

**ASSEMBLY CONCURRENT
RESOLUTION No. 96**

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Condemns federal rule proposal that would force families of mixed immigration status who reside in certain affordable housing to either separate or face eviction.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/13/2020)

1 **A CONCURRENT RESOLUTION** condemning a rule proposal of the
2 United States Department of Housing and Urban Development
3 that would prohibit families of mixed immigration status from
4 participating in various federal affordable housing programs.
5
6 **WHEREAS**, On May 10, 2019, the United States Department of
7 Housing and Urban Development (“HUD”) published a proposed
8 rule, 84 F.R. 20589, that would prohibit “mixed-status” families
9 from living in public housing and other federally-subsidized
10 housing; and
11 **WHEREAS**, Mixed-status families are households that include both
12 members who are eligible and ineligible for housing assistance
13 based on their immigration status; and
14 **WHEREAS**, Existing federal law allows families to live together in
15 subsidized housing if one family member is ineligible, so long as
16 the housing subsidy is decreased to exclude the ineligible person
17 from the assistance; and
18 **WHEREAS**, Under existing federal law, status as an “ineligible”
19 immigrant is not synonymous with being an “undocumented”
20 immigrant; and
21 **WHEREAS**, Many immigrants possess legal status, but are still
22 ineligible for participation in federally-supported housing programs,
23 such as public housing and housing available through section 8 of
24 the “United States Housing Act of 1937” (42 U.S.C. s.1437f); and
25 **WHEREAS**, The proposed rule would further require residents of
26 subsidized housing under the age of 62 to have their immigration
27 status screened through the Systematic Alien Verification for
28 Entitlements Program, operated by the United States Department of
29 Homeland Security, and families with members deemed
30 “ineligible” could be evicted within 18 months; and
31 **WHEREAS**, HUD’s analysis demonstrates that more than 55,000
32 children, who are U.S. citizens or are otherwise eligible for housing
33 benefits, could face eviction under the proposed rule; and
34 **WHEREAS**, Because mixed-status families only receive prorated shares
35 of housing subsidies, HUD’s analysis shows that forcing those
36 families out of federally-subsidized housing may result in spending
37 millions of dollars in additional subsidy payments to support the
38 same number of units occupied by families comprised entirely of
39 eligible individuals; and
40 **WHEREAS**, To account for these higher costs, HUD could be forced to
41 reduce the quality and quantity of assisted housing; and
42 **WHEREAS**, The proposed rule would be administratively burdensome
43 to implement for housing authorities and private owners of
44 federally-subsidized properties, and would force housing providers
45 to focus their resources on eviction, additional staff, and regulatory
46 compliance, while diverting resources away from property
47 maintenance and the employment-related resident services; and

1 **WHEREAS**, To address our affordable housing crisis and ensure that
2 everyone has a safe, accessible, and affordable place to call home,
3 the President and Congress of the United States should invest in
4 affordable housing resources for the benefit of families of modest
5 means, regardless of immigration status, rather than propose new
6 housing rules that could create unnecessary crises for thousands of
7 families around the country that contain someone of ineligible
8 immigration status; now, therefore,

9
10 **BE IT RESOLVED** by the General Assembly of the State of New
11 Jersey (the Senate concurring):

12
13 1. The Legislature of the State of New Jersey condemns the
14 rule proposal of the United States Department of Housing and
15 Urban Development, published on May 10, 2019, that would
16 prohibit families of mixed immigration status from residing in
17 various forms of federally-subsidized housing.

18
19 2. Copies of this resolution, as filed with the Secretary of State,
20 shall be transmitted by the Clerk of the General Assembly or the
21 Secretary of the Senate to the United States Secretary of Housing
22 and Urban Development, the Majority and Minority Leaders of the
23 United States Senate, the Speaker and Minority Leader of the
24 United States House of Representatives, and every member of
25 Congress elected from this State.

26
27
28 STATEMENT

29
30 This resolution condemns a recent federal rule proposal that
31 would force families of mixed immigration status who reside in
32 certain affordable housing to either separate or face eviction.

33 The United States Department of Housing and Urban
34 Development (“HUD”) recently published a proposed rule, 84 F.R.
35 20589, that would prohibit “mixed-status” families from living in
36 certain federally-subsidized housing. Mixed-status families are
37 households that include both members who are eligible and
38 ineligible for housing assistance based on their immigration status.

39 Existing federal law allows families to live together in
40 subsidized housing if a member is ineligible, so long as the housing
41 subsidy is decreased to exclude that person from the assistance.
42 Under existing law, status as an “ineligible” immigrant is not
43 synonymous with being an “undocumented” immigrant. Many
44 immigrants possess legal status, but are still ineligible for
45 participation in federally-supported housing programs.

46 The proposed rule would further require residents of subsidized
47 housing under the age of 62 to have their immigration status

1 screened. Families with members deemed “ineligible” would be
2 evicted within 18 months.

3 HUD’s analysis demonstrates that more than 55,000 children,
4 who are U.S. citizens or are otherwise eligible for housing benefits,
5 could face eviction under the proposed rule. Furthermore, because
6 mixed-status families only receive prorated shares of housing
7 subsidies, HUD’s analysis also shows that forcing those families
8 out of federally-subsidized housing may result in spending millions
9 of dollars in additional subsidy payments to support the same
10 number of units occupied by families comprised entirely of eligible
11 individuals. To account for these higher costs, HUD could be
12 forced to reduce the quality and quantity of assisted housing.

13 The proposed rule would be administratively burdensome to
14 implement for housing authorities and private owners of Section 8-
15 assisted properties. The rule would force housing providers to
16 focus their resources on eviction, additional staff, and regulatory
17 compliance, while diverting resources away from property
18 maintenance and employment-related resident services, to pay for
19 additional staff and regulatory compliance.

20 To address our affordable housing crisis and ensure that
21 everyone has a safe, accessible, and affordable place to call home,
22 this resolution urges the President and Congress of the United
23 States, to make new investments in affordable housing resources for
24 the benefit of families of modest means, regardless of immigration
25 status, rather than propose new housing rules that could create
26 unnecessary crises for thousands people around the country, only
27 because their family includes someone with ineligible immigration
28 status.