



The Public Advocate
for the City of New York

Leticia James – Public Advocate

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September 1, 2016

Via email

Karen Humes, Chief, Population Division
U.S. Census Bureau, Room 6H174
Washington, D.C. 20233
pop.2020.residence.rule@census.gov

Re: Proposed 2020 Census Residence Rule and Residence Situation

Dear Chief Humes,

I submit this comment letter in response to the Census Bureau's federal register notice regarding the Proposed 2020 Census Residence Criteria and Residence Situations, published on June 30, 2016 (81 Fed. Reg. 42577), with time for comment extended on July 25, 2016 (81 Fed. Reg. 48365). I write to urge the Census Bureau to change its policy of counting incarcerated people as residents of their place of incarceration as opposed to residents of their pre-incarceration address. Because many federal funding streams are dependent on census data to determine allocation levels, by artificially depressing the true population of New York City the Census Bureau is costing New York City residents critical funds that could be put towards their social safety net. This policy hurts all New Yorkers by placing a strain on our already overburdened social services.

As Public Advocate for the City of New York, I am tasked with overseeing the provision of services by City agencies and protecting the rights of New Yorkers. I am a citywide elected official, the immediate successor to the Mayor, and an ex-officio member of the New York City Council. New York City Charter ("City Charter") §§ 10, 24. The City Charter requires that I monitor, investigate, and review the actions of City agencies. I am also responsible for identifying systemic problems, recommending solutions, and publishing reports concerning my areas of inquiry. *Id.*, at §24.

My office receives an average of 630 complaints and requests for help from New York City residents every month. Those calls reflect complaints about the adequacy of City services. The greatest percentage of calls (32%) concern housing: the need for repairs, the fear of eviction, complaints of harassment, and difficulties encountered navigating the homeless shelter system. The next most common category of complaint (9%) comes from residents needing assistance

obtaining cash assistance and medical services for needy families (public assistance and Medicaid).¹

The Census Bureau's existing definition of residence as place of incarceration could result in undercounting New York City's population by over 43,000 people. This undercount could have serious repercussions on the funding available for vital programs for New Yorkers, as over \$400 billion in federal funds are distributed based on census population data.² The majority of those funds are in the very areas of need reflected by my constituents' calls: housing, Medicaid, public assistance, and food stamps.³

Further, incarceration affects the communities from which people come. And, it affects the families of people who are incarcerated, often causing significant financial distress.⁴ When those families live in New York City, it is the City's agencies to which they will turn for support in housing, shelter in the event that they become homeless, food stamps, cash benefits, and other social services. And, upon release, the City expends numerous resources to help formerly incarcerated people transition back into their pre-incarceration communities. Thus, the fact of incarceration is likely to increase the demand for social services and other resources from the City, even as the resources for the City are proportionately reduced because of the misattribution of the inmate's residence.

New York City residents who are incarcerated in prisons outside of New York City remain New York City residents by every practical metric. The fact of incarceration imposes additional burdens on New York City's finite resources. At the same time, counting prisoners in the communities in which they are incarcerated deprives New York City of resources that could be used to fund the critical services that City government is obligated to provide to all of its most vulnerable residents. These distortions of federal funding need to be addressed for the sake of New York City's residents. I therefore urge the Census Bureau to recognize that a prison is not a place of residence, and that prisoners and detainees should be counted as residents of their last pre-incarceration address.

¹ *Public Advocate Progress Report: January – December, 2015*, Office of the New York City Public Advocate, p. 41, available at http://pubadvocate.nyc.gov/sites/advocate.nyc.gov/files/general/public_advocate_progress_report.pdf.

² Lisa M. Blumberman and Phillip M. Vidal, *Uses of Population and Income Statistics in Federal Funds Distribution – With a Focus on Census Bureau Data*, U.S. Census Bureau (June 23, 2009). For a discussion of the ways in which federal funds are apportioned using census data, see Testimony Before the Subcommittee on Information Policy, Census, and National Archives, Committee on Oversight and Government Reform, House of Representatives: 2010 CENSUS Population Measures Are Important for Federal Funding Allocations - Statement of Mathew Scire Director, Strategic Issues (Oct. 29, 2007), available at <http://www.gao.gov/assets/120/118299.pdf>.

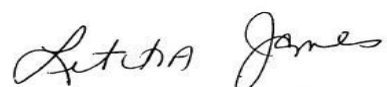
³ The Leadership Conference, *Funding of Federal, State, and Local Programs*, available at <http://www.civilrights.org/census/your-community/funding.html?referrer=https://www.google.com/>.

⁴ Ella Baker Center for Human Rights, *Who Pays? The True Cost of Incarceration on Families* (Sep. 2015), available at <http://ellabakercenter.org/sites/default/files/downloads/who-pays.pdf>.

Sincerely,

A handwritten signature in cursive script that reads "Letitia James". The letters are fluid and connected, with a prominent loop at the end of the word "James".

Letitia James
NYC Public Advocate

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