

Intro:

In the Civil Rights Act of 1968.
America does move forward.
And the bell of freedom rings out a little louder.

Christina:

Hi there. This is A Little Louder, a podcast for wonks, housers and rabble rousers where we talk about Fair Housing, Community Development, and how we can use these issues to build people power, and work toward equity and justice. I'm Christina Rosales.

John:

I'm John Henneberger.

Christina:

This is Episode 10!

John:

That's fantastic Christina, who would have thought we would have lasted 10 episodes.

Christina:

Thanks, everybody, for listening to us for 10 episodes, we hope to bring you many more. So today we have a pretty jam packed episode and we're talking about a pretty serious issue. The US Department of Housing and Urban Development last week proposed a rule that would essentially force families have mixed immigration status out of subsidized housing. To start this episode, we are going to explain the proposed rule and current law as it stands, we're talking to people on the ground who we think have an interesting perspective on the HUD rule, we're going to talk to a City of Austin Housing Authority executive who would be faced with the task of forcing people out of public housing if this rule were to be implemented. We're also talking to a legal services group in Texas, that is in the process of letting mixed status families know about their rights before this rule is implemented.

John:

I think we both agree, Christina, that we thought that Secretary Carson was going to be a low-key HUD Secretary. And he has relatively been that, with the exception of endorsing some of the administration's dramatic budget cuts to HUD, and gutting the Fair Housing rule. But it's been a while since we've heard any really major shake ups on HUD policy. And certainly last week, with this proposed rule on mixed-status immigration families, the Secretary really has poured lighter fluid on the fire.

Christina:

Yes, it's a very troubling rule that the administration has proposed. And so we would like to take some time to explain it.

John:

So Christina, this is, you know, has to do with the most controversial issue in the country today, which is immigration. And HUD has a long established policy that's pretty much kept the lid on the controversy around immigration status in people who rent affordable housing under various HUD programs. And we're talking section eight, public housing, project based assistance, housing for the elderly and the disabled. And basically, it works out to this, the administrations in the past have made a decision that they would that HUD should not be providing subsidies to people who are not legally present in the United States. But it also recognizes that families often had what we call now mixed status, meaning that there are some members of the household who have legal status, citizenship or legal residency in the United States. But in many cases, families will have other members who are not legally present in the United States. So what HUD's policy has been is to say to people, if you don't have legal status, as a resident, that you have to pay the full unsubsidized rent in the HUD apartment that you lease, but that anyone who is legally present in the country can qualify for the HUD assisted housing the way all people, all citizens, all people who are legal residents can qualify. So it basically says, pay your share, pay the full share of the cost of your rent, if you're not legally present in the country. And that's worked for a number of years, without, with very little controversy. I have to say, it's not a huge percentage of households who fall into this category. Nationally, I've seen a number that it may be around 50,000, in the probably hundreds or not million of HUD subsidized people in the United States. So this is a small fragment, maybe 5%, maybe a top end in some states, like 7% of the population. But it on the one hand, it was deemed wrong to deny children, who are legal residents, the ability to have a safe, decent sanitary home. And it's managed to work. I think, in the benefit of families, families haven't been broken apart and the like. But that all changed last week, when HUD Secretary Carson announced a whole new approach.

Christina:

So the recently proposed rule would then force families out. And again, these are mixed status families and HUD's own analysis says that something like 55,000 children who are US citizens and who are eligible for housing benefits would face eviction under the proposed rule.

John:

And HUD also calculated based on the data that they've collected, that there are 25,000 mixed income households, the type of households where somebody is legally present, somebody's not. So it's not a large number, but it's a number that's enough people to where it's going to be a significant change in the lives of the families. They're affected, certainly.

Christina:

So how does claiming that they're proposing this rule out of concern for the long wait lists at nearly every city's public housing authority. So wait lists sometimes are five years long, and in a lot of cities, and they don't open, you have to win a lottery to put your name on the waitlist. So these waitlists are very long. And HUD is saying that if they evict mixed status families out that it would open some spots on housing authority waiting lists.

John:

And that's something that can actually be tested. And in fact, HUD itself has done the calculations and looked at the data on the individual households that are involved, and come up with some conclusions that we'll talk about in just a minute. And there is a HUD staff analysis of 15/16 pages, that's well worth reading, if you're really interested in this issue. And if you want to be engaged in this discussion on an informed basis, look at the facts, look at the numbers, look at HUD's rationale for making this decision, and form your own opinion.

Christina:

So according to the HUD staff analysis, which we will link in the show notes so that you can read, there are a few possible cases for mixed status families and three different cases really so households with ineligible children and eligible parents, their likely outcome, HUD says, is that they would terminate the housing assistance. The other case could be that households with eligible children and ineligible parents, they would also have to terminate their housing assistance. And that's about 70% of the share. In HUD subsidized housing. The third case is that households with ineligible other adults, so a spouse or grandmother or something, and eligible immediate family, they could continue housing assistance if the ineligible members left the unit. And that's about a quarter of the families in subsidized housing, currently.

John:

We all acknowledge that this first alternative that family and in essence, the family moving out, is going to cause a hardship on low income people. The average income of a household in mixed status, according to HUD is \$18,000 yearly income. So with that type of income, if you don't have subsidized housing, you are almost certainly going to live in overcrowded or substandard housing or a homeless shelter. The other alternative is equally bleak, which is that it's family separation. It's like if mom is a citizen and dad isn't and and the kids are, then it says basically, you break the family up, the father moves out and can't live in the unit anymore. The average income of a mixed status family is \$18,000 a year, the average income of a family where everyone is a legal citizen is \$14,000 a year. So the mixed status families, everybody who's not a document resident in the United States is paying the full rent. So the housing authority is collecting more money. If you remove all of those families, from subsidized housing, then the Housing Authority collects less money, which means that there is less the Housing Authority has to maintain existing housing or to rent to provide vouchers to provide additional units of housing for low income people. And this is really kind of it, I can say it is counterintuitive, but the truth of the matter is, is that HUD itself concludes that this will have the effect of actually decreasing the number of affordable housing units that are available for low income families in the United States.

Christina:

The other summary of costs that I would want to point out is that the moving costs for the families and the eviction costs that housing authorities would be paying total, it's between \$13 and \$17.4 million. HUD's own analysis finds that there are alternatives that would be more cost effective, and honestly probably less cruel. So one of those is to grandfather the mixed status

families that would be that are already in subsidized housing, grandfather them in and make this a proposal, you know, moving forward that would impact only new applicants and HUD estimates that there's a turnover rate of mixed status families of 10%. So gradually, it would be the case that in in subsidized housing, effectively, there would be no more mixed families if that's what HUD would want to do. The other economic impact that I think we should consider here is the impact of homelessness and trauma that this creates in families and in our communities. This doesn't end up saving HUD any money. And it actually harms people and I don't have an economic dollar amount to put on this issue. But when students are destabilized, they don't do well in school. And if they don't do well in school, then their future is probably in jeopardy depending on how long these families struggle, you just never know. And then homelessness, the impact it has on a worker's productivity on their ability to contribute to society, which they had been doing. So these are all costs that eventually we're going to have to pay as a country and as communities around the country.

John:

And there are costs that we've acknowledged in affordable housing. For a long time, we've moved to a model in homelessness of Housing First, we recognize that the cost of people being homeless, to society in terms of life, lack of human productivity, in terms of emergency room visits, in terms of police costs, in terms of all of the above is far greater than it is the cost of actually housing people. And we're not talking about here -- let me make this clear. We're not talking about just housing and persons who are undocumented, we're talking about housing, mixed status families. So we're talking about housing families with children who are US citizens, and families that have some adults that are US citizens, because one or two members of the household don't have proper status. So we're undoing the very important and very costly lessons that we've learned to apply to the homeless solution and re-establishing that for these mixed status families.

Christina:

Now that we've explained the ins and outs of the analysis and the policy itself, we wanted to turn the mic over to some community members here in Texas. So we'll be talking to Mike Gerber, who is CEO of the housing authority of the city of Austin and Mike Roth, who oversees the housing operations and policy. We'll also be talking to Elizabeth Alanza, who works for a legal services provider for immigrant families called American Gateways, and she'll talk about how this impacts the families that she has been working with. Okay, on the line, we have Mike Gerber and Michael Roth with the housing authority of the city of Austin.

Mike:

Hi, good afternoon.

John:

And Christina, we ought to note that Mike Gerber is a winner of the prestigious Texas Houser Award for his work as executive director in a former role of the Texas Department of Housing and Community Affairs.

Christina:

A true houser.

John:

A true houser.

Christina:

Why don't you explain to us what Housing Authority does?

Mike:

So the Housing Authority of the City of Austin also affectionately referred to as HACA is really the housing social safety net for Central Texas. We serve here in the city of Austin, nearly 19,000 individuals a day, who depend on our programs and services, we do some other things as well, and I'll touch on that in a moment. But at our core, we have 18 public housing properties most in the North, most in North East and South Austin. And we provide 1,838 units of sort of traditional public housing, these units are apartments, some are scattered site homes, but most are in apartment complexes, they really are housing of last resort for families who all too often have nowhere else to go to find affordable living opportunities. In our public housing, we have 4,500 individuals who are living in those 1,800 units. We also operate the Section 8 program for the city of Austin, which is or it's been renamed, the Housing Choice Voucher Program that so many people still know it is as Section 8. That program serves about 5,300 families here in the city, we give folks a voucher, a ticket and they go out onto the open market to try to find a place to live. And that voucher has a value attached to it based on the family's income. And we provide a portion of the rent, to help that family find and to build and afford a safe and decent place to live. Unfortunately, there's far too few landlords who are accepting Section 8, we need more. But we do provide that program. We also have a program that provides about 450 vouchers to veterans, chronically homeless veterans who are in need of housing opportunity as well. So it's a Section 8-like voucher program, intended exclusively for veterans and it comes coupled with supportive services. So in those two programs were — and in the Section 8 program in that veteran serving program where we're hitting about 19,000, our public housing program where we're hitting about 19,000 people a night, all of our programs with, you know, with intensive services, try to help our residents, you know, achieve self-sufficiency. But we know that many residents won't be able to but even still, we try to get them on the path. And we do that through job training programs, educational programs, and health and wellness programs, because we can connect residents to any one of those three, we know we're going to make a substantive difference in their life. We see lots of families that are really working hard and are trying to get to a better place and are glad, are grateful for public housing for a period of time, with the goal of moving out and stepping out.

Christina:

So Mike, it sounds to me just by hearing all of these programs and the commitment to ensuring that families have a path to self-sufficiency, that HACA is trying to create stable homes and ensure that families have stable lives while they're participating in this programming.

Mike:

It's really the core of what we do we, you know, most people who come to work with our agency are frightened and anxious. And our goal is to try to reduce that dramatically, make people feel like they know that they have a safe, decent and affordable place to live. Again, people don't work and achieve in an environment of fear. And we really work hard to build, you know, inclusive, holistic communities where people can find opportunity and thrive.

Christina:

So last week, the US Department of Housing and Urban Development proposed rule that has not been adopted or implemented yet it is just proposed as of this point, to evict families with undocumented immigrants in the households who are living in housing that is subsidized. So it seems as though this is targeting mixed status families. So those are families with one or two citizens in the family and maybe somebody who is undocumented. Michael, can you explain what that rule means to you all, and the programming that you have in place?

Michael:

Starting from where Mike left off, the stability is such a key part of being able to help those families on that pathway to self-sufficiency. And this is at the core of what this proposed rule will do will completely undercut that stability, not only for the families that have individuals in their family units that are not with legal status. But even those who are immigrant families with legal status, because as we know, there's this fear and the rumors and the misunderstandings of the rule and the proposals that it also spread out around there. And it creates a lot of fear, even among groups and families that wouldn't be directly affected by this rule. The day-to-day interactions with residents, it changes that dynamic from now, you know, instead of being an agency here to provide assistance, and steer and direct people towards paths of self-sufficiency, they now potentially are going to be viewing us as the ones who are going to be implementing a rule that's going to get their family members evicted from housing. And it changes the whole dynamic of what we're doing.

Christina:

It puts you all in a position, it sounds like you don't want to be in.

Michael:

Well, you know, as we said before, we've had this policy in place, HUD has acknowledged the presence of these individuals on our property, but not providing substance to them, these families are actually paying higher rents and more money out of their pocket to be able to live there. But the benefit being that allows the families to stay together as a unit and to have that stability. And so when we have a proposal rule that can undercut all of that and undercut a lot of what our core mission is, yeah, it does put us in a difficult spot.

Christina:

Can you explain what the law is currently?

Michael:

So basically, what happens is, if we have a family of that's mixed status, where there's individuals, a certain number of individuals in the family that do not have legal presence, whatever portion of the family does not have a legal presence, they don't receive that portion of subsidy, essentially the family ends up paying that subsidy out of their own pocket. So a family would have received \$200 a subsidy, they would receive less than that. And we have to make up that difference out of their own pocket. And that way, federal money is not going to those individuals, it is only going to support those who have either citizenship or legal status in the country.

John:

So let me understand, practically speaking, what we're talking about here. You house, right, you said about 19,000 people, and you're sort of the housing provider of last resort. Are a large portion of these 19,000 people, do they fall in the category of undocumented people? Are we talking about a relatively small number of folks and give us some idea?

Michael:

I'd say we're looking at about 5% or less of our families would be impacted by this, a little bit more on the public housing programs and in the Housing Choice. But that's unique to our program, John, I think the numbers would be much greater if you were looking at Houston or El Paso, certainly down lower Rio Grande Valley. You know, most of our undocumented folks are coming from Central America, they've been compliant with the program up until this point, you know, our senses that to go and — you know, now to having lived in our properties for many years, while admittedly receiving a benefit, the breaking up of families is just, it's just tragic. It's one thing to say, prospectively, you know, we're not going to allow this program to be used any longer by folks who are not in proper status. But to go and apply it retroactively and to force people out of their homes and to again, separate or break up families? We think is cruel.

Christina:

How does using the argument that there are scarce resources that are available to house vulnerable Americans, and they're trying to free up units... Is that really going to free up units here in Austin if this rule is implemented? Is it really going to create an abundance of more housing?

Michael:

I appreciate where folks might come to the feeling that, you know, we need to provide more housing for Americans or for legal residents. And the answer to that is yes, we do. But the solution to creating more housing opportunity for them, is not to take away from a small number

of people who for no reason, other than, you know, out of spite and cruelty are falling victim to the political firestorm we see going on in Washington DC.

Mike:

And just to add to that, slightly, that when you're not expanding the number of units and you saying that the 70 or so units that will be available, while very valuable for those families, and very, very meaningful for those families, will also be more expensive for HUD to administer to those families. Because as I mentioned before, the mixed families are paying a portion of their subsidy out of their own pocket. And so now, it will cost HUD more to have those 70 families. Not that it's not worth it. But when we're also not expanding housing.

(Music Interlude)

Elizabeth:

My name is Elizabeth Almanza. They know me as Liz. I work with American Gateways. And I am the pro bono and communications coordinator for American Gateways. American Gateways is a nonprofit legal service provider to immigrants alongside of different outreach, Know Your Rights citizenship workshops that we also provide to the immigrant immigrant community in Waco, Austin and San Antonio.

John:

Can you think of any examples of particular families that you've worked with, or maybe looking back at the experience of your family, that would make it a little clearer for folks, the specific problems that occur when we make it really difficult for people to obtain decent housing that they can afford?

Elizabeth:

You sit there and you know, we have a mom crying is like, "how am I going to do this?" Or, okay, will you go back? Or you don't live in the home but we'll stay here, then that even occurs another burden of that father, that mother or that, you know, splitting the family and half is going to incur a double cost of living somewhere where they are allowed, you know, have the availability to live in the other ones that will decide to live under these programs that they are eligible for.

So you're actually incurring double cost. It's very difficult. I've sat with families, where they're just like, we'll just give up. There's some that, even individuals that were raised here, like myself, say, "No, we have a right dad! No, we can do this." And it's kind of like, "Yeah, you do, but I don't." So it even causes that kind of friction, or that uneasiness within the home. That just because of your status, you're different.

Christina:

You know, the rule as of right now is just a proposed rule. But I'm sure that you know, as we've seen other proposed rules that are pretty extreme, that they have an impact even just by being

proposed and not adopted or implemented. They have an impact on people's lives, you know, people live in fear. Can you describe, like having these rules for families? How does it impact them? And what do you do as American Gateways to address that?

Elizabeth:

It impacts them greatly, because you're meeting with individuals from different cultures, different education levels, different understanding. Mixed families, where I say, like you have individuals that were raised here, that they were maybe born here, they were raised here since small and they consider themselves of the United States. And then they hear these things and say, for instance, you get somebody that explaining it to the parent, the parent is not understanding. They'll go talk to an uncle, a neighbor. And they're like, "Well, I heard this on the news and what they said, we have to leave," but they don't get the proposed part. Or they're saying, "Well, there's nothing we can do."

But they don't know or they don't think they have the right to make a public comment on this while its proposed because they don't understand the process, or they don't know that it's their, you know that there is a process in the United States about these rules and regulations that can be passed. And so we get calls like that to say, "Well, what can we do?" Or sometimes some individuals don't even want to go to a place where we're saying, come today, and we'll talk about this, because then they have a fear that ICE is going to find out that they're getting answers about immigration, and they're going to raid. We know we've had, here in Texas, raids. In Austin, we've had raids. In Dallas, and the San Antonio area we haven't known of any large raids. So, sometimes they don't even want to come out of what now they thought was a safe place, their own home, to go get information.

John:

You know, I guess what I'm kind of wondering is part of what this law is about is requiring everybody who applies for public housing, all members of every household, to go through a process of screening for their legal status of residency in the country. And then HUD records that information in a database. What are the considerations that families are going to have about going through that process and having their legal status recorded in a government database?

Elizabeth:

Well, those that you could say that are not documented, undocumented individuals. It's scary. It's a fear, say, what are you going to do with this information? For instance, the DACA individuals back a couple of years ago in September, when they applied for DACA, a lot didn't have a status. So when Trump canceled DACA, it was like, "They know where I'm at, I turned myself in to get this benefit. Now what happens to me? They're gonna come after me, they're gonna look for me, ICE is gonna be knocking on my door, they're looking at my social media, they're going to know where I'm at." So that would probably be, it is going to be the same effect with these individuals is like, okay, "I want to do everything to comply. Or this is going to help, or something changes that I'm going to pay, here I am. Yes, I'm undocumented at this moment.

But my wife isn't and my children aren't. But if this is going to help some. Okay, I'm here undocumented." But then according to this proposed rule, then that person would have to be evicted.

John:

Well, Christina, after hearing these people who live with the problem discuss it, I keep coming back to the point that I'm just wondering, if we're not creating a bigger problem here and not solving anything in this process. What do you think?

Christina:

I think that this is a solution to a problem that doesn't necessarily exist.

John:

Yeah.

Christina:

And the key thing is, if we wanted to create more housing as a country, and really get people housed safely and decently we would invest more, and not just take housing away from families.

John:

You know, for me, in summary, what I conclude from this is that, if I were put in the position of looking a family eye to eye to make the decision about whether or not they could continue to live, a mixed status family could continue to live in subsidized housing, I don't think there's a rational reason, there's no economic reason to do it. It's going to cost more money functionally, because housing in the housing budget is limited, it's going to actually cost the Housing Authority more, so there's going to be less housing available overall anyway. I couldn't do it on a basis of this is kind of this is an economically logical thing.

I can't do it on the basis of it's good public policy for the people involved, the kids, trying to keep families together. I can't make a good argument that this is a wise social policy, because we've invested so much in this country, on the notion of trying to keep families intact and keep kids with their parents and the like. Doesn't make sense from that standpoint. And so we're kind of left with the notion of the only thing about this is sort of an opportunity to be punitive toward people who have families that have one or more members, who are not US citizens, but the rest are.

Christina:

It would be hard for me to carry out a policy like this, and I can't, as you heard others on the podcast so far. They agree. It would be hard for them to do this, but they would have to do it if they're going to comply. But what I think is important to remember is that Texas has had a history of oppression and violence and prejudice. It's no secret. But over the recent history, Texas has acknowledged that the border is somewhat porous, and that Texans around here are diverse, they come from different places. And while policy has acknowledged that and kind of

been in flux, Texas has moved forward, and for the sake of shared prosperity. And Texas has been prosperous. So at this point, we're ignoring this idea. This ethos of Texas, and deciding to do away with that and becoming cruel. And that's really hurtful, I think, to think about where we've been and where we're going.

John:

I just don't think you can look a mixed status family in the eyes and say, "We are evicting you, because...", " and there's nothing to follow the because other than, "we're evicting you, because you're a mixed status family." We're not evicting you to create more units. We're not evicting you to have a better outcome in our community. We're not evicting you for the welfare of your children or the welfare of other public housing residents because we're not creating any more units. It just doesn't pass the threshold for good public policy.

Christina:

This is pretty much the end of our show. And and it's been a heavy show, and it's kind of a hard one to do. But earlier today, I turned in the paperwork to be a godmother for my goddaughter Ada. And my best friend Katie is at home on maternity leave with Ada. So I got to talk to her and I'm just as we talk about all this, I'm thinking about the kind of world we're going to live in when Ada is you know, my age about 30 years old, and I hope we leave it better. So Ada and her mom listen to this podcast all the time, all the way from Seattle. And I just want to say, hey, Ada, I hope our country is doing a lot better by the time you're 30.

John:

And Ada, I hope that you come and are a Texas Houser someday.

Christina:

All right! All right, that's our show. JT will take us out.

(Outro Music)