December 10, 2018

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Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
20 Massachusetts Avenue, NW  
Washington, D.C. 20529-2140

RE: RIN 1615-AA22, Notice of Proposed Rulemaking on Inadmissibility on Public Charge Grounds

To Whom It May Concern:

Enterprise Community Partners (Enterprise) appreciates the opportunity to provide comments on proposed amendments to the U.S. Department of Homeland Security’s (DHS) public charge regulations.

Enterprise specializes in giving communities the tools and resources that it takes to create decent, affordable homes and rebuild communities. As a partner in the community development process, Enterprise knows that the most successful neighborhoods are ones in which every resident can prosper. Enterprise provides technical expertise and development capital targeted at catalyzing collective growth and prosperity for the communities in which we work. Since 1982, we have raised and invested $36 billion in equity, grants and loans to help build or preserve nearly 529,000 affordable homes. As a mission driven non-profit, we bring together public and private resources to create thriving neighborhoods for low- and moderate-income people, working to ensure that where we are born and live does not determine our success in life.

General Comments

Enterprise opposes the amendments to the current public charge rule as proposed by DHS.

Across the country, housing costs place quality homes out of reach for people from all walks of life. Enterprise has seen first-hand the impacts high housing costs have had on legal immigrants, as we work closely with these communities in many areas, including New York, Los Angeles, Chicago, and Washington DC. We are acutely aware of the difficulties that legal immigrants and those in mixed-status families will face navigating the public benefits system if the public charge rule changes go forward as proposed. The unintended consequences of this rule change will be deeply destabilizing to these communities, prompting some to forgo their legal right to benefits out of fear of hindering the entry and change of status applications of their family members. We oppose these proposed rule changes, because we strongly believe that legal immigration status should not determine the trajectory of our lives. The ideal of justice for all means that people should have an equal opportunity to make the most of their potential, no matter where they come
from. This core value lifts us all up -- when everyone in our communities has good homes, it provides all of us with a fair shot at success.

As an organization, Enterprise has worked diligently to educate the public on the negative economic, education, and health implications of housing instability. There is an abundance of evidence that shows that housing instability has a negative effect on overall economies and communities as a whole, often increasing total social spending through increased usage of local supportive services. While the plan may appear to save federal dollars by withholding housing assistance from immigrants, those costs will likely be passed on to taxpayers and local jurisdictions, who will pay significantly more as a result of increased demand for temporary shelters, subsidized emergency room visits, and the profound financial and social costs of homelessness. Alternatively, ensuring legal immigrants continue to have access to assistance for which they are currently eligible, thereby allowing them to remain stably housed, benefits entire communities by lowering costs associated with emergency assistance, increasing local tax bases, creating small businesses, and filling employer’s labor needs.

**Comments on the Notice of Proposed Rulemaking**

The proposed changes to the public charge rule are harmful and will have an outsized impact on immigrant communities currently residing and working in the United States legally. In fact, most of the families that would be affected currently pay taxes, which support the programs that the rule change proposes to withhold from them. In particular, the extension of the definition of “public benefits” to go beyond the current, limited, definition of cash assistance to encompass a myriad of monetizable and non-monetizable benefits will cut many individuals off from the necessary assistance that they have a legal right to claim.

Under the proposed changes, DHS seeks to significantly expand the definition of a public benefit beyond the relatively narrow definition currently used in Public Charge Determinations. The current rule only applies to cash assistance provided through Supplemental Social Security Income (SSI), Temporary Assistance to Needy Families (TANF) and long-term government-funded institutional care. The new rule would enlarge the definition of public benefit to include Medicaid, the Supplemental Nutrition Assistance Program (SNAP), as well as any federal housing assistance including participation in the Section 8 Housing Choice Voucher Program or the Section 8 Project Based Rental Assistance Program, and residency in any HUD-funded Public Housing development.

Enterprise is concerned about each proposed change, and particularly by the addition of public housing benefits to the list of public benefits to be considered by DHS when making a public charge determination. Within the notice of proposed rulemaking, DHS itself warns that these proposed changes will lead to “increased rates of poverty and housing instability” among individuals who are indeed “eligible for these programs.” As a housing organization, Enterprise opposes any policy that will lead directly or indirectly to an increase in housing instability. Moreover, it is critical to note that this proposal would undermine the self-sufficiency and economic security of immigrants currently residing legally in the United States. As housing
security is a key component of self-sufficiency and economic security—evidenced by the fact that it is nearly impossible to find or keep full-time employment without stable housing—any policy changes that cause eligible residents to forgo housing assistance will likely decrease the self-sufficiency of those residents.

In addition to our considerable concerns about the impact these rules would have on housing insecurity nationwide, Enterprise is deeply worried about the negative impact that these changes would have on the availability of health insurance in immigrant communities. As health and housing is closely intertwined, Enterprise works closely with healthcare providers and stakeholders. We share their concerns about the inclusion of critical programs such as Medicaid in the new rules on public benefits. Our work in low-income communities has shown that stable housing and quality healthcare are foundational aspects of long-term economic security, and rules that undermine the accessibility of Medicaid services will only hinder the long-term self-sufficiency of individuals in these communities.

The nature of Public Charge Determinations is prospective and includes broad criteria that would allow DHS to evaluate the financial and medical profiles of not merely an individual but an entire household in these determinations. To a mixed-status household—or a household of legal residents who may have a foreign relative who will seek admission in the near future—these broad categories can only act as a disincentive for individuals to claim the necessary supplemental benefits to which they are legally entitled. In the long-term, this will undermine the self-sufficiency of legal residents by adversely affecting their housing status and health, thereby rendering them less able to work the hours necessary to achieve financial independence.

Within the framework of the proposed rules, individuals will be forced to make impossible choices between undermining their green card applications or going hungry, becoming homeless or preventing a family member from joining them in the country. The rules are difficult to understand and open to interpretation, meaning that the chilling effect would likely cause even those who would not be negatively affected by a legal benefits claim to forego necessary public assistance out of fear or misinformation. Therefore, Enterprise strongly opposes the Public Charge rule changes proposed by DHS.

Sincerely,

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