrooms and that are experiencing homelessness struggle. For them, academics are often an afterthought due to continuous concerns tied to their homelessness. Homeless children struggle to obtain good sleeping patterns which causes them to be tired during the day and unable to concentrate. Trauma also creates hypervigilance which causes a child to be unable to focus or remain focused. Focus is often placed on survival related tasks such as – where will I sleep tonight, when will I eat next, are my mom and dad safe, and so on. Lack of food not only diverts attention from school work, it can cause issues with health due to lack of nutrition and caloric intake needed to support the developing body and mind of a child. The inability to maintain hygiene causes issues with peers and creates problems with self-esteem. Children who experience homelessness often miss much more school than their housed peers and they lose valuable desk time each time they move from one school site to another due to their unstable housing situation. Homeless children struggle to connect with their teachers, often because they have not been able to create strong attachments with others due to constant moving. They seem weary and defeated before they enter the classroom and their drive for education is superseded by their survival mode.

One such family presents a stark example of hardship caused by homelessness. A mother and son came to the attention of school staff because the student was continually falling asleep in class and his clothes were disheveled. The teacher brought the concern to the counselor at the school who connected with the family at end of the school day when the mom came to pick her son up. The counselor learned that the father, the family’s sole provider, had been deported. Mother tried to find work but was eventually evicted. She did not know where to turn for help and for three weeks slept in McArthur Park, a very dangerous place at night, with her son. She tied her sweater around him and herself so if someone tried to take him she would be wakened. Neither mother nor son were sleeping well. Once provided services by the school’s homeless liaison, the family was able to become more stable.

Children with Special Needs

Children with disabilities are uniquely disadvantaged by this proposed rule. Many of our disabled children are impacted by poverty, and their health and well-being depend upon the stability of a home environment that is safe and secure. Students on the spectrum of autism are particularly susceptible to behavioral impact and lose the benefit of education when their routine changes. The lack of safe and stable housing would be devastating to the family and would reduce any progress towards educational goals for these special needs students.

Housing creates a stable location for students to transport to and from school and a space for delivery and utilization of specialized equipment for orthopedic and other health impaired students.
Mild to moderate special education students may require medications that need to be securely and safely stored, and the more severely impacted students often require electricity and nursing services, which are best served in a housed location. There needs to be a place to keep orthopedic and physical therapy equipment clean and dry while charging overnight to ensure mobilization for many students. The severely impacted special education students may have immunity issues which require a secure, private, and clean environment due to their fragile condition. If any of these students were not appropriately housed, the impact on their emotional and physical well-being could be extreme and possibly fatal.

**Conclusion**

The stressful experiences that accumulate with homelessness and extreme poverty strain abilities to cope and regulate behavior in childhood.\(^\text{11}\) Housing instability is directly correlated to decreases in student retention rates and contributes to homeless students’ high suspension rates, school turnover, truancy, and expulsions, limiting students’ opportunity to obtain the education they need to succeed later in life.\(^\text{12}\) A recent landmark study from the National Academy of Sciences finds that child poverty and homelessness costs our society over $1 trillion each year.\(^\text{13}\)

LACOE urges HUD to immediately withdraw its current proposal, and dedicate its efforts to advancing policies that strengthen—rather than undermine—the ability of immigrants to support themselves and their families in the future. If we want our communities to thrive, everyone in those communities must be able to stay together and get the care, services and support they need to remain healthy and productive.

Sincerely,

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Los Angeles County Superintendent of Schools
Los Angeles County Office of Education

