

Public charge and access to housing: Briefing paper

OVERVIEW:

The proposed “[Inadmissibility on Public Charge Grounds](#)” rule of the U.S. Citizenship and Immigration Services (USCIS), prevents some immigrants from obtaining lawful permanent resident status, also known as green cards, and some visas based on whether they will be considered a “public charge” to the U.S. government. While the current programs considered to be an indication of inadmissibility into the U.S. include cash assistance and some long-term medical care, the proposed rule would expand this definition to a broad variety of programs, including housing programs.

The proposed rule would affect three housing programs within the Department of Housing and Urban Development (HUD): the Section 8 **Housing Choice Voucher Program**, the Section 8 **Project-Based Rental Assistance Program**, and the **Subsidized Public Housing programs**.

Collectively, these three programs are critical in assisting low and extremely low-income renter households that pay an excessive percentage of their income on housing costs. Generally, assisted households in these programs continue to pay what HUD deems to be an ‘affordable’ rate, and the remainder of the housing costs are fulfilled by the particular program. The rate that residents pay for most federal housing programs is determined around:

- 30% of their monthly adjusted income;
- 10% of their monthly gross income;
- Their welfare shelter allowance; or
- A Public Housing Authority determined minimum rent of up to \$50.

These annually appropriated housing programs have limited levels of funding each year, consequentially leading to over-demand and wait-lines for applicants. Roughly [14 million households eligible for housing assistance do not receive any](#), of which over 50% pay more than half of their income on housing. These programs are only available for legally present in the United States. If implemented, **the “public charge” rule could further exacerbate poverty, curb efforts to end homelessness**, and limit opportunities for low-income families.

SECTION 8 PROGRAMS:

Housing Choice Vouchers: Housing Choice Vouchers provide *location flexibility* for low-income households and is one of HUD’s largest annual expenditures. Administered by local Public Housing Authorities (PHA), a voucher is given to an eligible family or individual and allows them to locate housing of their choice, including: single-family homes, townhouses, apartments, and mobile homes. The household then continues to pay a portion of the rent, while the difference in the market-rate is paid-for by the administrator. These vouchers “follow” families where they go, allowing them to be used in alternative locations. [Roughly 2 million households benefit from Housing Choice Vouchers](#) annually.

Project-Based Housing: Project-based vouchers are subsidies attached to a housing unit for a specific property. With a voucher, a landlord can offer lower rents at an affordable value under market cost (e.g. four affordable apartment units in a 10-unit complex), with the difference being paid to the owner by the voucher. These vouchers are location-specific, meaning if an eligible low-income family chooses to leave the property unit, the subsidy cannot leave with them.

PUBLIC HOUSING:

Public housing units are properties that are owned by the federal government. These public-units are owned by HUD but are administered by local public housing agencies (PHAs). New public housing is rarely built anymore. , with Lawmakers are engaged more with rebuilding existing structures through programs like the Capital Fund, converting existing units into project-based section 8 housing, and prioritizing more dollars to other voucher programs. There were [approximately 1.1 million public housing](#) units in 2017.

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For further reading:

National Housing Law Project: PUBLIC CHARGE RULE: What Housing and Homelessness Advocates Should Know
<http://files.constantcontact.com/f10f35b7601/bf46a5fb-a7f8-409d-979e-ae1341a95bb.pdf>

National Low-Income Housing Coalition: 2018 ADVOCATES' GUIDE
https://nlihc.org/sites/default/files/AG-2018/2018_Advocates-Guide.pdf
