THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
MARK D. LEVINE

November 2, 2026

U.S. Census Bureau
Department of Commerce
4600 Silver Hill Road
Washington, DC 20746

Re: Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions (FDMS Docket number USBC-2026-0628)

Dear Sir/Madam,

Thank you for the opportunity to provide public comments on the proposed rule governing the 2030 Decennial Census. I write to express my strong opposition to the proposed changes to residence criteria under Part 60 and demographic data collection under Part 70. Together, these changes threaten to undermine the accuracy and usefulness of census data, with significant consequences for New York City's federal funding, congressional representation, and ability to plan and deliver essential public services.

I urge the Census Bureau to continue counting all people residing in the United States, regardless of immigration status, and to preserve the collection of race and ethnicity data in accordance with the updated 2024 OMB Statistical Policy Directive No. 15 (SPD 15) standards. New York City relies on accurate population and demographic data to make decisions about where to locate schools, libraries, and senior centers; target affordable housing investments; plan for emergencies; and ensure public resources respond to the needs of our diverse communities.

1. Part 60 (residence rules) would undercount New York City residents, affecting federal funding and congressional representation for New York City.

Part 60 (residence rules) proposes changes to how the Census Bureau determines where individuals reside, including the use of tax records to establish residency. The proposed rule would exclude non-U.S. citizens without lawful permanent resident status (green cards) from the population counts used for congressional apportionment. This change would exclude New York City residents who live, work, contribute to the local economy,

and pay taxes. **For 236 years, the Census has counted all residents for purposes of congressional apportionment, regardless of immigration status.**

Tax records provide an incomplete picture of where people live, and the proposed changes could increase the risk of undercounting. The proposed rule does not establish sufficiently tested methodologies or safeguards to ensure that administrative records can accurately determine residency. Tax records alone cannot reliably capture all household members, particularly children and individuals who do not file taxes. Moreover, redefining "usual residence" to rely on tax documentation and the number of days spent at a particular address could lead to residents being missed or counted in the wrong location. The proposed rule would also establish a new three-month reference period (Proposed Section 60.2(c)), rather than relying solely on the traditional April 1 "Census Day." These changes could disproportionately affect seasonal workers, foster youth, people with multiple residences, and shelter residents.

More broadly, the proposed changes risk exacerbating existing undercounts among vulnerable populations, including low-income households, non-filers, workers in the cash economy, people experiencing homelessness, and young children. The 2020 Census already substantially undercounted children, with approximately 1 million children under age five missed nationwide, representing an undercount of 5.4%[1,2]. Relying more heavily on tax documentation could compound this problem, as records such as W-2 forms identify individual workers but do not necessarily account for other household members, including children.

The consequences of undercounting are not hypothetical. In 2020, the New York–Newark–Jersey City metropolitan area experienced an estimated undercount of 240,989 residents[3].

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[1] U.S. Census Bureau, "Census Bureau Releases Experimental Estimates of State and County Undercounts and Overcounts of Young Children in the 2020 Census," April 11, 2024, https://www.census.gov/newsroom/press-releases/2024/undercounts-overcounts-children-2020-census.html

[2] Eric Jensen and George M. Hayward, "Most Counties Had an Undercount of Young Children in the 2020 Census," U.S. Census Bureau, April 11, 2024, https://www.test.census.gov/library/stories/2024/04/children-undercount.html

[3] Diana Elliott, Robert Santos, Steven Martin, and Charmaine Runes, *Assessing Miscounts in the 2020 Census* (Washington, DC: Urban Institute, June 4, 2019), https://www.urban.org/research/publication/assessing-miscounts-2020-census

The proposed changes could further exacerbate these disparities, particularly among populations already at greater risk of being missed. Accurate population counts are essential to understanding where children and families live and ensuring that public resources are distributed according to community needs. Ultimately, I am concerned that the proposed changes would undermine the accuracy of the 2030 Census and put critical federal resources for New York City's schools, children, families, and essential services at risk.

2. Part 70 proposes eliminating census race and ethnicity data collection which would severely undermine the utility of census data.

The decennial census has collected information on race since its inception in 1790, while the collection of ethnicity data has evolved over time. Census race and ethnicity data underpin many other critical federal datasets and serve as an irreplaceable benchmark for nearly every population-based survey and study in the U.S., ensuring that research is reliable and leads to better outcomes for all of us. The demographic questions cannot be replaced by other sources. In fact, the American Community Survey (ACS) and other third-party sources use the Census as a benchmark. Moreover, the Census Bureau's own Preliminary Regulatory Impact Assessment (PRIA) of the proposed rule change states that ACS demographic data on race and ethnicity are not a sufficient replacement for the decennial census data. Demographic data is crucial for understanding population changes, health disparities, supporting state and local planning, enforcing civil rights and anti-discrimination laws, and allowing businesses to make informed decisions about products, services, hiring, and investments.

3. Part 60 would perpetuate residence criteria that contribute to prison gerrymandering and distort population counts used for legislative redistricting.

Proposed Section 60.9 would continue the practice of counting incarcerated individuals at the correctional or detention facilities where they are confined rather than in their home communities. This practice can distort population counts used to draw legislative districts, shifting population toward communities that house correctional facilities and away from the communities to which incarcerated individuals often return. New York State already adjusts census population data for state and local legislative redistricting to address this

issue. The Census Bureau should revise its residence criteria to count incarcerated individuals at their home addresses for redistricting purposes, where those addresses can be reliably established, rather than codifying a practice that perpetuates these distortions.

For these reasons, I urge the Census Bureau and Department of Commerce to withdraw the proposed changes under Parts 60 and 70, preserve the longstanding practice of counting all residents for congressional apportionment regardless of immigration status, and maintain the collection of race and ethnicity data in accordance with the updated 2024 OMB standards. I also urge the Bureau to make publicly available the research, testing, and methodological assessments underlying any proposed changes to census enumeration practices.

An accurate and comprehensive census is essential to ensuring fair representation and the equitable distribution of public resources. The proposed changes risk excluding residents from apportionment counts, increasing the likelihood of undercounting, and eliminating demographic information that governments and communities rely on to make informed decisions. New York City and its residents cannot afford a less accurate census or the loss of critical data needed to serve our communities.

Respectfully submitted,

