

Office of Policy Development and Research
Department of Housing and Urban Development
451 7th Street SW
Washington, DC 20410-0500

Re: FR-6381-N-01 Improving Access to Public Benefit Programs; Request for Comment

Submitted via the Federal eRulemaking Portal at <https://www.regulations.gov/commenton/HUD-2023-0048-0001>.

The Center for Law and Social Policy (CLASP) is a national, nonpartisan nonprofit advancing anti-poverty policies that promote economic and racial justice. Through our advocacy, we strive to remove barriers blocking people from economic security while also building momentum for bold solutions that disrupt structural classism, racism, ableism, and sexism. With deep expertise in a wide range of programs and policy ideas, long-standing relationships in various advocacy communities, and over 50 years of history, CLASP works to amplify the voices of directly impacted people and help public officials design and implement effective programs. CLASP's Income and Work Supports team brings particular expertise in the implementation of a range of public benefit programs, including how administrative burden can exacerbate structural inequities. We are grateful for the opportunity to describe administrative burdens in housing and homelessness programs, as well as potential solutions to overcoming them.

I. Introduction

A safe place to call home is one of the most fundamental human needs. Anybody navigating poverty or housing insecurity deserves to find refuge in a responsive and accessible set of public supports. Yet the methods that administrators use to collect information about a person's circumstance can create burdens for people trying to access housing assistance.¹ Compiling, submitting, or verbally presenting the required information can be overwhelming—or even impossible—while simultaneously enduring the stresses of poverty. Because the process is so complicated, people often become too discouraged to continue the application or re-prove their eligibility for housing assistance.² Even when people successfully navigate the system and receive benefits, these burdens rob them of time, require significant effort better used on other life challenges, and sometimes force them to incur additional costs. In general, all strategies to minimize administrative burdens should serve the following goals:

¹ *Strategies for Reducing Administrative Burden in Public Benefit and Service Programs*, Office of Management and Budget Office of Regulatory Affairs, 2022, <https://www.whitehouse.gov/wp-content/uploads/2022/12/BurdenReductionStrategies.pdf>.

² Justin Schweitzer, *How To Address the Administrative Burdens of Accessing the Safety Net*, Center for American Progress, 2022, <https://www.americanprogress.org/article/how-to-address-the-administrative-burdens-of-accessing-the-safety-net/>.

1. Simplify application and recertification processes;
2. Mitigate psychological costs associated with receiving public assistance, which deters people from seeking help or utilizing their benefits; and
3. Transfer the labor associated with applying for and maintaining benefits away from the people seeking help to administering offices

In this comment, we identify administrative burdens faced by people trying to access rental assistance programs and offer strategies to mitigate them. Nationwide, over 3000 public housing authorities (PHAs, referred to as HAs in this comment) serve roughly 2 million public housing residents and 5 million housing choice voucher (HCV) program participants. Due to centuries of discrimination in government housing programs and the private market that continues to persist, roughly 35 percent of households participating in the public housing or HCV programs are Black. About 15 percent of participating households are Latinx.³ Partly because of racist narratives that depict Black and immigrant people as undeserving of government assistance, these programs are severely underfunded. *Many of the administrative burdens mentioned here are a direct result of this funding deficit.* As such, administrative burdens in rental assistance programs are a racial injustice borne from decades of governments failing to invest in and protect Black homes and neighborhoods, or, in the worst cases, actively sabotaging or demolishing them. Although legislative action such as a large-scale reinvestment in public housing and protections for voucher holders is needed to truly eliminate administrative burdens in rental assistance programs, HUD should nonetheless take any actions within its power to make accessing public housing or using a HCV a more straightforward and less burdensome process. HUD must also discourage housing authorities (HAs) from monitoring the lives of recipients through excessive interview or documentation requirements, protecting their privacy and psychological safety.

II. Administrative Burdens in Rental Assistance Programs

In this section, we will discuss administrative burdens unique to people seeking or trying to keep rental assistance. Most of the research on administrative burdens focuses on entitlement programs like SNAP and Medicaid, which do not have caps on the number of eligible people they can serve. In contrast, housing and homelessness programs are severely underfunded. This lack of funding limits access to public housing and HCVs for people who are legally eligible. Only 1 in 4 renters who are eligible for federal assistance actually receive it.⁴ Some estimate as few as 1 in 5.⁵ As a result, many potential applicants may see these programs as unreliable and applying as a waste of time. Because public trust in rental assistance programs is already so low, it is crucial for HUD and HAs to simplify and destigmatize the application process. Evidence from other programs shows that the burden of applying can act as a significant deterrent. For example, a survey of people eligible for SNAP found that 40 percent were deterred from applying by the paperwork involved; another 37 percent said the

³ “Picture of Subsidized Households,” U.S. Department of Housing and Urban Development Office of Policy and Research, accessed September 1, 2023, https://www.huduser.gov/portal/datasets/assthsq.html#2009-2020_data.

⁴ Erik Gartland, *Chart Book: Funding Limitations Create Widespread Unmet Need for Rental Assistance*, CBPP, 2022, <https://www.cbpp.org/research/housing/funding-limitations-create-widespread-unmet-need-for-rental-assistance>.

⁵ G. Thomas Kingsley, *Trends in Housing Problems and Federal Housing Assistance*, Urban Institute, 2017, <https://www.urban.org/sites/default/files/publication/94146/trends-in-housing-problems-and-federal-housing-assistance.pdf>.

application was too time-consuming given their family and work responsibilities.⁶ Simplifying the application, minimizing documentation requirements, and generally signaling to applicants that they are trusted improves the likelihood that people complete eligibility determination processes in rental assistance programs.

- A. Frequently communicate a household's position on the waitlists and be transparent about their likelihood of receiving assistance (Questions 1g and 4)

It is common for people seeking housing assistance to apply to multiple programs at multiple housing authorities (HAs) because none are guaranteed—none are entitlements. Navigating this jumbled web of housing providers is an administrative burden unto itself that is only compounded by underfunding.⁷ Local HAs are given a flat amount of federal resources every fiscal year. Because funding is limited, most people experiencing housing instability do not receive assistance soon after submitting an application. Instead, they are placed on waitlists, some of which are years-long.⁸ In some areas, new applications are only accepted at certain times, and only for limited periods.⁹

Waitlists create burdens for applicants that are *extremely* severe. As they wait to be selected, applicants often endure substandard living conditions such as sleeping on a loved one's couch, paying exorbitant prices to rent a motel room, entering into an exploitative rental agreement in exchange for cheap labor, and/or sleeping in public spaces—the last of which increases their risk of being arrested and experiencing the negative outcomes associated with criminal legal system involvement. HAs must proactively communicate with applicants about their likelihood of receiving assistance because this knowledge enables people to more accurately assess the severity of their circumstances and problem-solve to the best of their ability. Tirelessly advocating for oneself is another administrative burden faced by applicants, but it is also the reality of navigating underfunded programs that serve a limited number of eligible people. *One tool that people who experience housing insecurity or homelessness wield is programmatic knowledge, which administrators can provide through radical transparency.*

HUD and local HAs must proactively communicate with applicants about their position on the waitlist, including estimates of how much longer they will need to wait (where possible to derive with previous data). Currently, it is the responsibility of the applicant to check their position on the waitlist in most jurisdictions. Applicants do so by contacting their local housing authority for updates. Once an applicant gets an administrator on the phone, they identify themselves by name and application number then inquire about their status on the waitlist. Advocates recommend that applicants call *each* HA they applied to once every 2-3 months just to ensure they're still on the list and keep all records

⁶ Donald Moynihan, Pamela Herd, and Hope Harvey, "Administrative Burden: Learning, Psychological, and Compliance Costs in Citizen-State Interactions," *Journal of Public Administration Research and Theory*, 2014, <https://academic.oup.com/jpart/article/25/1/43/885957>.

⁷ Ehren Dohler, "A Tangled Web: The Problem with Fragmented Housing Assistance," *Shelterforce*, 2012, <https://shelterforce.org/2021/09/29/one-reason-rent-relief-isnt-getting-out/>

⁸ Sonya Acosta and Erik Gartland, *Families Wait Years for Housing Vouchers Due to Inadequate Funding*, CBPP, 2021, <https://www.cbpp.org/research/housing/families-wait-years-for-housing-vouchers-due-to-inadequate-funding>

⁹ Jordan Brown, "Baltimore to reopen public housing waitlist application in August after four years," *The Baltimore Sun*, 2023, <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-baltimore-reopens-public-housing-wait-list-august-20230725-bp37tl7ccvdo5gkr6u343dw5ta-story.html>.

proving they applied.^{10 11} This responsibility becomes more time-consuming and complicated the more programs a person has applied for. *To reduce the burden on applicants, HAs could set up automated text messages, phone calls, and emails notifying applicants when they have reached certain positions on this waitlist.* These automated messages could also prompt applicants to update their information in case they qualify for additional preferences.

Importantly, HUD has created a website called waitlistcheck.com where applicants can apply to get on waitlists for many HAs as well as check their position on waitlists they've already applied to. This site serves as a useful portal to applicants with consistent access to the internet and the necessary technology. *However, proactive outreach like automated messages can help people with infrequent access to these resources remain aware of their position on the waitlist.* While experiencing unsheltered homelessness, a person is more likely to memorize their email address and password than the name of a website, their username, password, or any other information they may need to access a single purpose website.

B. Avoid closing waitlists, instead always accept applications (Questions 1c, 1d, 2 and 4)

For rental assistance programs, HAs tend to open waitlists to the general public for only a brief period of time, especially in high-cost areas with a great demand for rental assistance. If someone needs housing assistance when waitlists are closed, they cannot apply without a referral. Closing waitlists adds to the informational burden of applying for benefits, as a household who misses the short application window could be locked out of applying for years. For example, the HA in Washington, DC froze its waitlist for all rental assistance programs at 70,000 applicants between 2013 and 2023—an entire decade.¹² *To ensure that people experiencing housing instability are able to submit an application at all times, HUD should require HAs to maintain a centralized list of applications for rental assistance programs that is always open to the public. These centralized lists should be scaled up to the state or regional levels wherever possible.* For example, Massachusetts has a centralized waitlist that a little over 100 participating HAs can access; each HA accepts participants into their HCV program from the centralized waitlist in accordance with their local policy. A centralized waitlist could also be used by HAs to select applicants and/or derive waitlists for their entire portfolio of housing programs.

There are several upsides to having an open and centralized waitlist. Some include:

- *More accurately documenting the full need for rental assistance in a jurisdiction.* Closed waitlists deter applicants. If a person cannot apply for assistance the one time that they courageously try, it is possible that they will never try again. The inability to even apply can deter people from seeking any form of housing or homelessness assistance in the future; it signals that the government is incapable of helping. HAs, policymakers, and advocates for housing security will

¹⁰ MassLegalHelp, “Chapter 5: How Waiting Lists Work,” *Legal Tactics: Finding Public and Subsidized Housing*, 2009, <https://www.masslegalhelp.org/housing/finding-public-and-subsidized-housing/how-waiting-lists-work.pdf>.

¹¹ *Your Right as a Section 8 Tenant: Project-Based and Vouchers*, Legal Aid Society of Hawaii, 2018, <https://www.lawhelp.org/files/EAD80A2B-BF27-AE00-DEE5-0D4ED48A9D0F/attachments/D4A3BC21-BF50-4BF0-86DF-867F48DCE68D/h19.-rights-as-a-section-8-tenant-rev.-10.8.18.pdf>

¹² Meagan Flynn, “They waited decades for housing aid. Will changes finally bring relief?,” *The Washington Post*, 2023, <https://www.washingtonpost.com/dc-md-va/2023/04/26/dcha-housing-waiting-list/>.

be better positioned to advance impactful solutions with more accurate data depicting how many residents need government assistance.

- *More consistently prioritizing people who an HA has given preference.* It is common for people experiencing food or housing insecurity to downplay the severity of their experience to avoid stigma and/or cope with extreme deprivation. People in life-threatening situations often have to overcome anxiety, fear, and other paralyzing emotions to seek assistance in the first place. To then be denied the opportunity to apply is demoralizing. Always accepting applications will ensure that housing providers have a complete count of people who qualify for preferences that can increase their likelihood of getting assistance;
- *Improving the responsiveness of other housing and homelessness providers.* Encouraging, rather than deterring, eligible people to apply could also help homeless service providers identify people who are experiencing homelessness but have evaded the point-in-time count or shelter system.
- *Bolstering applicants' ability to advocate for themselves within this scarce, confusing system of housing supports.* Because rental assistance programs are too underfunded to serve everyone who deserves aid, individual households must collect information and prepare to advocate for themselves to increase their chances of receiving assistance. A centralized application portal for a state or regional waitlist could give people an "in" to communicating with an HA caseworker, learning about different programs. Amidst the backdrop of an underfunded, patchwork web of housing programs, administrators must practice radical transparency to ensure that people have all the information they may need to problem-solve and advocate for themselves in various spaces.

Establishing a singular entry point for people to apply for housing assistance will make it easier for people experiencing housing insecurity to seek and eventually receive assistance.

C. Reduce onerous paperwork, documentation, and in-person interview requirements (Questions 1b, 1c, 1d, and 2)

Eligibility is determined at two points in the application process: (1) when an application is submitted and (2) when an applicant is selected from the waitlist. Eligibility rules and documentation requirements vary by program, multiplying the amount of paperwork that applicants have to keep track of.

The goal of the initial application is to quickly confirm eligibility, collect information about what programs the applicant is interested in, and identify if the applicant should receive priority, thereby raising their position on the waitlist. Many HAs have an online submission option for the initial application, though there are some that still require applications to be submitted by mail or dropped off at the eligibility office. HAs tend to keep this screening application as concise as possible. Applicants still must wait months or years to make it off the waitlist, meaning their income, family composition, and other identifying information will shift over time. Selecting which programs, units, etc. that a person would like to apply for can be the most complicated part at this stage in the application process. HAs can ease the burden of learning about various programs by:

- *Creating accessible, engaging, and brief explainers of each program administered by the HA.* HAs should include these explainers in the same PDF as the application, and include a link on any

application portal. HAs should also offer a “register me for everything that I might qualify for” option that applicants could select in addition to indicating in what jurisdiction they would like to live.

- *Designating a team or staff member at the HA solely responsible for community engagement and education.* In theory, case managers hold this responsibility, but their energy is primarily dedicated to supporting recipients. Case managers may have increased capacity to support prospective applicants if the frequency of interim reexaminations are reduced, as discussed in Section F of this comment.
- *Increasing coordination of programs at local, state, and regional levels.* Several HAs have already consolidated applications for programs within their jurisdiction into one packet or portal. This format is beneficial because it reduces the number of applications that people experiencing housing instability have to fill out. HUD should encourage HAs to scale up these consolidation efforts, allowing people to apply for multiple subsidized housing programs within a region or state at once along the model of the Massachusetts Section 8 Centralized Waiting List.¹³ This level of consolidation may require HUD to create greater alignment across affordable housing programs.
- *Referring people to programs administered by other agencies or nonprofits for which they might be eligible.* As discussed, it is unlikely that a person applying for rental assistance will receive financial help quickly. Therefore, it is critical for HAs to proactively inform applicants about other programs, especially entitlements like Medicaid and SNAP. HAs could embed information about how to apply for other safety net programs in confirmation emails and landing pages.

People who make it off the waitlist are usually required to make an appointment for an in-person interview where their information is updated and verified. This information includes the household income, assets, expenses, and “other factors” that adjust their reported income, which can include money received from Temporary Assistance for Needy Families or child support.¹⁴ Applicants have to source documents to verify most of this information. A signed declaration is the only document required by federal law to verify a person’s citizenship, but HAs tend to ask for additional documents verifying age, such as birth certificates and Social Security numbers for each person in the household. HUD can issue further guidance to simplify and standardize the application process across rental assistance programs. Specific actions HUD and HAs should take include:

- *Encouraging self-attestation wherever possible, rather than discouraging it.* HUD has published a hierarchy of verification methods that identifies self-certification as a last resort.¹⁵ As a result, HA staff are highly discouraged to use self-attestation for simple questions like “How much do you receive in child support?” or “How much is in your savings account?”¹⁶ By valuing original

¹³ “Welcome to the Massachusetts Section 8 Centralized Waiting List,” accessed August 9, 2023, <https://www.affordablehousing.com/masscwl>.

¹⁴ “Attachment A – Section 8 Definition of Annual Income 24 CFR, Part 5, Subpart F (Section 5.609),” U.S. Department of Housing and Urban Development, <https://www.hud.gov/sites/documents/CALCULATINGATTACHMENT.PDF>.

¹⁵ “Exhibit 3-5 Verification Hierarchy,” U.S. Department of Housing and Urban Development, 2020, https://www.ahfc.us/application/files/4215/8860/9586/HCV_Exhibit_03-05_050120.pdf.

¹⁶ “Exhibit 5-3: Acceptable Forms of Verification,” U.S. Department of Housing and Urban Development, 2020, https://www.hud.gov/sites/documents/doc_35766.doc.

documents and third-party verifications more than self-certification, HUD encourages HAs to maximize their documentation requirements, making the application process much more stressful than it needs to be. Depicting self-attestation as a last resort also contributes to a classist and racist culture of distrusting people in poverty. HUD actually enabled HAs to waive the income verification requirements and prioritize self-attestation during the first year of the COVID-19 pandemic.¹⁷ A diverse group of HAs unanimously reported that wider use of self-attestation improved program efficiency in a report from the Urban Institute.¹⁸ HUD may need to modify HA assessment criteria to match this new verification hierarchy.

- *Coordinating with other public benefit systems through data-sharing agreements and other agency partnerships to decrease application processing times.* HUD currently requires HAs to use the Enterprise Income Verification (EIV) System¹⁹ to double-check an applicant's information with data collected by the Department of Health and Human Services and the Social Security Administration. Instead of instructing HAs to use these systems to verify information, HUD should encourage HAs to leverage data partnerships in ways that reduce application processing times. Much of the information that HAs need from an applicant should already be on file at other state or local agencies, making excessive paperwork and documentation a burden on individuals that the state could more easily bear. For example, in some jurisdictions, the same households who meet the income requirement for SNAP will have a low enough income to qualify for rental assistance, meaning that SNAP participation alone can be used as a proxy to presume income eligibility.
- *Minimizing the number of in-person interviews required.* In-person interviews are proven to reduce participation, as they can be challenging to attend for people without reliable transportation or child care or who deal with inflexible or unpredictable work schedules.²⁰ In rental assistance programs, eliminating in-person interviews altogether might be impractical because there is an extreme amount of information that must be communicated between applicants and case managers. However, applicants should not be expected to travel to the eligibility office more than once during eligibility determinations or annual reexaminations. There is no HUD requirement that income and family composition examinations and recertifications must be conducted in-person unless determined necessary as a reasonable accommodation for a person with a disability.²¹ They should be able to turn in missing documents, verify information, and ask the case manager questions online, over the phone, or

¹⁷ "Attachment I: Summary of Public Housing and HCV Waivers and Alternative Requirements," *U.S. Department of Housing and Urban Development*, pp. 11-15, 2020, <https://www.hud.gov/sites/dfiles/OCHCO/documents/PIHSECONDWAIVERNOTICE13.pdf>.

¹⁸ Monique King-Viehlend, Elizabeth Champion, and Susan J. Popkin, *Public Housing Programs Could Benefit from Greater Flexibility*, Urban Institute, 2021, <https://www.urban.org/sites/default/files/publication/104198/public-housing-programs-could-benefit-from-greater-flexibility.pdf>.

¹⁹ "Enterprise Income Verification (EIV) System," *U.S. Department of Housing and Urban Development*, accessed on August 8, 2023, https://www.hud.gov/program_offices/public_indian_housing/programs/ph/eiv.

²⁰ Eric Giannella, Tatiana Homonoff, Gwen Rino, and Jason Somerville, *Administrative Burden and Procedural Denials: Experimental Evidence from SNAP*, seminar paper, 2023, https://harris.uchicago.edu/files/homonoff_ppe_seminar_paper_5-3-23.pdf.

²¹ NOTICE PIH 2020-33(HA), REV-2: COVID-19 Statutory and Regulatory Waivers and Alternative Requirements for the Public Housing, Housing Choice Voucher, U.S. Department of Housing and Urban Development Office of Public and Indian Housing, issued November 2020, <https://www.hud.gov/sites/dfiles/PIH/documents/PIH2020-33.pdf>.

by mail, and trust that they have been received. Again during the first year of the COVID-19 pandemic, HUD clarified that mandatory hearings and briefings could occur remotely, a policy that many HA administrators have adopted permanently.²²

D. Increase transparency around systems of preference (Questions 1c and 1d)

Housing and homelessness assistance differs from programs like SNAP and Medicaid in that every eligible person is *not* legally entitled to receive assistance. In all means-tested programs, people must prove their “worthiness” during the application process. The questions asked to determine a person’s eligibility can feel invasive, demeaning, and unnecessary. People who apply for rental assistance programs undergo an additional test of “deservedness” because, in addition to being means-tested, the programs are underfunded. Housing authorities usually get more applicants than there are units available. As a result, applicants must essentially argue the severity of their circumstance to increase the likelihood that they get off the waitlist and receive assistance.

Federal law permits HAs to regulate who rises to the top of waitlists through a preference system. HAs independently decide who will receive preference or priority. Although some HAs still move people off the waitlist based on the date and time that the household applied for assistance, most categorize applicants using a preference system. HAs may use a mix of first-come, first-served, lottery, points, preference, etc. to place people on the waitlist. HUD describes these preferences as either “general” or “limited.” A general preference puts anyone who is part of the priority population at or near the top of the waitlist. A limited preference sets aside a predetermined number of program slots for priority households. These slots can circumvent the waitlist, often being filled via a referral process. Each HA can have a unique preference system that they use to determine who gets housing or shelter first, and applicants often navigate these preferences unknowingly.

Systems of preference that compare traumatic, singular experiences of poverty shouldn’t exist. But HAs and other service providers are forced to make callous decisions about who is “most in need” because funding is so scarce. HAs only have enough resources to serve a quarter of the people who are legally eligible for rental assistance.²³ Since receiving some type of preference is the most effective way to get off the waitlist, applicants can feel obligated to share detailed, traumatic information about their life in hopes of eking out a slight advantage. Clearly communicating who receives priority on all application materials, frequently stating that case workers will trust applicants to represent their own experiences accurately, and relying on self-attestation when inquiring about people’s situation can signal to applicants that they do not have to rehash traumatizing experiences to deserve assistance. In terms of more long-term solutions, HUD and HAs can:

- *Ensure the process of reporting changes to an applicant’s circumstance is seamless, accessible, and equitable.* Most HAs have an official form that applicants must fill out and submit in order to report a change in the circumstance, contact information, income, or family composition.²⁴ HAs

²² King-Viehland, et al., *Public Housing Programs Could Benefit from Greater Flexibility*.

²³ Gartland, Chart Book: Funding Limitations Create Widespread Unmet Need for Rental Assistance.

²⁴ “Housing Application Update,” *District of Columbia Housing Authority*, 2021.

<https://www.dchousing.org/wordpress/wp-content/uploads/2022/05/Waiting-List-APPLICATION-UPDATE-2021-1-2.pdf>.

encourage reporting all changes, but it is most important for applicants to communicate updates related to the preference system. A timely exchange of information gives applicants their best chance at making it off the waitlist and enables HAs to keep their lists accurate. As mentioned in section II(A) of this comment, HAs are likely to receive consistent updates from more applicants with proactive outreach using automated messages that prompt applicants to answer specific questions. HAs could experiment with scheduled, proactive outreach—instead of expecting applicants to provide the information ad hoc—as well as intaking updates via email and text then having HA staff document the changes.

- *Describe in detail how different preferences will impact an applicant's placement on the waitlist using plain, actionable language and visual aids.* Being transparent about preference systems can help people experiencing housing instability navigate poverty and America's broken system of housing supports. For example, a person experiencing homelessness may qualify for immediate placement into a unit that has been set aside, but they applied online instead of through the coordinated entry process at a local nonprofit and therefore couldn't take advantage of a limited preference; if the application states that they must be referred by the nonprofit, they can act on that information.^{25, 26} HAs should include these explainers about the impact of different preferences in the same PDF as the application, and include a link on any application portal.
- *Start a demonstration program to research the most people-centered way to operate a waitlist, requiring significant community engagement and assessment of various models.*
- *Evaluate the potential impact of standardizing preferences federally.* Congress established federal preferences in the early 1980s, which at that time included households displaced by public action, paying more than half their income for rent, in severely substandard housing, or experiencing homelessness. These populations received a general preference and were put at the top of waitlists. In the late 1990s, Congress eliminated federal preferences, narrowed income eligibility for the voucher and public housing programs, and gave PHAs the authority to establish their own local preferences. Simplifying the preference system by re-establishing a federal preference could reduce the informational burden placed on people navigating the U.S.'s patchwork web of rental assistance programs.

E. Expedite the transition off the waitlist and into a unit (Questions 1a, 1b, 1c, and 1d)

Administrative burdens during the transition off the waitlist and into permanent housing differ greatly between the public housing and HCV programs. Because participants in HCV must depend on the private rental market to secure a unit, HUD estimates that as few as 60 percent of people who get

²⁵ U.S. Department of Housing and Urban Development, "Establishing Waiting List Preferences and Programs Specifically for People Experiencing Homelessness," *How PHAs Can Assist People Experiencing Homelessness*, 2021, <https://files.hudexchange.info/resources/documents/PHA-Establishing-Waiting-List-Preferences-and-Programs-Specifically-for-People-Experiencing-Homelessness.pdf>.

²⁶ U.S. Department of Housing and Urban Development, "Using Coordinated Entry to Identify People Experiencing Homelessness for Housing Assistance," *How PHAs Can Assist People Experiencing Homelessness*, 2021, <https://files.hudexchange.info/resources/documents/PHA-Using-Coordinated-Entry-to-Identify-People-Experiencing-Homelessness-for-Housing-Assistance.pdf>.

vouchers can find a landlord willing to rent to them.²⁷ In contrast, HUD has more direct control over administrative burdens in public housing at this stage in the application process.

After receiving a voucher, people must try to find a unit that meets the HAs standards in a private rental market. In most of the country, they must do so in a market where it is legal to discriminate against them for using a voucher to pay; only a few places have strong source-of-income discrimination laws.²⁸ Voucher recipients may have as little as 60 days to find a unit and sign a lease. There are several living standards that a unit must meet to be approved by an inspector representing the HA.²⁹ Because units often move faster than the HA, especially in areas with a lack of affordable housing, and there are so few laws protecting against source-of-income discrimination, navigating the private rental market as a voucher recipient can be incredibly stressful. In some places, as many as half of the people who receive a housing voucher are never able to successfully use it to rent a home before it expires, even though they may have waited years for that voucher.³⁰

HUD could improve the search term for people who secure vouchers by:

- *Developing a standard list of housing search services and encourage HAs to adopt it during their planning process.* HUD encourages HAs to support people with vouchers in the housing search, but the offerings vary by HA.³¹ HUD should consider requiring all HAs to offer a standard list of housing search services as part of the 5-Year or Annual Plan approval process or in federal guidance.
- *Setting a minimum number of instances an HAs must extend the search term for every voucher holder.* In 5-Year or Annual Plans, HAs outline their process for extending the time that a voucher holder has to find a unit before the voucher expires. HUD could make search terms more equitable by requiring all HAs to offer voucher recipients a minimum number of extensions as part of the 5-Year or Annual Plan approval process or in federal guidance.
- *Issuing guidance encouraging HAs to presume eligibility, thereby increasing the number of days that a household has to search for a unit.* HUD recently approved a waiver allowing Los Angeles housing authorities to issue vouchers to people experiencing homelessness, and then verify their income within 60 days.³² Prior to the approval, income had to be verified before the agency

²⁷ *Using HUD Administrative Data to Estimate Success Rates and Search Durations for New Voucher Recipients*, U.S. Department of Housing and Urban Development, 2021, https://www.huduser.gov/portal/portal/sites/default/files/pdf/Voucher-Success_Rates.pdf.

²⁸ Poverty & Race Research Action Council, "APPENDIX B: State, Local, and Federal Laws Barring Source-of-Income Discrimination," *Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program*, 2023, <https://www.prrac.org/pdf/AppendixB.pdf>.

²⁹ U.S. Department of Housing and Urban Development, "Chapter 10: Housing Quality Standards," *Housing Choice Voucher Program Guidebook*, https://www.hud.gov/sites/documents/DOC_35620.PDF.

³⁰ Jacqueline Rabe Thomas, "Why half of affordable housing vouchers in CT go unused: 'A slamming door in my face'" *CT Insider*, <https://www.ctinsider.com/news/article/Half-of-CT-affordable-housing-lottery-winners-17597460.php>.

³¹ U.S. Department of Housing and Urban Development, "Chapter 8: Housing Search and Leasing," *Housing Choice Voucher Program Guidebook*, p. 14, https://www.hud.gov/sites/documents/DOC_35618.PDF.

³² "HUD Approves Changes to Housing Choice Voucher Program to Accelerate Homelessness Solutions in Los Angeles," *U.S. Department of Housing and Urban Development*, 2023, https://www.hud.gov/press/press_releases_media_advisories/hud_no_23_175.

could issue a voucher. Presumptive eligibility increases the chances of an applicant actually getting into a home. Voucher holders who are presumed eligible are more likely to complete the eligibility determination process (opposed to stopping out of frustration) and finding a unit before their voucher expires.

- *Researching how presumptive eligibility combined with direct cash payments could be used to support voucher recipients financially during the search term through a federal demonstration program.* Many HAs have offered pay for services like child care, but direct cash payments are the most straightforward way to ensure that voucher holders can prioritize the housing search while navigating poverty. This shift to cash assistance may also mitigate feelings of shame that may be associated with using a voucher. Unfortunately, HUD’s lawyers have determined it would violate existing congressional law to distribute federal housing dollars as cash, even under the Moving to Work program.³³ But HUD can still partner with private philanthropy to research the potential impact of HAs supplying households with a cash payment equivalent to the HAs contribution to their rent (calculated using the fair market rent) during the 60 plus day search for a rental unit. CLASP applauds HUD’s serious consideration of this idea and hopes to be included in future strategic discussions as HUD officials prepare for the federal demonstration program.

Both private owners of subsidized units and housing authorities have the right to do tenant screening before signing a lease. They screen tenants by checking past landlord references, credit reports, and criminal records. *HUD should explore levers within its authority to standardize and limit the information that landlords can source on recipients of federal rental assistance.* In public housing programs, the HA may even request to visit an applicant at home to observe how they manage the upkeep of their current home. This at-home assessment is unnecessary, invasive, and infantilizing. A person’s eligibility for public housing should not depend on another person’s standards of cleanliness. HUD should advise HAs to eliminate this and any other at-home interview requirements.

- F. Reduce the frequency of interim redeterminations by consolidating reporting requirements in the annual redetermination process and eliminate harsh penalties for noncompliance (Question 1b)

Many HAs use a sample residential lease provided by HUD to govern the relationship between the HA or private landlords and tenants that receive federal housing assistance.³⁴ This sample lease includes a provision that requires tenants to report all changes in family size to their landlord within 10 days. After reporting the change in family composition, tenants enter into an interim reexamination process where any new household members are screened and rent may be recalculated. Under the sample lease, not reporting this change in time is grounds for eviction due to misrepresentation of a household’s circumstance. The sample lease also gives the HA the authority to increase rents retroactively, potentially putting people who fail to report in debt.

³³ Rachel M. Cohen, “A bold new federal experiment in giving renters cash,” *Vox*, 2023, <https://www.vox.com/2023/9/12/23864165/affordable-housing-voucher-program-hud-federal-government-section-8>.

³⁴ “Appendix IV: Sample Public Housing Authority Lease Agreement,” U.S. Department of Housing and Urban Development, https://www.hud.gov/sites/documents/DOC_10768.PDF.

Though this strict reporting requirement is in HUD's sample lease, CLASP has found no legislative or administrative mandate requiring tenants to report a change in family size within 10 days.^{35 36 37} Federal legislation only states that the lease must outline a clear process for the reexamination of rent and family composition; the lease must clarify the frequency of regular rent determinations and reasons why an interim reexamination would be required.³⁸

In other words, HUD has significant authority to recommend when an interim redetermination is *required*. HUD should revise the sample lease to limit the number of circumstances in which a tenant must immediately report a change in family composition (i.e., only if the temporary resident brings \$200 or more in monthly income). *Even better, HUD should recommend that HAs make these reports optional outside of regular recertification periods, which are currently annual.* HUD could add a brief regular redetermination at the 6-month point focused on documenting any changes in family composition and income if deemed necessary. CLASP understands that HUD recommends such frequent reporting from tenants because HAs are legally required to monitor who resides in federally-assisted units. However, federal law requires HAs to determine a tenant's eligibility and benefit levels at only two stages in the application process: when the person first applies and at the annual reexamination.³⁹

CLASP strongly encourages HUD to take all actions within its authority to reduce the reporting requirements placed on tenants, as well as investigate other terms of the lease that may unnecessarily police tenants. Strict reporting requirements that carry harsh penalties when violated are particularly cruel because they disregard how little support the current system actually provides to people experiencing housing instability. People with evictions on their record, who were recently released from prison, or fleeing a violent household cannot seek refuge in housing and homelessness assistance programs: they are underfunded and exclusionary by design. In many situations, the only place that people experiencing extreme poverty can go is a loved one's couch. No tenant in a public housing unit should have to say, "You have to leave in 7 days, or else the HA may evict me," to their friend or family member in need.

G. Eliminate the community service requirement for public housing residents (Question 1a)

The majority of people who receive federal rental assistance are not subject to work requirements.⁴⁰ Rigorous evidence shows that work requirements do not increase employment or economic mobility;

³⁵ 42 U.S. Code § 1437f, "Low-income housing assistance," <https://www.law.cornell.edu/uscode/text/42/1437>.

³⁶ 42 U.S. Code § 3544, "Preventing fraud and abuse in housing and urban development programs," <https://www.law.cornell.edu/uscode/text/42/3544>.

³⁷ 24 CFR § 966.4, "Lease requirements," <https://www.law.cornell.edu/cfr/text/24/966.4>.

³⁸ 24 CFR § 966.4.

³⁹ U.S. Department of Housing and Urban Development Office of Public and Indian Housing, "Reexaminations," *Housing Choice Voucher Program Guidebook*, 2019, https://www.hud.gov/sites/dfiles/PIH/documents/HCV_Guidebook_Reexaminations.pdf.

⁴⁰ There are 9 HAs that participate in the Moving to Work Program that do have work requirements. Diane K. Levy, Leiha Edmonds, and Jasmine Simington, *Work Requirements in Public Housing Authorities*, Urban Institute, 2018, <https://www.urban.org/sites/default/files/publication/95821/work-requirements-in-public-housing-authorities.pdf>.

instead, they decrease participation rates due to the administrative burdens that they introduce.^{41 42} While there are no federal work requirements, there is a community service and self-sufficiency requirement for public housing residents that has been in effect since 2023. All adult residents are required to participate in 8 hours per month of community service or participate in an economic self-sufficiency program, unless they are exempt. It was estimated in 2015 that about 14 percent of public housing residents were subject to the community service requirement. HAs must review and verify each member of a household's compliance once per year. Each nonexempt family member is required to present a signed certification on a form provided by the PHA of qualifying activities performed over the previous 12 months. In 2016, HUD began to permit PHAs to adopt policies to allow families to self-certify their compliance with the community service requirement, subject to verification by a third party.^{43 44} *HUD should take this guidance and step further and require all HAs to adopt self-certification for the community service requirement. In addition, HUD should remove the requirement that HAs validate the self-certification of a random sample of public housing residents once per year.* HUD should explore additional administrative levers to ease the community service requirement, working with Congress to eventually eliminate it altogether.

H. Encourage asset-building and eliminate asset-related documentation requirements (Question 1a, 1b, and 1c)

Assets like cash savings, vehicles, and retirement accounts enable people to weather emergencies and promote economic mobility. Yet a quarter of U.S. households lack the assets, or savings, required to cover even three months of basic living expenses without an income source. These households are disproportionately Black because wealth has been extracted from Black Americans and their ancestors for centuries.⁴⁵ Building assets remains elusive for many low-income people as they have to supplement poverty wages with entitlement programs that, counterintuitively, can discourage asset-building. Other groups like immigrants without work authorization and people with felonies on their record struggle to build wealth because they're excluded from legal job markets and some benefits programs altogether.

Thankfully, federal rental assistance programs do not limit the amount of assets that applicants or recipients can have. Income is the only figure used to determine eligibility and calculate a household's rental contribution. However, the HCV and public housing programs do count any money that people derive from their assets as income, meaning that applicants are still expected to report their assets

⁴¹ Colin Gray, Adam Leive, Elena Prager, et al., *Employed in a SNAP? The Impact of Work Requirements on Program Participation and Labor Supply*, American Economic Journal: Economic Policy, 2023, <https://www.aeaweb.org/articles?id=10.1257/pol.20200561>.

⁴² Leighton Ku, Erin Brantley, and Drishti Pillai, *The Effects of SNAP Work Requirements in Reducing Participation and Benefits From 2013 to 2017*, American Journal of Public Health, 2019, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6727315/>.

⁴³ "Notice PIH-2016-06 (HA): Administering the Self-Certification Flexibility when Verifying Community Service and Self-Sufficiency Requirement (CSSR) Compliance," U.S. Department of Housing and Urban Development Office of Public and Indian Housing, issued April 2016, <https://www.hud.gov/sites/documents/PIH2016-06.PDF>.

⁴⁴ *Community Service Requirement for Residents of Public Housing*, Congressional Research Service, 2016, <https://crsreports.congress.gov/product/pdf/RS/RS21591/19>.

⁴⁵ Emily Moss, Kriston McIntosh, Wendy Edelberg, and Kristen Broady, *The Black-white wealth gap left Black households more vulnerable*, Brookings Institute, 2020, <https://www.brookings.edu/articles/the-black-white-wealth-gap-left-black-households-more-vulnerable/>.

during the application and reexamination process.⁴⁶ Intense asset reporting requirements force low-income households into the time-consuming and error-prone process of documenting every one of their assets. *As described above, HUD should strongly encourage HAs to utilize self-certification to verify a household's assets, as reducing documentation requirements will simplify the reporting process.*

Federal rental assistance is also unique in that it has a program meant to facilitate asset-building. HUD's Family Self-Sufficiency (FSS) program allows tenants whose incomes increase while living in a subsidized unit to put a portion of their rent payment in a savings account. Because rent is income-based, an increase in income raises rent proportionally. Usually, this structure penalizes income growth, but the FSS program allows people to keep the additional money they earn. Despite being established in 1990, only 3 percent of eligible households currently engage in FSS, leaving an untapped reservoir of federal resources that could help more than 2 million tenants in federally subsidized housing—half of which are headed by Black, Latina, and multi-racial women—accumulate savings. To increase participation, advocates have recommended an opt out model for FSS, streamlining enrollment.⁴⁷ *HUD should expand opt-out pilots for FSS with the goal of scaling this model nationwide.*

III. Immigrant Access to Housing and Homelessness Assistance (Question 1g)

In addition to the learning costs associated with navigating a patchwork of underfunded programs, immigrants must overcome staggering layers of conflicting policies to access housing assistance. The process of determining eligibility for housing assistance is particularly difficult, compounding valid fears that immigrants have about the negative consequences of applying for benefit programs regardless of eligibility. Immigrant eligibility for housing assistance differs based on the program and is primarily determined by two laws: Section 214 of the Housing and Community Development Act of 1980 (Section 214), which governs the major rental assistance programs like HCVs and public housing, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which could apply to any program as determined by the Secretary of HUD. However, the definitions of eligibility are not always aligned.⁴⁸ The two laws have separate definitions of whether an immigrant is "eligible" under Section 214 or "qualified" under PRWORA, making it difficult for case workers to offer clear guidance on whether or not a certain immigrant household is eligible for a program or not. A handful of other housing programs don't have any eligibility restrictions for immigrants at all, including the Low-Income Housing Tax Credit and most emergency housing supports.

A. Maintain and communicate up-to-date information around what programs people with different immigration statuses are eligible for

Federal guidance or community outreach materials that try to describe immigrant eligibility for the multi-agency constellation of housing programs are rarely able to do so in a manner that is both

⁴⁶ District of Columbia Housing Authority, "DCHA Things you Should Know" May 2022 <https://www.dchousing.org/wordpress/wp-content/uploads/2022/05/Application-Recertification-Package.pdf>.

⁴⁷ Markita Morris-Louis, "Helping renters build assets and move out of poverty by scaling HUD's best kept secret", *Brookings Institute*, 2023, <https://www.brookings.edu/articles/helping-renters-build-assets-and-move-out-of-poverty-by-scaling-huds-best-kept-secret/>.

⁴⁸ "Noncitizen Eligibility for Federal Housing Programs," Congressional Research Service, 2023 <https://sgp.fas.org/crs/misc/R46462.pdf>.

concise and clear, and, as a result, it is extremely difficult even for immigrants seeking this information to find it.

For HUD programs governed by the PRWORA definition of a “qualified” immigrant, yet another level of potential confusion exists. PRWORA notably includes a provision that bars qualified immigrants with lawful permanent resident status from accessing federal *means-tested* public benefits (FMTPB) for five years. Although HUD determined that no public programs under its jurisdiction are FMTPBs as defined by PRWORA, this exemption is not well-understood even by policy experts. In fact, the HCV program is cited in federal reports as an example of a means-tested public assistance program.⁴⁹ Through CLASP’s work on the Supplemental Nutrition Assistance Program (SNAP) program, we have seen that immigrants who are temporarily barred from some federal benefits like SNAP for five years due to PRWORA often mistakenly believe that they are categorically ineligible for *all* public benefits.⁵⁰

Immigrants who find themselves mystified by this tangle of eligibility criteria have few resources to turn to for support. Unfortunately, few immigration attorneys are experts in public benefit programs and the HA staff tasked with administering these programs rarely understand the nuances of immigration law. As a result, many immigration attorneys will conservatively advise their clients to forgo public benefits altogether if possible, and many administrators at public benefit agencies incorrectly reject applications submitted by noncitizens on the mistaken belief that they are categorically ineligible for public benefits. In the absence of education and support to bridge these two sets of policies, immigrants are largely left to navigate housing assistance programs on their own.

Additional legislative fixes and rulemaking by other federal agencies are needed to fully correct the misalignment in eligibility criteria across housing programs. Nevertheless, HUD can implement a few changes on its own to reduce some administrative burdens for immigrants:

- *Require each HA to create a list of programs that immigrants are eligible for, including which specific type(s) of immigration status qualify for each, the HA’s unique name for their programs, and the funding source.* This reference list could help case workers and immigrants comprehend the nuances of immigrant eligibility. An example can be found on page 17 of this report from the Congressional Research Service.⁵¹
- *Create a tool on the HUD website where immigrants can check if they are likely to be eligible for any housing programs based on their immigration status, country of origin, method of entry, and if they received certain benefits as of August 22, 1996, according to federal law.* Although a specific HA may have a rule limiting eligibility within their jurisdiction, this tool could still help immigrants gauge their eligibility and advocate for themselves.
- *Ensure that HAs are not denying access to housing to mixed immigration status households because some members do not have Social Security Numbers.* While only U.S. citizens and eligible

⁴⁹ Congressional Research Service, “Noncitizen Eligibility for Federal Housing Programs.”

⁵⁰ Alice Aluoch and Juliana Zhou, “Congress Must Simplify Confusing SNAP Rules That Contribute to Food Insecurity among Immigrant Families,” *Center for Law and Social Policy*, 2023, <https://www.clasp.org/blog/congress-must-simplify-confusing-snap-rules-that-contribute-to-food-insecurity-among-immigrant-families/>.

⁵¹ Congressional Research Service, “Noncitizen Eligibility for Federal Housing Programs.”

immigrants are eligible for housing subsidies, mixed-immigration status households can receive prorated assistance.⁵²

B. Mitigate the chilling effect

Even if an immigrant has the knowledge and resources to overcome the informational administrative burdens detailed above, many choose not to because of a fear that utilizing public benefits will result in negative immigration outcomes for themselves or members of their family—a form of psychological administrative burden also known as the “public charge chilling effect.” These fears have always existed within immigrant communities due to complex, punitive, or hostile immigration laws. However, immigrant non-utilization of public benefits increased significantly in 2019 when the Trump Administration announced a new public charge rule that would deny permanent resident status to immigrants if they had received or were expected to receive housing assistance among many other public benefits.⁵³ The 2019 public charge rule was never implemented and ultimately replaced by a new public charge rule under the Biden Administration in September 2022. The Trump Administration also proposed but later withdrew a HUD rule to exclude mixed status families from public housing.⁵⁴ Although these rules were never implemented, the chilling effect from this era of attacks on immigrant access to public benefits lingers.⁵⁵

Anti-immigrant rhetoric and policies were not a unique feature of the Trump Administration. Because of this history, immigrant communities have a deeply-entrenched fear and distrust of the government programs. A 2019 qualitative study of housing advocates, housing service providers, and leaders within Philadelphia’s Hispanic communities found that distrust of government and fears regarding negative immigration consequences prevent many people in immigrant and mixed status households from seeking housing assistance.⁵⁶ One interviewee explained, “Immigrant communities distrust ‘free money’ and government aid. They fear scams, eviction, even deportation. This leads to an unwillingness to report landlords’ housing violations and to apply for assistance.” Even those with documented immigration status and who are eligible for federal benefits may avoid applying for fear of negative ramifications for family members.⁵⁷ Unnecessary requests for documentation further exacerbate these fears, as described by another focus group participant: “A lot of us are afraid to go to certain

⁵² Xavier Arriaga, “Mixed Status” and “Public Charge” Rules: Attacks on Immigrants’ Access to Housing, National Low Income Housing Coalition, 2012, https://nlihc.org/sites/default/files/AG-2021/06-12_Attacks-Immigrants-Access-Housing.pdf.

⁵³ *Research Documents the Harm of Past Public Charge Policies*, Protecting Immigrant Families, 2023, <https://pifcoalition.org/wp-content/uploads/2023/06/Documenting-the-Harm-2023.pdf>.

⁵⁴ “HUD Withdraws Proposed Mixed Status Rule,” *National Low Income Housing Coalition*, 2021, <https://nlihc.org/resource/hud-withdraws-proposed-mixed-status-rule>.

⁵⁵ Lei Chen, Maria Elena De Trinidad Young, Michael A. Rodriguez, and Kathryn Kietzman, *Immigrants’ Enforcement Experiences and Concern about Accessing Public Benefits or Services*, *Journal of Immigrant and Minority Health*, 2023, <https://link.springer.com/article/10.1007/s10903-023-01460-x>.

⁵⁶ Claudia Aiken, Vincent J. Reina, and Dennis P. Culhane, *Understanding Low-Income Hispanic Housing Challenges and the Use of Housing and Homelessness Assistance*, *Cityscape: A Journal of Policy Development and Research*, 2021, <https://www.huduser.gov/portal/periodicals/cityscpe/vol23num2/ch7.pdf>.

⁵⁷ Cecibel Henriquez, “New Report Shows that Fear in Immigrant Communities Kept Children from Getting the Food They Needed,” *No Kid Hungry*, 2021 <https://www.nokidhungry.org/blog/new-report-shows-fear-immigrant-communities-kept-children-getting-food-they-needed>.

organizations because they will ask for ID, a paper trail. A lot of us, including me, don't know where to go in a situation like that.”

The fears associated with public benefit usage among immigrants is a psychological weight that is centuries in the making. Therefore, consistent, intentional, and trauma-informed efforts are needed to address these psychological burdens. We recommend HUD implement the following:

- Issue simple language, user-friendly guidance and resources to community members on the policy changes to limit the chilling effect these rules have had on families pursuing public benefits.
- Invest in outreach to trusted community-based organizations, housing nonprofits, housing agencies and training for immigration attorneys and housing agencies on the specific barriers faced by immigrants needing housing assistance.
- Clarify on all outreach materials and at all steps of the application what documentation will be required, how it will and won't be used, and what that information can or cannot be used for.

C. Ensure efforts to improve language access are effective (Question 1f)

Noncitizens are far more likely to have limited English proficiency (LEP) and live in states with severe shortage of affordable rental housing stock.⁵⁸ While no state currently has an adequate supply of affordable rental housing available, almost half of all LEP individuals live in states with particularly severe shortages—California (25%), Texas (14%), and Florida (10%).⁵⁹ ⁶⁰ Because LEP individuals are also more likely to have low incomes, language access barriers within HAs are likely to be especially burdensome to LEP individuals in areas with the greatest need for housing assistance.

Under Title VI of the Civil Rights Act, recipients of federal financial assistance must take reasonable steps to make their programs, services, and activities accessible by eligible persons with limited English proficiency (LEP). However, decades after the adoption of federal laws mandating language access as a civil right, LEP individuals continue to struggle for equitable access to public benefits due to language barriers. LEP guidelines are also inconsistent across federal agencies and rarely enforced. Common language access issues include:

- There is rarely sufficient funding set aside for translating vital materials, either in federal funding to state, or in state and local agency budgets. In the absence of such investments, “reasonable steps” often fall short of the needs of LEP individuals, particularly if they require language access in a language other than Spanish.

⁵⁸ “Lower-Income Renter Households More Likely to Be Limited English Speaking,” *National Low Income Housing Coalition*, 2020 <https://nlihc.org/resource/lower-income-renter-households-more-likely-be-limited-english-speaking>.

⁵⁹ Sweta Haldar, Drishti Pillai, and Samantha Artiga, *Overview of Health Coverage and Care for Individuals with Limited English Proficiency (LEP)*, Kaiser Family Foundation, 2023, <https://www.kff.org/racial-equity-and-health-policy/issue-brief/overview-of-health-coverage-and-care-for-individuals-with-limited-english-proficiency/>.

⁶⁰ *The Gap*, National Low Income Housing Coalition, 2023, <https://nlihc.org/gap>.

- When translated forms or materials are available, instructions on how to find and use such materials are often only available in English, making the materials inaccessible to the very people they are intended for.
- Webpages are translated using machine translation (e.g., Google Translate) only and often contain errors.
- Translated materials display lack of cultural competency. One common example is mislabeling flyers translated into Traditional or Simplified Chinese (two different written languages) as “Cantonese” or “Mandarin,” which are two different spoken languages that do not map perfectly onto the written scripts.
- Translations are only available in Spanish.
- An agency's phone line has complex phone tree instructions for non-English languages.
- Language access helplines that don't have in-language instructions or that are insufficiently staffed and transfer callers to the English-language phone line.

We also recommend that investments in human interpreters should be prioritized over the adoption of machine translation services or technologies, with additional training for medical specialization and cultural competence. The accuracy of machine translation technologies (e.g., Google Translate) has proven to vary greatly across non-English languages. In one University of California, San Francisco study looking at the accuracy of emergency discharge instructions translated into Spanish and Chinese using Google Translate, researchers found that instructions translated into Chinese contained significantly more errors than those translated into Spanish.⁶¹

Navigating housing assistance applications is a complex, multi-step, and often time-sensitive process, even for those with native English proficiency. For those with LEP, misunderstanding an instruction or missing a step in the process can lead to a critical setback when an individual is already unstably housed and in financially desperate straits. HUD must:

- At a minimum, make key language access provisions a requirement of funding to states, municipalities, with clear guidance, support, resolution, and enforcement measures;
- Require and make funds available to housing authorities to have at least one bi- or multi-lingual housing assistance navigator on staff;
- Issue guidance prioritizing human translations of materials over machine translations or requiring housing authorities to check all machine-translated materials with a culturally competent human translator; and
- Publish resources not only on best practices, but common errors when implementing language access plans that paradoxically inhibit language access.

IV. Conclusion

The strategies to minimize administrative burdens outlined in this comment will not eliminate barriers to housing access without legislative action. So long as federal investments in rental assistance

⁶¹ Elaine C. Khoong, Eric Steinbrook, Cortlyn Brown, and Alicia Fernandez, *Assessing the Use of Google Translate for Spanish and Chinese Translations of Emergency Department Discharge Instructions*, 2019, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6450297/>.

programs and the available stock of permanently affordable housing remain insufficient to meet demand, administrative burdens will persist. Long wait lists, intense reporting requirements, and other administrative burdens in the public housing and HCV program stem from attempts to ensure that the limited amount of available rental assistance goes to whoever is perceived as the “neediest”. What this means for applicants is that the true criteria required to receive assistance is constantly fluctuating, ever-dependent on the number and perceived severity of other applicants’ circumstances. The hierarchies of need that HAs develop to cope with funding shortages lead to burdensome rules that deter applicants from applying and increase churn (e.g., an HA claiming to ensure that its resources go to the “neediest” families by implementing punitive fraud and program “integrity” measures that disproportionately surveil women of color).⁶² Therefore, to truly make these programs accessible and anti-racist, HUD and the Biden Administration must demand legislative action that lift eligibility restrictions on immigrants and people with criminal records, expand protections for renters, regulate the private rental market, repeal the Faircloth Amendment, and significantly increase funding for housing and homelessness assistance programs. But the changes outlined in this comment can make the application process more approachable, and they can make the labor required to keep ones’ hard-earned assistance more manageable. After waiting months to years to decades to receive rental assistance, people deserve true housing security.

⁶² *An Economy for All: Building a “Back Women Best” Legislative Agenda*, The Congressional Caucus on Black Women and Girls, 2022, https://watsoncoleman.house.gov/imo/media/doc/bwb_report_20220331.pdf.