



July 9, 2019 [Submitted via Regulations.gov]

Office of the General Counsel, Rules Docket Clerk
Department of Housing and Urban Development
451 Seventh Street SW, Room 10276
Washington, DC 20410-0001.

RE: [Docket No. FR-6124-P-01] RIN 2501-AD89 Housing and Community Development Act of 1980:
Verification of Eligible Status

Thank you for the opportunity to comment on your May 10 proposed rule concerning changes to the verification of eligible status.

LeadingAge is a tax-exempt charitable organization focused on education, advocacy and applied research. The mission of LeadingAge is to be the trusted voice for aging. Our 5,800 not-for-profit members include the entire field of aging services - nursing homes, home care providers, affordable housing, retirement communities and assisted living. Quality the public can trust is the fundamental mission of LeadingAge and its members, many of which have served their communities for over 100 years. Our members are committed to providing quality affordable housing to older adults and serving as stewards of valuable national resources provided to that end.

LeadingAge urges the Department to withdraw the proposed rule in its entirety because it creates substantial risk that thousands of older people could lose their housing and become homeless at a time when homelessness among older adults is already on the steep rise as, in every year for the last 10 years, the percentage of those experiencing homelessness who were 62 or older increased, almost doubling from 4.1 to 8% between 2007 and 2017. We have four major concerns:

- The housing of “mixed status” families would be threatened.
- “Mixed status” households could be split up, potentially depriving senior housing residents of informal family caregivers on whom they rely for daily help to remain independent in the community.
- The proposed rule would impose burdensome new citizenship documentation requirements on all owners, residents and applicants.
- It is unacceptable that “the number and quality of public housing units likely could decline,” as contemplated by HUD’s analysis in the RIA.

These concerns are addressed in more detail below.

Housing Stability Should Not Be Threatened

By HUD's own analysis, this change in policy is expected to result in the voluntary move-out of mixed families or the family's eviction over time for non-payment of the full (unassisted) rent. Under current regulations, proration legally allows non-contending non-citizens to reside with their families. We do not want to see families forced apart in order to retain their housing. Because of the threatened instability of the household or risk of loss of housing for vulnerable older adults, we urge HUD not to change existing rules.

Older Residents May Lose Family Caregivers

More than half of people aged 65 and older need help with basic activities of daily living like getting out of bed, using the bathroom, eating, and ambulating, etc. The vast majority rely on family (informal) caregivers. We are deeply troubled by the reality that ineligible family caregivers could face the "ruthless" (HUD's descriptor) choice of moving out and leaving the eligible older family member without informal services – and unable to remain independent in the community. It is possible some of these individuals would have to make the choice to move into a nursing home to get the care they need.

Do Not Impose Additional Burdens on Owners or Residents

HUD estimates minimal administrative costs and "small and insignificant" cost and increased workload related to verifications. However, the proposed rule would require substantial effort on the part of owners/agents and residents to do a look-back at initial eligibility documentation.

While the proposed rule's preamble states that HUD intends to require the verification of eligible immigration status of all recipients of assistance under a covered program who are *under the age of 62*, the fact is that subsequent sections in the proposed rule would require proof of eligibility (citizenship as well as eligible immigration status), "*regardless of age*," for all current and future residents. This would mean that nine million U.S. citizens currently receiving HUD assistance and about 120,000 elderly immigrants are at risk of losing their housing assistance, if they cannot meet the proposed rule's new requirements to provide proof of citizenship or immigration status.

As the preeminent association representing not-for-profit providers of housing with services for older adults, we reject the assertion that older adults should now have to prove their citizenship and eligible immigration status to retain their right to HUD assisted housing. Historically, signed declarations instead of documentary evidence and options for proof of age have been provided to persons over 62 because of the concern that they and people with disabilities might not be able to produce a birth certificate or obtain a valid passport from their country of origin, especially if physically or mentally incapacitated.

Decline in the Number and Quality of Housing Units

The RIA contemplates a need for \$372 to \$437 million in transfers (exchange of housing assistance and increased subsidies) due to some family members (income earners) moving out. Further, HUD asserts that taxpayers will not be asked to cover an increase in the federal budget, since "housing is not an entitlement." As a result, according to the RIA, the number of units able to be subsidized would

decrease. We already face a situation where only one of every three eligible older adults receive the housing assistance for which they are eligible because the programs are too small. Further reducing the number of units is unacceptable.

Again, we thank you for the opportunity to provide these comments. Should you have any questions, please do not hesitate to contact me at rkatz@leadingage.org or 202 508-9470.

Sincerely,

Ruth Katz
Senior Vice President for Policy