

January 10, 2017

Ben Carson, M.D.
Secretary-Designate, U.S. Department of Housing and Urban Development
Trump-Pence Transition Team
1717 Pennsylvania Avenue NW
Washington, DC 20006

Dear Dr. Carson:

Congratulations on your nomination to serve as the next Secretary of the Department of Housing and Urban Development (HUD). HUD helps provide housing and other critically important services to millions of families across the country, including tens of thousands of families in Massachusetts. For many Americans – including children, seniors, and veterans – HUD programs are the difference between life in a safe, stable home and life on the street. Leading this agency is an incredible opportunity – and an awesome responsibility.

Although you have many accomplishments in the medical field, there is relatively little in the public record that reveals how you would further HUD's mission to "create strong, sustainable, inclusive communities and quality affordable homes for all."¹ Accordingly, I hope you will review these questions and arrive prepared to answer them at your appearance before the Senate Committee on Banking, Housing, and Urban Affairs on January 12, 2017, and provide written responses to them promptly after the hearing. Your responses will help me and other members of the Senate assess how you would lead this important agency.

Providing Access to Safe, Stable Housing

HUD's central mission is to provide safe, stable housing to families in need. HUD does that primarily by financing public housing units and by offering housing assistance through the Section 8 Housing Choice Voucher Program. These efforts help millions of families. More than two million Americans currently live in 1.1 million public housing units throughout the United States.² In addition, the Section 8 program serves more than five million people in 2.2 million

¹ HUD, Mission (<https://portal.hud.gov/hudportal/HUD?src=/about/mission>)

² Center on Budget and Policy Priorities, Policy basics: public housing (May 31, 2016) (<http://www.cbpp.org/sites/default/files/atoms/files/policybasics-housing.pdf>); Center on Budget and Policy Priorities, National and State Housing Fact Sheets and Data (Dec. 19, 2016) (<http://www.cbpp.org/research/housing/national-and-state-housing-fact-sheets-data>)

low-income families across the country.³ In Massachusetts, more than 80,000 low-income families use the federal voucher program to subsidize prohibitively high rents.⁴

Unfortunately, many families who desperately need housing assistance aren't able to obtain it, and many families who receive assistance must live in conditions that are unsafe or harmful to their health.

1. In 2011, HUD released a study estimating that the nation must invest over \$25 billion in large-scale repairs for public housing units. These repairs include “plumbing, roofing upgrades and lead removal” to improve quickly deteriorating basic living conditions.⁵ HUD’s annual appropriations are not sufficient to address ongoing capital needs, with advocates estimating that nearly 10,000 public housing units fall into a state of disrepair or disuse each year.⁶ As a result of this deterioration, and because of limited construction of new public housing, the number of livable public housing units has decreased by more than 200,000 since the mid-1990’s.⁷
 - a. Are you concerned about the condition of our public housing stock?
 - b. How would you prioritize and address this repair backlog if you were confirmed to lead HUD?
 - c. What additional resources or authorization would you seek from Congress to address this issue?
2. An estimated 5.8% of the public housing stock (62,000 units) is in need of lead abatement.⁸ As you are well aware, exposure to lead paint can pose grave health risks for public housing residents, particularly young children.
 - a. Do you agree that high lead levels in public housing is a significant public health concern?
 - b. Does the pervasive lack of lead abatement in public housing concern you?
 - c. What is your plan to address the risks associated with lead paint exposure in public housing?

³ Center on Budget and Policy Priorities, Policy basics: the housing choice voucher (Sept 29, 2015) (<http://www.cbpp.org/research/housing/policy-basics-the-housing-choice-voucher-program>)

⁴ Center on Budget and Policy Priorities, National and State Housing Fact Sheets and Data (Dec. 19, 2016) (<http://www.cbpp.org/research/housing/national-and-state-housing-fact-sheets-data>)

⁵ HUD, New HUD Study: \$26 billion in major repairs needed in public housing (June 24, 2011) (https://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2011/HUDNo.11-132)

⁶ National Low Income Housing Coalition, 2015 Advocates Guide: Public Housing (http://nlihc.org/sites/default/files/Sec4.04_Public-Housing-ARC_2015.pdf)

⁷ Center on Budget and Policy Priorities, Policy Basics: Public Housing (May 31, 2016) (<http://www.cbpp.org/research/policy-basics-public-housing>)

⁸ HUD, Capital Needs in the Public Housing Program: Revised Final Report (Nov. 24, 2010) (https://portal.hud.gov/hudportal/documents/huddoc?id=PH_Capital_Needs.pdf)

- d. Can you provide a specific estimate of your goals for the number of public housing units that will undergo lead abatement under your tenure if you are approved as HUD Secretary?
3. Last month, you said that your mother kept your family out of public housing “because there was a lot of danger there and she wanted to shield us from that danger.”⁹ Although much has changed in the years since you were a child, safety is still a primary concern for many residents of public housing. Last year, HUD awarded only \$5 million in capital fund emergency safety and security program grants, which provide funding to public housing authorities to install, repair, or replace capital needs items aimed at improved safety, including security systems, alarms, public space lighting upgrades, and locks.¹⁰
 - a. Do you believe that improving safety in public housing should be a HUD priority?
 - b. Will you support expanding grants available under this HUD program to improve the safety of public housing?
 - c. How will you prioritize the use of these grants?
4. Because of chronic underfunding by Congress, only a quarter of those eligible for Section 8 housing assistance receive it.¹¹ And of the remaining three-quarters of eligible households (approximately 14 million households), more than half pay more than 50% of their income toward monthly rent.¹²
 - a. Will you prioritize providing housing assistance to more families who qualify for it?
 - b. If so, what specific steps will you take to achieve this goal?
 - c. Will you ask for a budget increase to increase the percentage of eligible households that obtain housing assistance?
 - d. What specific numerical goals do you have for providing housing assistance to eligible families?

⁹ YaleNews, Future HUD Secretary Ben Carson ’73 stresses self-sufficiency as goal of government programs (Dec. 9, 2016) (<http://news.yale.edu/2016/12/09/future-hud-secretary-ben-carson-73-stresses-self-sufficiency-goal-government-programs>)

¹⁰ HUD, HUD awards \$5 million to 24 public housing agencies for emergency and security improvements (June 22, 2016) (<https://portal.hud.gov/hudportal/documents/huddoc?id=2016emergencyssga.pdf>)

¹¹ Center for Budget and Policy Priorities (2009, at <http://www.cbpp.org/sites/default/files/atoms/files/2-24-09hous-sec2.pdf>)

¹² Congressional Budget Office, Federal housing assistance for low-income households (Sept. 2015) (<https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/reports/50782-LowIncomeHousing-OneColumn.pdf>)

5. While Massachusetts and a handful of other states prohibit landlords from discriminating against potential tenants who wish to use Section 8 vouchers, 41 states and the federal government do not have such laws.¹³ Do you support expanding federal protections to prohibit landlords from rejecting applicants simply because they wish to use a Section 8 voucher?
6. According to the latest Annual Homeless Assessment Report, on a single night in 2016, nearly 550,000 people experienced homelessness in the U.S.¹⁴ A majority (68%) were staying in emergency shelters, transitional housing programs, or safe havens, while approximately 176,000 people were unsheltered.¹⁵ More than 20% of people experiencing homelessness were children, and 7% of people experiencing homelessness were veterans.¹⁶
 - a. In 2010, President Obama released the “Opening Doors” interagency plan to prevent and end homelessness.¹⁷ Will you continue implementation of the Opening Doors plan?
 - b. Will you make any changes to this plan, and if so, what are they?
7. HUD partners with the Department of Veterans Affairs (VA) on the HUD-Veterans Affairs Supporting Housing (HUD-VASH) program, which aims to end homelessness among veterans. Under President Obama’s leadership, veterans’ homelessness has declined by nearly 50% since 2010.¹⁸
 - a. Do you believe that ending homelessness among veterans should be a HUD priority?
 - b. Do you support the continued renewal of existing VASH vouchers?
 - c. Will you ask Congress to fund new vouchers to help homeless veterans?
 - d. What additional actions will you take to end veterans’ homelessness?

¹³ Affordable Housing Online, Laws aim to end Section 8 source of income discrimination (arch 11, 2016) (<http://affordablehousingonline.com/blog/law-aims-to-end-section-8-source-of-income-discrimination/>)

¹⁴ HUD, The 2016 annual homeless assessment report (AHAR) to Congress (Nov. 2016) (<https://www.hudexchange.info/resources/documents/2016-AHAR-Part-1.pdf>)

¹⁵ Id.

¹⁶ Id.

¹⁷ The White House, Opening Doors (June 16, 2016) (<https://www.whitehouse.gov/blog/2010/06/15/obama-administration-unveil-national-strategic-plan-prevent-and-end-homelessness>)

¹⁸ U.S. Army, Veteran homelessness drops nearly 50 percent since 2010 (Aug. 2, 2016) (https://www.army.mil/article/172636/veteran_homelessness_drops_nearly_50_percent_since_2010)

Promoting Financial and Housing Independence

HUD's programs are designed to promote independence among those who receive federal assistance. But you have made statements that suggest that government programs like those administered by HUD encourage dependence on the government, and that qualifying for government assistance is the result of lack of effort. For example, while campaigning for President last year, you said that government programs like HUD's housing subsidies could "mak[e] people dependent."¹⁹ You have also said that "poverty really is more of a choice than anything else."²⁰

The data about HUD's subsidies do not support those claims. For instance, 50% of public housing residents stay for less than five years and 70% stay for less than ten years.²¹ Moreover, most non-elderly, non-disabled recipients of public housing assistance and vouchers are working, or were recently employed.²²

1. Do you believe that the housing subsidy programs you would be responsible for administering providing make people "dependent"?
2. The vast majority of residents of public housing are either families with children (33%), seniors (32%), or people with a disability (21%).²³ Do you think these individuals have made a "choice" to qualify for housing assistance?
3. In December 2016, you noted that "if you think about communities that are disadvantaged, we have to think about why they are disadvantaged and what we can do to change that dynamic... it's not just a matter of providing them housing and security. It's a matter of the right kind of education, the right kind of transportation, medical care."²⁴ Choice Neighborhoods is a program designed to address the reasons why communities are disadvantaged. It requires HUD grant applicants to integrate transportation, health care, and education goals into housing redevelopment plans.²⁵

¹⁹ The Post and Courier, GOP presidential hopeful Ben Carson talks to Charleston Rotarians Talking tough 10 Memorable Moments (Jan 14, 2016) (http://www.postandcourier.com/politics/gop-presidential-hopeful-ben-carson-talks-to-charleston-rotarians-talking/article_efa16bb9-ad48-5683-9837-1830232d547e.html)

²⁰ NY Times, Critics worry over how Ben Carson, lacking expertise in public housing, will lead it (Dec. 5, 2016) (<http://www.nytimes.com/2016/12/05/us/trump-ben-carson-hud-critics.html>)

²¹ HUD, Resident Characteristics Report, 9/1/15 – 12/31/16, (available at: <https://pic.hud.gov/pic/RCRPublic/rcrmain.asp>)

²² Center on Budget and Policy Priorities, Policy basics: the housing choice voucher program (Sept. 29, 2015) (<http://www.cbpp.org/research/housing/policy-basics-the-housing-choice-voucher-program>); Center on Budget and Policy Priorities, Most rental assistance recipients work, are elderly, or have disabilities (July 18, 2013) (<http://www.cbpp.org/research/most-rental-assistance-recipients-work-are-elderly-or-have-disabilities>)

²³ Center on Budget and Policy Priorities, Policy Basics: Public Housing (May 31, 2016) (<http://www.cbpp.org/research/policy-basics-public-housing>)

²⁴ YaleNews, Future HUD Secretary Ben Carson '73 stresses self-sufficiency as goal of government programs (Dec. 9, 2016) (<http://news.yale.edu/2016/12/09/future-hud-secretary-ben-carson-73-stresses-self-sufficiency-goal-government-programs>)

²⁵ HUD, Choice Neighborhoods (https://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/cn)

- a. Given your commitment to comprehensive community redevelopment, do you support the Choice Neighborhoods program?
- b. How would you prioritize spending under this program? Which criteria would you prioritize?

Enforcing Federal Housing Laws

HUD plays an important role in enforcing federal housing laws. For example, HUD helps enforce the Fair Housing Act, which prohibits discrimination in the sale and rental of housing on the basis of race, color, national origin, religion, sex, familial status, or disability.²⁶ The HUD Secretary is responsible for developing, implementing, and enforcing policies that address ever-evolving methods – both intentional and unintentional – of discrimination. HUD also oversees the Federal Housing Administration (FHA), which must ensure that banks meet specific underwriting standards to qualify for taxpayer-backed insurance. If you were to lead HUD, you would be responsible for ensuring that banks and other regulated entities comply with these laws, and take appropriate steps to enforce them if they are broken.

1. The Obama Administration issued the Affirmatively Furthering Fair Housing Rule in 2015,²⁷ which requires cities and towns that receive federal funding to examine their local housing patterns for racial bias and to design a plan to address any measurable bias. You have argued that the new rule amounts to “social engineering,” comparable to policies one might find in “communist countries.”²⁸ What did you mean by these statements? Will you implement and enforce this rule as written if you become HUD Secretary?
2. In a 2015 *Washington Times* column, you noted that the Supreme Court decision in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project* amounted to a “social-engineering [scheme]” with “unintended consequences” that “lurk in the shadows.”²⁹ In that decision, the Court upheld the “disparate impact” standard: the notion that policies may violate the Fair Housing Act if the policies disproportionately harm minorities regardless of whether or not there is “smoking gun” evidence indicating that that was the intent of the policy. What did you mean by this statement? Despite your views on this decision, will you commit to direct HUD to work with Department of Justice to continue to advance disparate impact claims against public or private sector actors who violate the principles laid out by the Court in the *Inclusive Communities* decision?

²⁶ HUD, Fair Housing – It’s your right (https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws/yourrights)

²⁷ HUD, HUD Rule on Affirmatively Furthering Fair Housing (<https://www.hudexchange.info/resources/documents/AFFH-Final-Rule-Executive-Summary.pdf>)

²⁸ The Washington Times, Ben Carson: Experimenting with failed socialism again (July 23, 2015) (<http://m.washingtontimes.com/news/2015/jul/23/ben-carson-obamas-housing-rules-try-to-accomplish-/>)

²⁹ The Washington Times, Ben Carson: Experimenting with failed socialism again (July 23, 2015) (<http://m.washingtontimes.com/news/2015/jul/23/ben-carson-obamas-housing-rules-try-to-accomplish-/>)

3. In the years leading up to the 2008 financial crisis, banks allegedly engaged in criminal behavior involving the sale of faulty loans to the FHA for the purpose of accessing taxpayer-backed mortgage insurance. Since the crisis, banks including HSBC, Bank of America, Deutsche Bank, Wells Fargo, Citigroup, and JPMorgan Chase have entered into multiple settlements with the Department of Justice and FHA over this illegal conduct, with over \$4 billion in fines paid by large financial institutions.³⁰ Will you commit to continuing to strictly enforce these underwriting standards in order to protect taxpayers from fraud?

Managing HUD

Leading a federal agency like HUD is a significant administrative responsibility. HUD's fiscal year (FY) 2016 budget was approximately \$49 billion.³¹ The Department employs nearly 8,300 federal employees,³² and it relies on thousands of local housing authorities to carry out its initiatives. You will have to overcome your lack of experience managing an organization this large to ensure that you do not waste taxpayer dollars and reduce assistance for families who desperately need it.

1. Given your lack of experience managing an organization anywhere near the size of HUD, how do you plan on ensuring that you are running the agency as efficiently as possible?
2. You have opposed equal rights for same-sex couples, saying that their right to marry equates to "extra rights;"³³ you have called the LGBT community "abnormal;"³⁴ and you have referred to transgender people as "the height of absurdity."³⁵ Yet, if confirmed, you will be responsible for addressing housing challenges that disproportionately affect the LGBT community. For example, LGBT youth, while representing only 7% of the total youth population, represent 40% of all youth experiencing homelessness.³⁶ Moreover, a 2013 HUD-funded study found that same-sex couples "experience less favorable treatment than heterosexual couples in the

³⁰ Urban Institute, *Wielding a heavy enforcement hammer has unintended consequences for the FHA mortgage market* (May 2015) (<http://www.urban.org/sites/default/files/alfresco/publication-pdfs/2000220-Wielding-a-Heavy-Enforcement-Hammer-Has-Unintended-Consequences-for-the-FHA-Mortgage-Market.pdf>); DOJ, Justice Department reaches \$470 million joint state-federal settlement with HSBC to address mortgage loan origination, servicing and foreclosure abuses (Feb. 5, 2016) (<https://www.justice.gov/opa/pr/justice-department-reaches-470-million-joint-state-federal-settlement-hsbc-address-mortgage>)

³¹ HUD, HUD releases proposed 2017 budget (Feb. 9, 2016)

(https://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2016/HUDNo_16-016)

³² Id.

³³ The Huffington Post, Ben Carson CPAC Speech: Gay People 'Don't Get Extra Rights' (March 8, 2014) (http://www.huffingtonpost.com/2014/03/08/ben-carson-cpac-speech_n_4899410.html)

³⁴ Advocate, Ben Carson: 'Abnormal' Trans People Don't Deserve 'Extra Rights' (Jan. 12, 2016)

(<http://www.advocate.com/election/2016/1/12/ben-carson-transgender-people-are-abnormal-denounces-extra-rights>)

³⁵ CNN, Ben Carson compared being transgender to changing ethnicities (July 19, 2016)

(<http://www.cnn.com/2016/07/19/politics/ben-carson-transgender/>)

³⁶ TrueColorsFund (accessed Jan. 1, 2017) (<https://truecolorsfund.org/our-issue/>)

online rental housing market”³⁷ and receive significantly fewer responses to e-mail inquiries about advertised units than heterosexual couples.³⁸

In February 2012, HUD finalized the Equal Access Rule to ensure that core programs – including FHA mortgage insurance, HUD public and assisted housing, and community development programs – are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. And in September 2016, HUD expanded that rule to cover gender identity as it relates to shelter programs.³⁹

Would you continue HUD’s support and enforcement of Equal Access Rules that ensure all individuals have equal access to the Department’s programs “without regard to actual or perceived sexual orientation, gender identity or marital status” and in accordance with their gender identity?⁴⁰

HUD's Response to Natural Disasters and Climate Change

HUD plays a central role in helping communities prepare for and respond to natural disasters. For example, when the President declares a natural disaster, FHA often makes special insurance programs available to victims and provides limited forbearance to families struggling to pay their mortgage.⁴¹ Additionally, Congress typically allocates disaster recovery funding via HUD's Community Development Block Grant (CDBG) Program, providing assistance to local communities as they repair infrastructure damaged by natural disasters.⁴² Massachusetts recently benefited from this CDBG assistance when HUD allocated \$17.5 million to help parts of Western Massachusetts recover from severe storms and tornados in 2011,⁴³ and funded efforts in Springfield, MA to increase preparedness and resiliency in the event of future disasters.⁴⁴

1. In October 2015, you were asked by ABC News how you would respond to Hurricane Joaquin, which at the time was nearing the Atlantic coast. You responded to the question by saying, “I don’t know.”⁴⁵
 - a. Given your lack of experience in this area, how do you plan to run the recovery programs at HUD?

³⁷ HUD, An estimate of housing discrimination against same-sex couples (June 2013) (https://www.huduser.gov/portal/Publications/pdf/Hsg_Disc_against_SameSexCpls_v3.pdf)

³⁸ Id.

³⁹ HUD, Equal access to housing final rule (Sept 2016) (<https://www.hudexchange.info/resource/1991/equal-access-to-housing-final-rule/>)

⁴⁰ HUD, HUD issues final rule to ensure equal access to housing and services regardless of gender identity (https://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2016/HUDNo_16-137)

⁴¹ HUD, HUD Disaster Resources, (<https://portal.hud.gov/hudportal/HUD?src=/info/disasterresources>)

⁴² <https://www.hudexchange.info/programs/cdbg-dr/>

⁴³ HUD, HUD approves disaster recovery plans in Massachusetts (Nov. 5, 2013) (https://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-158)

⁴⁴ MassLive, HUD awards \$17 million to Springfield in disaster preparation funds (Jan. 22, 2016) (http://www.masslive.com/news/index.ssf/2016/01/hud_awards_17_million_to_sprin.html)

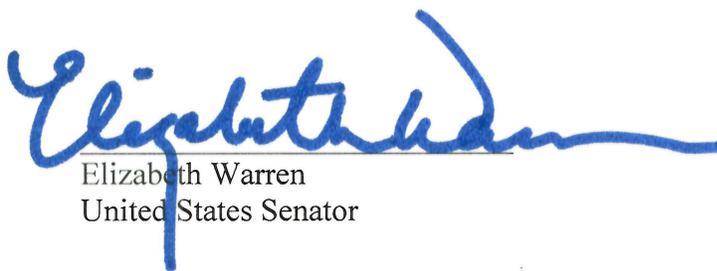
⁴⁵ ABC News, Ben Carson on how he would handle Hurricane Joaquin: ‘I don’t know’ (<http://abcnews.go.com/Politics/video/ben-carson-handle-hurricane-joaquin-34162816>)

- c. Who would you call upon for guidance in this area?
2. Climate change – and the associated increase in extreme weather patterns and sea levels – pose a significant risk to public housing.⁴⁶ Sea-level rise increases the vulnerability of public housing units to extreme weather flooding, and, once flooded, these homes are rarely replaced in comparable numbers. In 2014, HUD released a Climate Adaptation Plan outlining actions “designed to address some of the risks posed by climate change to the Department’s mission, programs, and operations.”⁴⁷
 - a. Do you agree with the scientific consensus that the earth is warming due to CO2 and other greenhouse gas emissions?
 - b. Will you continue to implement the Climate Adaptation Plan on a timely schedule?
 - c. What other actions will you take to adapt to or prevent climate change while you are HUD Secretary?

Conclusion

HUD's housing and development programs impact the lives of millions of Americans. The agency deserves a strong, capable leader who believes in its mission and has the interest, ambition, and administrative ability to carry out that mission. I hope you will answer the questions in this letter so that the Senate – and the American people – can understand better how you plan to lead this agency.

Sincerely,



Elizabeth Warren
United States Senator

⁴⁶ BloombergView, Climate change is already forcing Americans to move (Oct. 31, 2016) (<https://www.bloomberg.com/view/articles/2016-10-31/climate-change-is-already-forcing-americans-to-move>)

⁴⁷ HUD, Climate Change Adaptation Plan (Oct. 31, 2014) (https://portal.hud.gov/hudportal/HUD?src=/program_offices/economic_development/resilience/plan)