

October 28, 2026

Daniel Sweeney
Deputy General Counsel for Economic, Statistical, and Regulatory Affairs
Census Bureau
U.S. Department of Commerce
4600 Silver Hill Road
Washington, DC 20746

**RE: CSAC COMMENTS ON DECENNIAL CENSUS OF THE POPULATION OF AMERICANS;
PROPOSED RESIDENCE CRITERIA AND PROPOSED REGULATIONS FOR DEMOGRAPHIC
QUESTIONS; DOCKET NO. 260903-0005; RIN 0607-AA75**

Dear Deputy General Counsel Sweeney,

On behalf of the California State Association of Counties (CSAC), I respectfully submit these comments in response to the U.S. Census Bureau's proposed rule, *Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions*.

CSAC is the statewide organization representing all 58 California counties and their elected boards of supervisors. As the collective voice of county government in California, CSAC advocates on behalf of counties of all sizes and geographic regions, from the state's largest urban centers to its most remote rural communities. Together, California's counties serve nearly 40 million residents and are responsible for administering and delivering a broad range of essential public services, including safety net services, disaster preparedness and recovery, public health programs, public safety, elections administration, homelessness prevention and response, and public works.

Accurate and reliable census data is essential to the ability of California counties to plan, fund, and deliver these services. The Decennial Census, along with downstream federal data sources, such as the American Community Survey (ACS) and Current Population Survey (CPS), drives the allocation of federal formula funding and competitive grants by informing eligibility requirements, measures of need, and other socioeconomic indicators. Census data

also serves as a critical foundation for transportation planning, infrastructure investment, housing and community development, economic growth strategies, public health initiatives, emergency preparedness, and a wide range of other county government responsibilities.

The importance of accurate census data extends well beyond California. Decennial Census data were used in whole or in part to distribute more than \$2.8 trillion through 353 federal assistance programs in Fiscal Year 2021.¹ While the role of census data varies across these programs, its accuracy and integrity are essential to ensuring the fair distribution of federal resources.

Given the importance of this data to county governments and the communities they serve, CSAC is concerned that the proposed rule could undermine the accuracy and reliability of population and demographic information, with potentially lasting consequences for county budgets, planning decisions, and service delivery.

CSAC is particularly concerned about the following provisions of the proposed rule:

Changes to Residence Definitions and Classifications: The proposed rule would supplant the longstanding “usual residence” standard, under which individuals are generally counted where they live and sleep most of the time, with a framework that assigns residency based on where an individual was “lawfully present” for the greatest number of days between January 3 and April 1 of the decennial census year. This change could be especially consequential for counties with high seasonal population shifts, including college towns, gateway communities and other tourism hubs, and agricultural communities. It could also result in inaccurate counts of individuals with complex living arrangements, including people experiencing homelessness or housing instability and children in foster care or shared custody arrangements.

The proposed standard also raises questions about how the Census Bureau would determine what constitutes lawful presence at a particular residence, including the proposal to count a day when an individual spends as little as one hour at a location. CSAC is concerned that these requirements could introduce additional complexity and uncertainty without a demonstrated improvement in the accuracy of county-level population counts.

¹ U.S. Census Bureau, [Uses of Decennial Census Programs Data in Federal Funds Distribution: Fiscal Year 2021](#), June 2023.

The proposed rule would also substantially narrow the existing residence criteria, replacing more detailed guidance for individuals living in a variety of group quarters and other nontraditional housing arrangements with a much smaller set of categories. Current census guidance addresses individuals residing in healthcare facilities, correctional facilities, group homes, residential treatment centers, emergency shelters, and other institutional and noninstitutional settings. These distinctions are particularly important to counties, which are responsible for administering, funding, or coordinating many of the services provided to these populations. Without clear guidance on how these individuals will be counted and where they will be assigned, the proposed changes could increase the risk of undercounting or misallocating residents, particularly those experiencing homelessness, receiving long-term care, or living in other temporary or institutional settings. Such inaccuracies could distort local population estimates, affect the distribution of federal resources, and make it more difficult for counties to plan for and meet the needs of vulnerable residents.

CSAC urges the Census Bureau to explain how these populations would be identified and assigned to their appropriate locations under the proposed framework, and to assess whether the consolidation of residence categories could affect data accuracy.

Cross-Agency Verification: The proposed rule directs the Census Bureau to consider tax records and other administrative data when determining an individual's usual residence for apportionment and enumeration purposes. However, tax returns, W-2 forms and related administrative records were not designed to establish an individual's residence during the proposed January 3 through April 1 enumeration period. The addresses reflected in such records may correspond to a mailing address, post office box, tax preparer's office, or a prior residence, rather than the location where an individual was actually residing on Census Day.

The limitations of these data sources are particularly significant for populations that may not file federal income taxes (such as extremely low-income households), experience housing instability, or otherwise lack consistent administrative records. Similar concerns arise for children whose living arrangements may differ from the residence reported by a parent or caregiver for tax purposes. Accordingly, substantial reliance on these records could increase the risk of undercounting vulnerable populations and create systematic inaccuracies affecting communities that are disproportionately served by federally funded programs.

While administrative records can be valuable tools for improving census operations, they should supplement rather than displace reliable methods of determining where individuals

actually reside. CSAC urges the Census Bureau to evaluate the reliability of these records for different populations, explain how conflicting or incomplete information would be resolved, and identify safeguards to prevent systematic errors. The Bureau should also clarify how residents and local governments would be able to identify and seek correction of inaccurate geographic assignments.

Citizenship and Immigration Status: The proposed rule would limit the population used for congressional apportionment to U.S. citizens and lawful permanent residents, which would exclude a broad range of noncitizens, including individuals lawfully present under other immigration classifications.

Beyond these exclusions, the proposal may have broader deterrent effects associated with the collection and use of immigration-related information. Concerns regarding confidentiality or the perceived consequences of participation could discourage census responses not only from individuals whose status may be affected, but also from mixed immigration status households that include U.S. citizens and lawful permanent residents. As a result, the proposal could depress participation rates and compromise the accuracy of population counts well beyond the categories of individuals expressly excluded from the apportionment base. This is an especially acute risk for California, which is home to the nation's largest immigrant population and where one in five children live in mixed immigration status households.

Although the proposed exclusion expressly applies to congressional apportionment, the rule does not adequately explain how the Census Bureau would maintain and publish complete resident population data for other purposes. This distinction is critically important to counties. Federal, state, and local governments rely on different Census Bureau population products for funding, planning, and program administration.

CSAC urges the Bureau to clarify whether separate population counts would be maintained, how excluded individuals would be reflected in other statistical products, and whether the proposed changes could affect annual population estimates or other data used by federal assistance programs.

Removal of Race and Ethnicity Questions: CSAC is also concerned about the proposal to prohibit questions about race and ethnicity on decennial census questionnaires used to enumerate the population. This data is essential to county responsibilities involving

redistricting, civil rights compliance, language access, equitable service delivery, and the identification of underserved communities.

California counties rely on detailed demographic information to evaluate population changes within supervisorial districts and comply with applicable federal and state redistricting requirements, including obligations under the *Voting Rights Act*. Their removal raises significant questions about whether counties would continue to have access to sufficiently accurate and geographically detailed demographic data for these purposes.

While the proposal contemplates continued collection of demographic information through other sources, including the ACS and administrative records, these data sources are not necessarily interchangeable with decennial census data. Survey-based estimates may be less precise for small communities, census blocks, and other geographic areas where detailed population information is especially important.

CSAC urges the Census Bureau to explain how it would continue producing the demographic data necessary for county redistricting, civil rights analysis, federal program administration, and local planning. Before adopting these changes, the Bureau should demonstrate that alternative data sources can provide comparable accuracy, geographic detail, and reliability.

Implications for County Funding, Representation, and Service Delivery: Taken together, the proposed rule could result in California and its 58 counties receiving less accurate or less complete population and demographic data, creating uncertainty for federal funding allocations and local planning. Federal programs that rely on Census Bureau data include Medicaid (Medi-Cal), the Community Development Block Grant (CDBG), foster care maintenance payments, rural economic development grants and loans, and funding for highway planning and construction. The potential impact on any particular program would depend on the population data and other factors used in its funding formula.

The proposed changes also raise concerns about congressional representation and local redistricting. Changes to the population used for congressional apportionment could affect California's representation in the U.S. House of Representatives, while changes to the availability or accuracy of census data could complicate county supervisorial redistricting. The Bureau should evaluate these potential consequences and clearly explain what population and demographic information would remain available to state and local governments.

Counties must plan for and provide services responsive to the people who live in their communities regardless of whether they are properly accounted for in the Decennial Census. Excluding residents from the population base or discouraging households from responding does not eliminate the need for health care services, public safety, transportation, or housing. It instead creates a potential mismatch between community needs and the data used to plan for and allocate public resources at the federal, state, and local level.

Before proceeding with these changes, CSAC believes the Census Bureau should provide a comprehensive assessment of their potential effects on state and local population data, federal funding formulas, congressional apportionment, redistricting, and the administration of public programs. Such an assessment should address the effects on California's rural, urban, agricultural, and seasonal communities, as well as populations that have historically been difficult to enumerate accurately.

Given the significance of these concerns and the absence of sufficient assurances that the proposed changes would preserve accurate and reliable population and demographic data, CSAC respectfully urges the Census Bureau and the Department of Commerce to withdraw the proposed rule.

Thank you for your consideration of our comments. Should you have questions regarding CSAC's views, please contact CSAC's federal representatives, Hasan Sarsour (hs@paragonlobbying.com) and Rachel Mackey (rm@paragonlobbying.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Rodriguez". The signature is fluid and cursive, with the first name "Kimberly" written in a larger, more prominent script than the last name "Rodriguez".

Kimberly Rodriguez
Chief Legislative Advocate
California State Association of Counties