



Office of the Rent Stabilization Board  
Commissioner Igor Tregub

Date: August 15, 2019

## CONSENT CALENDAR

From: Commissioner Igor Tregub  
Chair Paola Laverde  
Commissioner Maria Poblet  
Commissioner Alejandro Soto-  
Vigil

### RECOMMENDATION:

That the Berkeley Rent Stabilization Board transmit the communication outlined in the attachment to the U.S. Housing and Urban Development (HUD) Agency to express its opposition to proposed changes to the implementation of Section 214 of the Housing and Community Development Act of 1980 [a proposed rule issued in the May 10, 2019 Federal Register (Docket No. FR-6124-P-01)].

### BACKGROUND:

U.S. HUD is circulating for comments a proposed rules change that would (1) require the verification of the eligible immigration status of all recipients of assistance under a covered program who are under the age of 62, including those who are currently living in a mixed family and receiving prorated assistance; (2) would specify that individuals who are not in eligible immigration status may not serve as the leaseholder, even as part of a mixed family whose assistance is prorated on the percentage of members with eligible status; and (3) would specify that a household would not receive housing assistance unless every member residing in the assisted unit, including those over the age of 62, is of eligible immigration status.<sup>1</sup> Additional information on this proposed rule is available in Footnotes 2 and 3.<sup>2 3</sup>

CONTACT: Igor Tregub [RSBTregub@cityofberkeley.info](mailto:RSBTregub@cityofberkeley.info)

Attachment: Proposed letter to the U.S. HUD

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<sup>1</sup> <https://nlihc.org/sites/default/files/2019-05/Noncitizen-RIA-Final-April-15-2019.pdf>

<sup>2</sup> <https://www.regulations.gov/docket?D=HUD-2019-0044>

<sup>3</sup> <https://docs.wixstatic.com/ugd/d97bc42cc576e88c9145259e5f79e577a7de07.pdf>

July 25, 2019

Office of the General Counsel  
Rules Docket Clerk  
Department of Housing and Urban Development  
451 Seventh Street SW, Room 10276  
Washington, DC 20410-0001

RE: Docket No. FR-6124-P-01

To Whom It May Concern:

On behalf of the nine publicly elected members of the Berkeley Rent Stabilization Board – voted into office through an at-large election in the City of Berkeley – I am submitting the following response to the request for public comment regarding the Department of Housing and Urban Development’s proposed rule issued in the May 10, 2019 Federal Register (Docket No. FR-6124-P-01). We strongly oppose the U.S. Housing and Urban Development (HUD) proposed changes to the implementation of section 214 of the Housing and Community Development Act of 1980.

The mission of the Rent Stabilization Board is to regulate residential rent increases in the City of Berkeley and to protect against unwarranted rent increases and evictions and to provide a fair return to property owners. The Board works to ensure compliance with legal obligations relating to rental housing; and to advance the housing policies of the City with regard to low and fixed income persons, minorities, students, disabled, and the aged.

The proposed rule not only runs counter to this mission, but is misleading, as Section 214 already prohibits the Secretary of HUD from making federal housing assistance available to undocumented immigrants. The rule illustrates that HUD is not dedicated to helping American citizens secure critical housing services, but rather establishes its commitment to fostering an atmosphere of uncertainty and fear among immigrant families, including those that are U.S. citizens and legal permanent residents. As many as tens of thousands of such families call Berkeley their home.

Under the proposed change, mixed-status families would have to separate in order to receive housing assistance or forgo assistance completely. Those whose programs would be terminated would potentially fall into homelessness, not only causing untold suffering and trauma, but significantly increasing the public costs associated with providing them with safe and stable housing. Those who would suffer most include 55,000 children who are U.S. citizens or otherwise eligible for housing benefits. With an already unprecedented number of homeless individuals struggling to access affordable housing, HUD is proposing to push thousands more to the brink of homelessness.

Furthermore, by rescinding mixed-status families’ benefits, HUD will need to seek millions more from Congress in order to provide subsidies to the same number of households with eligible members. Should HUD transfer subsidies from mixed-status families to non-mixed families,

costs would increase due to the removal of pro-rated subsidies that are paid to mixed-status families. In order to make up for the removal of pro-rated subsidies, HUD would need to reduce the number of households that receive assistance or seek additional funding from Congress to maintain subsidies to the same number of public housing units and voucher holders. Such a change is estimated to cost approximately \$193-\$227 million to serve the same number of households should prorated subsidies be rescinded.

We appreciate HUD's attempt to address the affordable housing crisis, but find its proposal discriminatory, cruel, and serving no legitimate policy purpose. HUD's proposed rule would force taxpayers to spend millions of dollars for the dubious purpose of harming immigrant families. HUD would do well to stop using undocumented immigrants and their families as scapegoats and instead call for new investments in public and subsidized housing resources to ensure that all Americans have access to a decent, safe place to live. We strongly urge you to reject the proposed rule.

On a process note, we call attention to our perception that this proposed rule has been very poorly advertised. Only sixty (60) days were afforded to provide timely comments to begin with, and it did not come to our attention until community members we serve brought it to our attention very recently. As a public agency, we adhere by strict noticing requirements to get items like this onto the agenda of a regularly scheduled meeting, and we would expect the same of our federal representatives.

Sincerely,

Paola Laverde  
Chairperson, Berkeley Rent Stabilization Board

Cc:  
U.S. Senator Kamala Harris  
U.S. Senator Dianne Feinstein  
Representative Barbara Lee, CA-13  
Speaker Nancy Pelosi  
Governor Gavin Newsom  
Lt. Governor Eleni Kounalakis  
State Senator Nancy Skinner, SD9  
State Assembly Member Buffy Wicks, AD15  
Alameda County Supervisor Keith Carson  
Berkeley Mayor Jesse Arreguin  
Berkeley City Council