

April 6, 2023
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Department of Housing and Urban Development
451 7th St. SW, Room 4176
Washington, DC 20410-5000
Submitted electronically through regulations.gov

Re: Docket No. FR-7076-N-05, 60-Day Notice of Proposed Information Collection: Family Report, MTW Family Report, MTW Expansion Family Report; OMB Control No. 2577-0083

These comments are submitted by the Center on Budget and Policy Priorities. The Center is an independent, nonprofit policy institute that conducts research and analysis on a range of federal and state policy issues affecting low- and moderate-income families. The Center's housing work focuses on improving the effectiveness of federal low-income housing programs.

We appreciate the opportunity to comment on this proposed rule. We welcome HUD's efforts to improve the information collected on housing assistance program participants through its proposed changes to the HUD-50058 Forms.

In particular, we strongly support the following proposed changes:

1. Improved demographic information collection on LGBTQ participants by updating the field for Sex to Gender and requesting sexual orientation information.

Collecting data on sexual orientation and gender identity enables analysis of how well housing assistance reaches LGBTQ renters. Their inclusion in data collection is especially important given the barriers they may face in accessing rental assistance as a historically marginalized group.¹ Homophobic and transphobic housing discrimination² as well as discrimination in other areas such

¹ Erik Gartland, "High Hardship Among Black and Latinx LGBTQ Renters Underscores Need for More Housing Vouchers," Center on Budget and Policy Priorities, October 2022, <https://www.cbpp.org/blog/high-hardship-among-black-and-latinx-lgbtq-renters-underscores-need-for-more-housing-vouchers>.

² Diane K. Levy *et al.*, "A Paired-Testing Pilot Study of Housing Discrimination against Same-Sex Couples and Transgender Individuals," Urban Institute, June 2017, <https://www.urban.org/research/publication/paired-testing-pilot-study-housing-discrimination-against-same-sex-couples-and-transgender-individuals>.

as employment opportunities have left LGBTQ people with lower homeownership rates, higher poverty rates³, and greater risk of experiencing homelessness⁴ compared to non-LGBTQ people.

HUD recently estimated the number of HUD-assisted households with one or more LGBTQ people using sexual orientation and gender identity data from the Census Bureau's Household Pulse Survey.⁵ While the Pulse Survey estimates provided important insights, collecting data on LGBTQ participants directly through the HUD-50058 forms would improve the accuracy and credibility of future analyses. Direct data collection helps HUD better understand how it can support LGBTQ people receiving federal rental assistance, such as tracking their experience in the program over time and how this experience differs across other demographic characteristics. The changes proposed also align with President Biden's Executive Order 14075 by promoting inclusive and responsible data collection on LGBTQ individuals.⁶

2. Expanded information on participant race with the addition of an "Other" category.

While the addition of an "Other" category is insufficient in itself, it is an important step toward expanded race response options that better reflect the racial identity of people in households receiving federal rental assistance. We recommend HUD use a more inclusive term, such as "Another race", as the term "Other" literally others individuals by emphasizing how they differ from the norm and can be perceived to have negative connotations.⁷ We also recommend HUD work toward further expanding race response options to include a "Middle Eastern or North African" (MENA) category, as recently proposed by the Office of Management and Budget.⁸ Adding a separate MENA race response option recognizes that many in the MENA community do not share the same lived experience as white people with European ancestry, do not identify as white, and are not perceived as white by others.

3. More detailed information on the participant's entry into housing assistance programs, including the date the family was selected from the waiting list; if the family was formerly homeless; if the family transitioned out of an institutional setting; and whether there was a special non-waiting list admission.

Since private landlords and property owners are integral to the voucher and project-based rental assistance programs and since people in these kinds of "special population" groups often face discrimination and other barriers in the private rental market, it is important to collect this data to better understand how both these populations are faring within HUD programs. This information can also help housing agencies understand the mix of supports tenants need to be successful in finding and stabilizing in housing and in the community. Being able to identify these households

³ Bianca D.M. Wilson *et al.*, "LGBT Poverty in the United States: Trends at the Onset of COVID-19," Williams Institute, February 2023 <https://williamsinstitute.law.ucla.edu/publications/lgbt-poverty-us/>.

⁴ Bianca D.M. Wilson *et al.*, "Homelessness Among LGBT Adults in the US," Williams Institute, May 2020, <https://williamsinstitute.law.ucla.edu/publications/lgbt-homelessness-us/>.

⁵ Department of Housing and Urban Development, "Examining Housing Experiences by Sexual Orientation and Gender Identity," February 2022, <https://www.huduser.gov/portal/pdr/pdr-edge-spotlight-article-022222.html>

⁶ Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals, Exec. Order No. 14075, 87 Fed. Reg. 37189 (June 2022).

⁷ Jonathan Schwabish and Alice Feng, "Do No Harm Guide: Applying Equity Awareness in Data Visualization," Urban Institute, June 2021, <https://www.urban.org/research/publication/do-no-harm-guide-applying-equity-awareness-data-visualization>.

⁸ Initial Proposals For Updating OMB's Race and Ethnicity Statistical Standards, 88 Fed. Reg. 5375 (January 2023).

would allow HUD to look at their voucher success rates, time from waitlist entry to waitlist selection, program exit rates, and reason for exit (assuming all proposed changes in this notice are adopted) compared to other households. This type of information is vital to understanding how rental assistance programs can effectively support those leaving homelessness or institutional settings.

Households leaving homelessness or institutional settings often face additional barriers to obtaining housing compared to a household who has been struggling to afford their rent but has been able to remain housed. For example, many unhoused people have experienced an eviction, but landlords and housing providers often reject tenants with a prior eviction on their record. Credit checks can also be major barriers to people leaving homelessness, yet the financial circumstances that led to someone being evicted or becoming homeless often result in unpaid bills and damaged credit. Examining the experiences of these households can help HUD and housing agencies identify best practices that help people overcome barriers in the tenant screening process and maintain stable housing.

Those transitioning from institutional settings may also include people with disabilities. People with disabilities overwhelmingly want to live in their own homes instead of congregate care settings.⁹ Although the Fair Housing Act makes it illegal to discriminate against renters based on disability status, cases alleging discrimination because of disability are among the most common of all fair housing complaints, making up over half of complaints in 2022.¹⁰ Rental assistance can help people with disabilities move into the community instead of congregate care settings, but it is clear that additional supports are needed given the extent of discrimination from private landlords.

4. More detailed information on the participant's exit from housing assistance programs, including the primary reason for a family's end of participation and the date a participant vacated an HCV unit.

This information, paired with the existing demographic and geographic information already collected in the Form 50058, would allow HUD to determine where voluntary or involuntary program exits are occurring, and which populations are most likely to experience them. There could be important variations by external factors, such as the size and tightness of the rental market, the local labor market for low-wage workers, urban, suburban, or rural location, or agency size. There could also be key differences by demographic groups, such as race/ethnicity, age, household type, and disability status.

While voluntary exits or exits to homeownership are not cause for concern, a large number of exits due to lack of essential services would point to a key unmet need for households to remain in the program. Exits due to non-payment of rent or because the household was asked to leave would allow HUD to understand the extent that evictions are occurring in the program. This is important

⁹ Carli Friedman, "There's No Place Like Home: A National Study of How People with Intellectual and/or Developmental Disabilities and Their Families Choose Where to Live," The Council on Quality and Leadership and The Arc, 2019, <https://www.c-q-l.org/resources/guides/theres-no-place-like-home-a-national-housing-study/>.

¹⁰ Lindsay Augustine *et al.*, "2022 Fair Housing Trends Report," National Fair Housing Alliance, 2022, <https://nationalfairhousing.org/resource/2022-fair-housing-trends-report/>.

given how destabilizing evictions can be for renters, especially families with children.¹¹ Collecting and analyzing this information could uncover new ways to improve the voucher and public housing programs to ensure all types of households are being well supported. This information could also help HUD identify housing agencies implementing innovative strategies that should be replicated on a broader scale.

5. Additional information on whether participants received mobility-related services.

Data collection on mobility services would enable analysis that builds on past research showing mobility services help families overcome barriers during the search process and expand housing options in lower poverty neighborhoods.¹² This information is particularly important given that families using vouchers in many metropolitan areas are heavily concentrated in high-poverty neighborhoods compared to the location of affordable rental units.¹³ Voucher-assisted families of color are especially likely to be concentrated in high-poverty neighborhoods due to a long history of racist housing policies.¹⁴ Past research also indicates that mobility services alone, while helpful, are less effective at helping Black families and other families of color using vouchers given the segregation and discrimination renters of color face in the housing market.¹⁵

This makes understanding the effectiveness of mobility services in expanding housing choice particularly important for families of color. Collecting data on mobility services provides demographic information on which participants receive mobility services and where these services are most prevalent. It also allows for analysis of the neighborhoods where households receiving mobility services use housing vouchers, whether receiving these services enable households to access a broader range of neighborhoods, and possibly how much funding is needed to properly deliver mobility related services. Finally, understanding mobility services can help identify ways to improve housing choice, voucher success rates and housing stabilization for all families receiving voucher assistance.

6. Additional information on accommodations for participants, including if a security deposit was paid by the PHA on behalf of the family and if the family received a higher payment standard.

Despite a rising number of jurisdictions passing laws to prohibit source of income discrimination, many landlords still refuse to accept vouchers or otherwise find ways to get around the law.¹⁶ HUD's recent study on voucher success rates found that just 61 percent of households issued a voucher in 2019 were able to successfully use it to lease up an apartment over a roughly 6-

¹² Peter Bergman *et al.*, "Creating Moves to Opportunity: Experimental Evidence on Barriers to Neighborhood Choice," National Bureau of Economic Research, August 2019, <https://www.nber.org/papers/w26164>.

¹³ Alicia Mazzara and Brian Knudsen, "Where Families With Children Use Housing Vouchers: A Comparative Look at the 50 Largest Metropolitan Areas," Center on Budget and Policy Priorities, January 2019, <https://www.cbpp.org/research/housing/where-families-with-children-use-housing-vouchers>.

¹⁴ Mazzara and Knudsen, *op. cit.*

¹⁵ Bergman *et al.*, *op. cit.*

¹⁶ Mary Cunningham *et al.*, "A Pilot Study of Landlord Acceptance of Housing Choice Vouchers," Department of Housing and Urban Development, September 2018, <https://www.huduser.gov/portal/pilot-study-landlord-acceptance-hcv.html>.

month search window.¹⁷ Given that many people receiving a voucher waited years on a waitlist to receive it, it is deeply troubling that nearly 40 percent of them are unable to use the voucher once they finally get one. And lengthy housing searches are especially burdensome for people who are already unhoused and may be living in a shelter, car, hotel, or motel.

However, when housing agencies pay for the security deposit or use a higher payment standard to increase the value of the voucher, they may enable more households to successfully lease up. HUD's voucher success rate study also shows that there is huge variation in success rates by housing agency, possibly owing to some agencies adopting these policies while others have not. Collecting this data in the Form 50058s could help HUD understand whether these policies are associated with higher voucher success rates and shorter lease-up times.

These policies, along with housing mobility programs, can also help broaden housing choice. Studies have shown that voucher refusal rates are highest in low-poverty neighborhoods, which tend to have better public resources and strong schools.¹⁸ Understanding how to increase neighborhood choice is significant given the history of housing policy in the United States. Racist federal, state, and local housing policies¹⁹ have systematically excluded renters of color — especially Black renters — from certain neighborhoods, schools, and jobs, as well as wealth-building opportunities like homeownership. People of color, people with disabilities, and families with children are more likely to experience discrimination in the rental market.²⁰ Because many voucher holders carry one or more of these identities, they may face multiple forms of discrimination when trying to use their voucher. HUD could leverage the demographic information already collected to understand both whether these policies increase housing choice, but also for whom, and under what local rental market conditions (e.g., high vs lower cost markets, high vs low vacancy rates, etc.).

We believe these proposed changes will add significant utility in evaluating the effectiveness of HUD's rental assistance programs and provide a more detailed picture of participants' experience entering, persisting, and exiting these programs. Improved demographic data collection on gender, sexual orientation, and race will also enable more inclusive analysis of participants receiving housing assistance.

Thank you for considering these comments.

Sincerely,

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¹⁷ Ingrid Ellen Gould *et al.*, "Using HUD Administrative Data to Estimate Success Rates and Search Durations for New Voucher Recipients," Department of Housing and Urban Development, February 2023, https://www.huduser.gov/portal//portal/sites/default/files/pdf/Voucher-Success_Rates.pdf.

¹⁸ Cunningham *et al.*, *op. cit.*

¹⁹ Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America*, Liveright, 2017.

²⁰ Augustine *et al.*, *op. cit.*