

April 10, 2020

The Honorable Ben Carson
Secretary
U.S. Department of Housing and Urban Development
451 7th Street SW
Washington, DC 20410-0001

Russell T. Vought
Acting Director
Office of Management and Budget
725 17th St NW
Washington, DC 20503

Dear Secretary Carson and Director Vought:

Because of the current novel coronavirus (COVID-19) pandemic, the 104 undersigned organizations urge the Department of Housing and Urban Development (HUD) to suspend all non-emergency rulemaking until at least 30 days after the national emergency declared on March 13, 2020 has ended. Given the importance of stable and safe housing to prevent the spread of COVID-19, making changes to regulations that would result in fewer people receiving housing assistance and undermining civil rights protections would exacerbate the current public health crisis. Additionally, many stakeholders, especially service and housing providers, are overwhelmed with ensuring the health and safety of tenants and people experiencing homelessness and would likely be unable to appropriately provide much-needed feedback and input or implement new regulations.

HUD's role in providing safe, accessible, and affordable housing is of the utmost importance during the current pandemic. People living without basic shelter are at a particularly high risk of COVID-19 as they may lack access to many preventative measures, such as handwashing, home isolation, and rapid access to health care. Many families with low incomes, particularly people of color, women, survivors of gender-based violence, immigrants, families with children, people with disabilities, seniors, and LGBTQ people, are facing increased economic uncertainty due to the pandemic and would be at increased risk of homelessness – and therefore COVID-19 – if they lost their housing assistance. However, prior to the declared national emergency, HUD was working on several rules that could limit fair access to housing or emergency shelter and burden already overwhelmed housing and service providers.

Of particular concern are the following proposals:

- **Housing and Community Development Act of 1980: Verification of Eligible Status (FR-6124-P-01)**
- **Affirmatively Furthering Fair Housing (FR-6123-P-02)**
- **HUD's Implementation of the Fair Housing Act's Disparate Impact Standard (FR-6111-P-02)**
- **Revised Requirements Under Community Planning and Development Housing Programs (FR-6152)**

- **Equal Participation of Faith- Based Organizations in HUD Programs and Activities: Implementation of Executive Order 13831 (FR-6130-P-01)**

In response to the COVID-19 pandemic, the federal government has made significant investments in providing rapid rehousing and emergency shelter for people experiencing homelessness during the COVID-19 pandemic. These investments recognize that people experiencing homelessness who contract coronavirus are twice as likely to be hospitalized, two to four times as likely to require critical care, and two to three times as likely to die than others in the general public. If unchecked, as many as 20,000 people who are currently homeless could require hospitalization and nearly 3,500 could die. This has enormous implications for individuals, their communities, and our already overstretched hospital systems.

However, many of HUD's forthcoming proposed rules threaten to push even more people into homelessness, which would exacerbate the public health crisis already facing communities. For example, HUD's "Revised Requirements Under Community Planning and Development Housing Programs" would change existing protections for LGBTQ people experiencing homelessness and make it more difficult for them to seek the safe shelter necessary for their health and safety. The "Equal Participation of Faith-Based Organizations" proposed rule would similarly threaten access to housing, particularly for women, LGBTQ people, and people of minority or no faith. It is clear, now more than ever, that housing is healthcare, and access to safe, accessible, and affordable homes is needed to protect the health of the broader community, as well as individuals.

Federal, state, and local governments have recognized that evictions pose a serious public health threat during the pandemic, but HUD's "Verification of Eligible Status" rule could lead to the eviction of 25,000 mixed-status immigrant families as well as people who cannot secure the documentation needed to comply with the new rule. This rulemaking would be particularly harmful for women and girls, people of color, children, survivors of gender-based violence, LGBTQ people, seniors, and people with disabilities who need rental assistance to have a roof over their heads.

HUD has also proposed changing important civil rights regulations, such as the Affirmatively Furthering Fair Housing (AFFH) rule and the Disparate Impact standard, that help ensure all people have equitable access to housing. Given the critical importance of housing during the current pandemic, HUD should not pursue rules that undermine access to affordable and accessible housing for members of protected classes under the Fair Housing Act.

HUD staff, public housing agencies (PHAs), housing and service providers, and other stakeholders are rightly focused on responding to the COVID-19 crisis. HUD staff time should not be diverted from the ongoing emergency to respond to non-essential rulemaking that would ask already overwhelmed stakeholders to submit meaningful public comment, change their practices or procedures, or respond to increased housing needs resulting from finalizing rules that jeopardize fair housing. As such, we ask that you suspend all non-emergency rulemaking – including granting extensions for current public comment periods – until at least 30 days after the end of the declared national emergency.

Please contact Sonya Acosta (sacosta@nlihc.org) at the National Low Income Housing Coalition, Sarah Hassmer (shassmer@nwlc.org) at the National Women's Law Center, or Noëlle Porter (nporter@nhlp.org) at the National Housing Law Project with any questions.

Sincerely,

National Organizations

African American Health Alliance

American Atheists

American Muslim Health Professionals

Americans for Financial Reform Education Fund

Americans United for Separation of Church and State

Asian Pacific American Labor Alliance, AFL-CIO

Asian Pacific Institute on Gender-Based Violence

Association of Asian Pacific Community Health Organizations

Athlete Ally

Bread for the World

Casa de Esperanza: National Latin@ Network for Healthy Families and Communities

Center for American Progress

Center for Disability Rights

Center for Law and Social Policy (CLASP)

Center for LGBTQ Economic Advancement & Research

Children's Defense Fund

Coalition on Human Needs

Congregation of Our Lady of the Good Shepherd, U.S. Provinces

Consortium for Citizens with Disabilities Housing Task Force

Disability Rights Education & Defense Fund

Evangelical Lutheran Church in America

Funders Together to End Homelessness

Hispanic Federation

Human Impact Partners

Human Rights Campaign

Hunger Free America

Justice for Migrant Women

Justice in Aging

MALDEF

MANA, A National Latina Organization

Movement Advancement Project

Muslim Caucus Education Collective

Muslim Caucus of America
Muslim Public Affairs Council
NAACP
National Action Network
National Advocacy Center of the Sisters of the Good Shepherd
National Alliance to End Homelessness
National Center for Lesbian Rights
National Center For Transgender Equality
National Coalition for Asian Pacific American Community Development
National Coalition for the Homeless
National Council of Asian Pacific Americans (NCAPA)
National Council on Independent Living
National Domestic Violence Hotline
National Equality Action Team
National Health Care for the Homeless Council
National Housing Law Project
National Housing Trust
National Human Services Assembly
National Innovation Service
National Korean American Service & Education Consortium (NAKASEC)
National Law Center on Homelessness & Poverty
National Low Income Housing Coalition
National Network to End Domestic Violence
National Organization for Women
National Partnership for Women & Families
National Resource Center on Domestic Violence
National Urban League
National Women's Law Center
NETWORK Lobby for Catholic Social Justice
OCA-Asian Pacific American Advocates
People's Action
Planned Parenthood Federation of America
Poligon Education Fund
Poverty & Race Research Action Council
Presbyterian Church (U.S.A), Office of Public Witness
Public Advocacy for Kids (PAK)
RESULTS
Tahirih Justice Center
The Forum for Youth Investment

The Leadership Conference on Civil and Human Rights

The Trevor Project

Transgender Law Center

True Colors United

Ujima Inc: The National Center on Violence Against Women in the Black Community

State and Local Organizations

Alabama

Thrive Alabama

Arizona

Ability360

California

California Partnership to End Domestic Violence

Community Action Board of Santa Cruz County, Inc.

Legal Aid at Work

District of Columbia

RESULTS DC

Illinois

Housing Action Illinois

Housing Choice Partners

Kentucky

Pride Community Services Organization

Maine

Maine Coalition to End Domestic Violence

Maryland

Addiction Connections Resource

Montana

Montana Coalition Against Domestic and Sexual Violence

New York

FPWA

New York Immigration Coalition

We All Rise

North Carolina

Equality North Carolina

Pennsylvania

Mazzoni Center

Women's Law Project

Texas

Texas Appleseed

Texas Council on Family Violence

Vermont

Champlain Valley Office of Economic Opportunity

CVOEO VTTenants and Mobile Home Programs

Lamoille Housing Partnership

Vermont Affordable Housing Coalition

Vermont State Housing Authority

Washington

South Puget Sound Asian Pacific Islander Coalition

Asian Counseling and Referral Service

LGBTQ Allyship