

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE OPPOSING THE PROPOSED PUBLIC CHARGE RULE RELEASED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND PUBLISHED BY THE FEDERAL REGISTER ON OCTOBER 10, 2018, AND DIRECTING THE CITY ATTORNEY TO SUBMIT A STATEMENT ON BEHALF OF THE CITY OF SAN JOSE DURING THE PUBLIC COMMENT PERIOD

WHEREAS, the “Public Charge” rule is a term used in federal immigration law to refer to a test designed to identify people who are likely to become primarily dependent on the government as their main source of support to meet their basic needs; and

WHEREAS, if the government determines that a person is likely to become a Public Charge, it can deny that person admission to the United States or Lawful Permanent Resident status; and

WHEREAS, currently, the only benefits considered in determining who is likely to become a Public Charge are cash assistance, such as Supplemental Security Income and Temporary Assistance for Needy Families, and government-funded institutional long-term care; and

WHEREAS, on September 22, 2018, the United States Department of Homeland Security released proposed changes to the Public Charge rule, expanding the definition of benefits that could be considered in a Public Charge determination to include key health care, nutrition, and housing programs that help participants meet their basic needs, including Non-Emergency Medicaid (with some exceptions), Supplemental Nutrition Assistance Program, Medicare Part D Low Income Subsidy, and Housing Assistance (public housing or Section 8 housing vouchers and rental assistance), and

increasing the income level for applicants who hope to overcome the Public Charge test; and

WHEREAS, the proposed changes will have a direct negative effect on local economies and well-being by discouraging immigrants from using essential public programs to secure food, health care, and shelter for which they are eligible in fear of jeopardizing the opportunity to gain Lawful Permanent Resident status in the future; and

WHEREAS, the proposed Public Charge rule was published in the Federal Register on October 10, 2018, and public comment will be accepted by the Federal Register until December 10, 2018; and

WHEREAS, the City of San José desires authorization to take the necessary actions to oppose the proposed expansion of the Public Charge rule that will limit the ability of immigrants to obtain Lawful Permanent Resident status;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City of San José opposes the proposed Public Charge rule released by the United States Department of Homeland Security and published by the Federal Register on October 10, 2018; and
2. The City Attorney is directed to submit a statement on behalf of the City of San José during the public comment period.

ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk