RESOLUTION NO. 2018-4571

A RESOLUTION OF THE TACOMA-PIERCE COUNTY BOARD OF HEALTH OPPOSING PROPOSED CHANGES TO THE “PUBLIC CHARGE” TEST FOR DETERMINING IMMIGRATION INADMISSIBILITY.

WHEREAS, under section 212(a)(4) of the Immigration and Nationality Act, those seeking admission to the United States or adjustment of their immigration status must establish that they are not likely to become a public charge by relying primarily on government assistance; and

WHEREAS, On September 22, 2018 the Department of Homeland Security (DHS) proposed a draft rule that would significantly expand the types of public assistance considered in making public charge determinations to include such benefits as non-emergency Medicaid, the Supplemental Nutrition Assistance Program (formerly “food stamps”), Section 8 housing assistance, and the Medicare Part D Low Income Subsidy for prescription drug costs; and

WHEREAS, the DHS analysis that accompanied the proposed changes notes they may result in worse health outcomes, including obesity, malnutrition, and reduced prescription adherence; increased use of emergency rooms and emergent care; increase prevalence of communicable diseases; increases in uncompensated care; and increased rates of poverty and housing instability; and

WHEREAS, if enacted, this rule will discourage lawful immigrants in a non-permanent status from accessing benefits they are legally entitled to and which support individual and community health, both for themselves and members of their family; and

WHEREAS, any short-term cost savings achieved by the federal government will be significantly outweighed by the increased long-term costs to local governments and healthcare providers that will result from more people becoming reliant on emergency care and services because they are discouraged from enrolling in Medicaid or are unable to afford their prescription drugs; and

WHEREAS, this proposed rule is likely to lead to increased premature and low-weight births because expectant mothers will choose to forego prenatal care and food assistance out of fear it will affect their immigration status; and

WHEREAS, any action or policy that discourages the use of health and nutrition programs by immigrants and their families will deepen already significant health disparities based in race and place; and

WHEREAS, this rule will have negative effects on many of the criteria used to determine county health rankings, including years of potential life lost, low birth weight, and access to care; now therefore, be it

RESOLVED, that the Tacoma-Pierce County Board of Health urges the Department of Homeland Security not to expand the list of benefits considered in determining public charge and to rescind its proposed rule and calls upon federal lawmakers to also oppose these changes; and
RESOLVED, that the Tacoma-Pierce County Health Department will make public comment opposing the proposed rule when the rule is officially published in the Federal Register and the comment period begins.

Rick Talbert  
Chair, Board of Health

October 3, 2018  
Date of Adoption

ATTEST:

Patricia Darden  
Clerk, Board of Health
BOARD OF HEALTH ACTION REQUEST

REGULAR AGENDA
Resolution No. 2018-4571

<table>
<thead>
<tr>
<th>Requesting Division</th>
<th>Presenter</th>
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<tr>
<td>Administrative Services</td>
<td>Nancy Sutton</td>
<td>253-798-2951</td>
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Preparation of an Agenda Request/Resolution for the Board of Health meeting. Date: October 3, 2018

Request Summary

A Resolution of the Tacoma-Pierce County Board of Health opposing proposed changes to the Public Charge Test for Determining Immigration Inadmissibility.

Background Information / Comments

Board Chair Talbert requested this resolution in response to the draft of a proposed rule announced by the federal Department of Homeland Security on 9/22/2018. The DHS proposed rule would amend the "public charge" test applied to people seeking residence in the United States. The amendment would expand the number of programs considered in determining whether an immigrant is self-supporting or is dependent on public resources. Analysis of the proposed rule indicates that many people living in the US who are not permanent residents would forego several public assistance programs they are otherwise eligible for: Medicaid, Supplemental Nutrition Assistance Programs, Section 8 housing assistance, and Medicare Part D prescription drug assistance.

Health Lens Analysis Tool

Note: Health Lens Analysis Tool must be completed and uploaded to the BOH Resolution documents library.

Recommended Board of Health Action

Approve Resolution No. 2018-4571

List all materials attached as backup information for the request.

Health Lens Analysis Tool
Slide presentation: Proposed Changes to Immigration Rules

Note: All documents listed above must be uploaded to the BOH Resolution documents library.

Source of Revenue

Federal: 
State: 
Pierce County: 
City of Tacoma: 
Other: 
Total: $0.00

Additional Expenditure

Account Number(s)

Total: $0.00

Program Name

Program / Division Director Approval
Business Support Services Approval
Director of Health Approval
Resolution No. 2018-4571: A Resolution of the Tacoma-Pierce County Board of Health Opposing Proposed Changes to the “Public Charge” Test for Determining Immigration Inadmissibility.

### Health Lens Analysis Questions

1. **What is this proposal trying to accomplish?**

   This resolution seeks to ensure that people already living in Pierce County who are not permanent residents of the United States continue to have access to public benefits and services that support the health of all Pierce County residents. To achieve this aim, this resolution urges the Department of Homeland Security (DHS) not to implement proposed rule changes that would expand the list of benefits considered in determining who is a “public charge.” It also calls upon federal lawmakers to oppose these changes.

   The DHS proposed rule changes would expand the list of publicly funded services that are included when determining whether non-citizens are financially self supporting, which in turn is used to determine their eligibility for a visa or green card. By opposing the proposed changes to the public charge rule, this resolution seeks to ensure that immigrant families in Pierce County are able to obtain healthcare and other necessary services.

   This analysis is for the proposed Board of Health resolution opposing the DHS draft rule, not for the rule itself, and assumes that DHS withdraws the proposed changes from consideration. For example, those groups identified as being positively affected (below) will only realize benefits if DHS withdraws the draft rule from consideration, which the resolution calls on it to do.

2. **Which groups of people will be most affected by this proposal?**

   **Positively affected:**

   - Lawful immigrants residing in Pierce County who are not permanent US citizens, especially those who use, or have used, the programs being considered for inclusion. If successful, this resolution could help them remain with their families and continue to access programs that support health and equity. According to the US Census, Pierce County is home to nearly 35,000 non-citizens born outside the US.

   - Local taxpayers and insurers, who will otherwise bear the increased costs to local emergency services and healthcare systems. When people do not enroll in Medicaid, cannot afford their prescription drugs, and become more dependent on emergency care, long-term costs to local governments and healthcare providers result. These costs are likely to outweigh the short-term savings realized by the federal government. Pierce County is home to approximately 10,600 non-citizens with public health insurance.
• Local governments and agencies who also provide public benefits and social services and who will be called on to answer the unmet needs that may arise from DHS’s proposed rule.
• All citizens of Pierce County, who will benefit from reduced risk of communicable disease. This resolution could help immigrants access immunizations and clinical care that will prevent or reduce the spread of infectious diseases and reduce the risk of exposure for everyone in the County.

Negatively affected:

• The federal government, which seeks to reduce the amount of money spent on the programs under consideration in DHS’s draft rule by disenrolling non-citizens and minimizing future enrollment.

3. Which groups of people who may be affected have you consulted when developing the proposal? Who have you not consulted that might be affected?

Health Department staff did not consult with anyone directly about the specific language of this resolution. However, Department staff work closely with many affected groups on a regular basis and have anecdotal evidence about the potential affects of DHS’s proposed rule and this resolution.

For instance, TPCHD staff at Family Support Centers have witnessed fear and uncertainty about the proposed DHS rule. According to their interactions, people in our community are choosing to go without essentials such as food, supportive services, and medical care out of fear it will prevent them from attaining permanent-resident status, without which they could be separated from their families.

In addition, partner organizations that administer federal housing and nutrition programs have expressed concerns about populations they work with foregoing benefits. These concerns have been voiced, for example, in Pierce County Human Services Coalition meetings, by employees of Pierce County’s WIC programs, and by housing authorities.

4. How would this proposal improve or impair the social conditions of the community?

If successful, this resolution could significantly benefit social conditions in the community by enabling immigrants and their families to access programs that support health and equity and still remain together. The data show a correlation between those census tracts with large non-citizen populations and tracts with poor health outcomes. Also, several of our Communities of Focus – East and South Tacoma, Springbrook, and Parkland/Spanaway – are home to large non-citizen populations. In these places, improving access to healthcare, housing and nutrition programs is critical and could lead to many benefits, including:

• Improved student achievement enabled by housing stability and adequate nutrition.
• Increased civic participation resulting from reduced fear and stigma for non-citizens.
• Reduced rates of chronic diseases such as heart disease and diabetes enabled by access to preventive care, education, and better nutrition.
• Reduced numbers of premature and low-weight births enabled by access to maternal health and nutrition programs.

5. **How would this proposal improve or impair the economic conditions of the community?**

If successful, this resolution could significantly benefit economic conditions for affected individuals and the community. In particular, it will preserve access to programs – especially health insurance and housing stability programs - that are shown to lead to economic self-sufficiency in the long run. Likewise, the economic health of immigrant families is also important to the local economy at large, and hardships they experience are likely to impact the local economy in other ways. For example, if the DHS proposed rule reduces family income for food, this may also be felt by local grocers. Finally, this resolution also seeks to ensure federal resources will continue to be available to Pierce County residents who need them, rather than shifting that burden to local governments.

6. **How would this proposal improve or impair the environmental conditions of the community?**

No significant environmental impacts are anticipated as a result of this proposal.

7. **What are some possible unintended negative health effects of this proposal?**

Unintended negative effects are unlikely. However, a possible unintended negative effect of this resolution, if it succeeds, is that the federal government would seek similar cost savings by making budget cuts to other programs that also support health and equity.

8. **What actions do we need to take to ensure this proposal supports health in Pierce County? Whom might you need to work with to accomplish these actions?**

If this resolution is adopted, it can be shared with other local health jurisdictions and local governments. In addition, Health Department staff will still need to make official comments about the DHS proposed rule when the comment period begins. Furthermore, the Department and partner agencies will need to educate affected residents of Pierce County about the changes that ultimately result from the DHS rulemaking process.
9. What actions will be taken to strengthen this proposal's support of health in Pierce County?

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