Proposed Resolution on Federal Policy Changes Related to Immigrant Eligibility for Federal Housing Benefits

Issue: Immigrants' use of federal housing benefits and the impact of proposed changes to eligibility for certain immigrant families and on county government costs.

Proposed Policy: The National Association of Counties (NACo) opposes specific regulatory changes proposed by the U.S. Department of Housing and Urban Development (HUD) that would lead to increases in housing instability and homelessness for some immigrant families receiving federally-subsidized housing and shift federal costs and the administrative burdens to counties.

Background: The U.S. Department of Housing and Urban Development (HUD) published a federal Notice of Proposed Rulemaking (NPRM) on May 10 which would prohibit "mixed immigration status families" from living in public housing and Section 8 programs. Mixed-status families are households that include both members who are eligible and ineligible for housing assistance based on their immigration status. Current law allows members of mixed-status families to live together in subsidized housing so long as the housing subsidy is decreased to prohibit the ineligible members from receiving assistance. Under the proposal, families with members who are deemed "ineligible" will be evicted from subsidized housing within 18 months.

Section 214 of the Housing and Community Development Act of 1980 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 are U.S. citizens and lawful permanent residents (LPR) who live with parents or other adults who do not have eligible immigration status.

HUD's statistics show that 70 percent of mixed status families are composed of eligible children and ineligible parents. There are over 38,000 U.S. citizen and otherwise eligible children in these families, and over 55,000 eligible children in mixed status families overall. Most of these families will likely forgo the subsidies to avoid separation. In fact, HUD notes that it "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.

By HUD's own assessment, the proposed rule will likely lead to a *decrease* in the number of assisted families. According to HUD, if the agency were to replace the 25,000 mixed status families currently receiving HUD assistance with households comprising of members who are all eligible, this transition would cost HUD from $372 million to $437 million annually.

Past Congressional action on the issue has been clear. Section 214 was passed in 1980. In 1996, Congress added the proration provisions into law to ensure that an ineligible household member would not receive a subsidy.

Fiscal/Urban/Rural Impact: The policies will shift costs to counties, including the costs of protecting and serving immigrant children and the costs of responding to increased housing instability among families.

Sponsor(s): National Association of County Human Services Administrators