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September 30, 2021

Secretary Marcia Fudge  
United States Department of Housing and Urban Development  
451 7th Street S.W.  
Washington, D.C. 20410

Dear Secretary Fudge:

I am writing from First Focus on Children, a bipartisan organization dedicated to making children and families a priority in policy and budget decisions, to request that the U.S. Department of Housing and Urban Development (HUD) issue an informational bulletin informing states of the vacatur of the 2019 Public Charge Final Rule and its impact on states.

On July 22, the Centers for Medicare and Medicaid issued an informational bulletin informing states that effective March 9, 2021, the 2019 Public Charge Final Rule was no longer in effect.<sup>1</sup> The bulletin definitively states that an individual's receipt of Medicaid (except in some cases) or the Children's Health Insurance Program is therefore no longer considered in a public charge determination.

At the time that the 2019 public charge rule was finalized, we had many concerns about the impact of the rule and its chilling effect on children's healthy development.<sup>2</sup> Unfortunately, those concerns materialized. The public charge rule and the resulting "chilling effect" not only impacted the use of health insurance programs, but also enrollment in housing assistance. More than 1 in 7 adults in low-income immigrant families (26 percent) reported that they or a family member avoided a noncash benefit program for fear of negative repercussions for their green card status, and out of those families, one-third specifically avoided housing subsidies.<sup>3</sup>

Immigrant households are more likely to struggle to pay rent and experience housing insecurity, which has negative implications for children's healthy development.<sup>4</sup> Studies have shown that housing instability and homelessness have long-term adverse physiological, academic and economic effects on children who experience them. Housing instability, which includes situations such as being behind on rent and making multiple moves, is associated with an increased risk of poor child health, including hospitalizations, and of maternal depression.<sup>5</sup>

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<sup>1</sup> "CMCS Informational Bulletin, Public Charge and Safeguarding Beneficiary Information," Centers for Medicare and Medicaid Services, July 22, 2021, <https://www.medicaid.gov/federal-policy-guidance/downloads/cib072221.pdf>

<sup>2</sup> "Fact Sheet: The Public Charge Rule Harms Children," First Focus on Children, February 2020, <https://firstfocus.org/wp-content/uploads/2020/02/FACT-SHEET-Public-Charge-2-20.pdf>.

<sup>3</sup> Bernstein, Hamutal, et. al., "Amid Confusion over the Public Charge Rule, Immigrant Families Continued Avoiding Public Benefits in 2019," Urban Institute, May 2020, [https://www.urban.org/sites/default/files/publication/102221/amid-confusion-over-the-public-charge-rule-immigrant-families-continued-avoiding-public-benefits-in-2019\\_3.pdf](https://www.urban.org/sites/default/files/publication/102221/amid-confusion-over-the-public-charge-rule-immigrant-families-continued-avoiding-public-benefits-in-2019_3.pdf).

<sup>4</sup> Chinchilla, Melissa, Yue, Dahai, and Ponce, Ninez A., "Housing Insecurity Among Latinxs," Journal of Immigrant and Minority Health, 31 July 2021, <https://link.springer.com/article/10.1007/s10903-021-01258-9>.

<sup>5</sup> Sandel, Megan, et. al., "Unstable Housing and Caregiver and Child Health in Renter Families," Pediatrics, Vol. 141, Issue 2, February 1, 2018, <https://pediatrics.aappublications.org/content/141/2/e20172199>.

Access to housing assistance is particularly important since the outbreak of COVID-19. Immigrant households with children are facing high rates of housing insecurity and other forms of economic hardship as a result of the pandemic, putting them at increased risk of eviction and homelessness. Yet 7.2 percent of immigrant households with children still avoided accessing housing assistance in 2020 due to immigration concerns.<sup>6</sup>

Therefore, it is critical that children in immigrant households can access housing assistance. We urge HUD to follow the lead of HHS and issue a similar bulletin to states making clear that the 2019 public charge rule is no longer in effect, urging states to encourage their eligible immigrant populations to utilize housing assistance for themselves or eligible family members, and reminding states of their responsibility to safeguard the information of applicants and beneficiaries of HUD programs. Misinformation and fear of the public charge rule led many immigrant families who were eligible for housing assistance to drop out of programs. Therefore, it is critical that HUD assist state and community leaders in improving enrollment and access so that children can access the stable housing they need to grow and thrive.

We thank you for your consideration on this important issue. If you have any questions, please do not hesitate to reach out to Miriam Abaya, Senior Director of Immigration and Children's Rights ([miriama@firstfocus.org](mailto:miriama@firstfocus.org)) or Cara Baldari, Vice President of Family Economics, ([carab@firstfocus.org](mailto:carab@firstfocus.org)).

Sincerely,



Bruce Lesley,  
President, First Focus on Children

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<sup>6</sup> Haley, Jennifer M., et. al., "Many Immigrant Families Continued to Avoid Public Benefits in 2020, Despite Facing Hardships," May 2021, [https://www.urban.org/sites/default/files/publication/104279/many-immigrant-families-with-children-continued-avoiding-benefits-despite-hardships\\_0.pdf](https://www.urban.org/sites/default/files/publication/104279/many-immigrant-families-with-children-continued-avoiding-benefits-despite-hardships_0.pdf).