

Congress of the United States

Washington, DC 20515

April 21, 2026

The Honorable Scott Turner
Secretary
US Department of Housing
and Urban Development
451 7th Street, Southwest
Washington, DC 20410

RE: HUD Comments in Response to Proposed Rulemaking: Housing and Community Development Act of 1980: Verification of Eligible Status

Dear Secretary Turner:

As Members of Congress representing millions of Americans who rely on government-assisted housing, we write to oppose the Department of Housing and Urban Development's (HUD) Notice of Proposed Rulemaking entitled "Housing and Community Development Act of 1980: Verification of Eligible Status (FR-6524)." This action will increase homelessness and hardship among working families while doing nothing to address the nation's affordable housing crisis. Indeed, HUD's own regulatory impact analysis acknowledges the proposed rule, if finalized, will reduce the supply of HUD-assisted units across the nation at a time when Americans need more, not less, affordable housing. We urge the Administration to withdraw its rule and instead implement Section 214 as Congress intended.

Ineligible Noncitizens Do Not Receive HUD Assistance.

Like other immigration policies from this Administration, the proposed rule attempts to solve a problem that does not exist. It is based on the false premise that ineligible noncitizens are receiving housing assistance and diverting resources from citizens. In reality, current HUD rules limit rental assistance to household members with eligible immigration status, and ineligible individuals are prohibited from receiving such aid. Moreover, "ineligible" does not automatically mean an individual is undocumented; it can include individuals with statuses such as DACA recipients, TPS holders, or U-visa holders. Existing law, including Section 214 and HUD's own guidance, allows mixed-status families to live together, with assistance prorated to exclude ineligible household members from receiving the HUD housing subsidy. The proposed rule would unnecessarily force these families to separate or risk eviction.

Through Section 214, Congress Intended to Keep Mixed Status Families Together.

HUD claims that the proposed rule will bring them into "greater alignment with the wording and purpose of Section 214." However, the proposed rule directly contradicts Section 214 and the

underlying congressional intent to limit HUD assistance to eligible family members while allowing them to live with the rest of their family. The language, currently codified in 42 USC § 1436a states:

If the eligibility for financial assistance of at least one member of a family has been affirmatively established under the program of financial assistance and under this section, and the ineligibility of one or more family members has not been affirmatively established under this section, any financial assistance made available to that family by the applicable Secretary shall be prorated, based on the number of individuals in the family for whom eligibility has been affirmatively established under the program of financial assistance and under this section, as compared with the total number of individuals who are members of the family.

The “shall” in the statute unambiguously directs HUD to prorate assistance to mixed-status families. Section 214 does not give HUD discretion to take away prorated assistance; therefore HUD must implement the statute as written by Congress.

In 1988, Congress amended the Housing and Community Development Act of 1980 to include, under the heading “Preservation of Families,” a provision to prioritize keeping families together if it is determined that financial assistance will be terminated. The accompanying House Report stated that “the eviction of individuals who are citizens...because other members of their household cannot meet the documentation requirements” would be an “injustice”.¹ The report went on to say that increased verification requirements are burdensome and impossible for some citizens to meet. HUD’s proposal to separate and evict mixed status families is at odds with this clearly stated Congressional intent.

The Impact on Mixed Status Families Will be Devastating.

The proposed rule would have devastating consequences for mixed-status families, forcing many to separate or face eviction. According to CBPP, nearly 80,000 people could lose assistance if the proposed rule is enacted.² Their analysis also estimated that 37,000 children, nearly all of whom are citizens, would be disproportionately harmed. The implementation of this rule would have a particularly devastating impact on communities of color, who comprise 96% of all mixed status families. Latino families alone represent 86% of mixed status families, and more than 68,000 Latino residents would have to either separate or lose their housing benefit under the proposed

¹ H.Rept.100-122_1, pp 49

² Gartland, E., & Acosta, S. (2025). Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers. In *Center for Budget and Policy Priorities*. Center for Budget and Policy Priorities. Retrieved April 9, 2026, from <https://www.cbpp.org/research/housing/administration-plan-targeting-immigrants-would-take-away-rental-assistance-create>

rule. Similarly, Asian Americans make up the largest foreign-born racial population (65%) and would have to choose between separating their families or losing out on housing assistance.³

Immigrant and mixed-status families already face significant barriers and biases when trying to acquire housing. Immigrants are more likely than native-born individuals to be cost-burdened, meaning that they spend 30% or more of their income on rent. They are also more likely to be exposed to unsafe housing conditions and exploitative landlords that imply those conditions are tenant responsibility.

The subsequent housing instability would bring food insecurity, significantly lower health outcomes, and disruptions in education. The majority of mixed status families in HUD-assisted housing are comprised of U.S. citizens or eligible immigrants with only one ineligible family member. Family members who would otherwise be eligible for HUD assistance, therefore, would be denied HUD assistance simply because of who they are related to. Instead of further targeting our nation's most vulnerable population and deepening housing inequities, HUD should focus its resources on expanding access and tenant protections.

Additional Eligibility Verification Burden

There is also significant concern around the additional requirements for verification eligibility. Under the proposed rule, public housing authorities and owners would be required to verify citizenship status of US citizens the Systems Alien Verification for Entitlements (SAVE) Program, a faulty system with questionable reliability.⁴ If the SAVE program flags a person as an ineligible noncitizen, applicants and residents would need to produce additional documentation, burdening approximately 3.8 million US citizens who lack documentary proof of citizenship and 17.5 million who cannot easily access such documentation. There is extensive reporting on how errors in the SAVE database have resulted in several eligible people being flagged as noneligible.⁵ This rule, if finalized, would likely result in a number of US citizens facing termination of benefits for which they are eligible.

Administrative Burden and Staffing Constraints

Due to this administration's aggressive campaign to reduce the federal workforce, HUD's limited remaining staff are left to juggle the functions of what is supposed to be our nation's premier housing agency. Staffing issues will be further strained if HUD and its housing partners are treated as a de facto arm of immigration enforcement. The proposed rule would further burden

³ AAPI Data. (2026). By The Numbers: Immigration. In *AAPI Data Guide on Timely Policy Issues*. AAPI Data. Retrieved April 14, 2026 from <https://aapidata.com/featured/by-the-numbers-immigration/>

⁴ Singh, J. (2021). Homeland Security's "SAVE" Program Exacerbates Risks to Voters. In *The Brennan Center for Justice*. The Brennan Center for Justice. Retrieved April 9, 2026, from <https://www.brennancenter.org/our-work/research-reports/homeland-securitys-save-program-exacerbates-risks-voters>

⁵ Fifield, J., Despart, Z. (2026) "A federal tool to check voter citizenship keeps making mistakes. It led to confusion in Texas." In *The Texas Tribune*. The Texas Tribune. Retrieved April 14, 2026, from <https://www.texastribune.org/2026/02/13/save-voter-citizenship-tool-mistakes-confusion/>

Public Housing Authorities (PHAs), who rely on the short-staffed HUD offices for compliance guidance. At a time when PHAs are already operating with limited staffing and resources, these additional requirements would divert critical capacity away from core functions such as maintaining housing stock, processing applications, and supporting residents. Already, PHAs are overwhelmed by other HUD immigration-related tasks which often come with vague and contradictory instructions and are due on impossible timelines.⁶

The Administration is also clearly unwilling to provide additional support for the administrative burden that this will create. On April 3, President Trump released his fiscal year 2027 budget request which would implement a five percent cut from the final fiscal year 2026 budget.⁷ Increased paperwork, more frequent eligibility reviews, and complex verification procedures will slow program administration, increase costs, and create barriers for both tenants and housing providers. By HUD's own admission, compliance with this rule would cost housing entities like PHAs between \$800,000 and \$6 million and result in fewer HUD housing units. Without corresponding increases in funding or staffing, PHAs will be ill-equipped to implement these changes effectively.

HUD's proposed rule is directly in conflict with the agency's mandate to provide fair housing opportunities. Immigrant populations already face discrimination in housing, and the enactment of this proposed rule would exacerbate this issue. It blatantly disregards the congressional intent of the law and would disrupt the lives of thousands of families – citizen and noncitizen alike. At a time when over 21 million renter households are cost-burdened⁸ and there is a shortage of 7.2 million affordable rental homes⁹, HUD should not attempt to restrict safety net housing programs. We strongly urge HUD to withdraw this proposed rule and maintain the current regulatory framework that Section 214 demands.

Sincerely,

⁶ Siegel, R. (2026, March 30). As Trump blames immigrants for housing shortages, HUD joins crackdown. *The Washington Post*. <https://www.washingtonpost.com/business/2026/03/30/hud-immigration-housing-enforcement/>

⁷ *Budget of the U.S. Government FY 2027 - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT*. (n.d.). The White House. https://www.whitehouse.gov/wp-content/uploads/2026/04/hud_fy2027.pdf

⁸ US Census Bureau. (2024, September 12). *Nearly half of renter households are Cost-Burdened, proportions differ by race*. Census.gov. <https://www.census.gov/newsroom/press-releases/2024/renter-households-cost-burdened-race.html>

⁹ *NLIHC releases The Gap 2026: A Shortage of Affordable Homes*. (n.d.). National Low Income Housing Coalition. <https://nlihc.org/news/nlihc-releases-gap-2026-shortage-affordable-homes#:~:text=Nationally%2C%20there%20is%20a%20shortage,of%20these%20lowest%2Dincome%20renters.>



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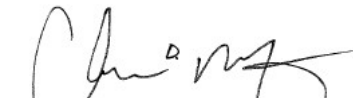
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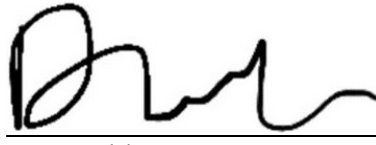
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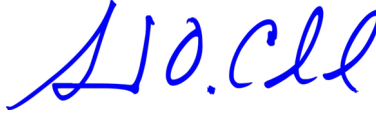
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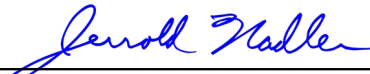
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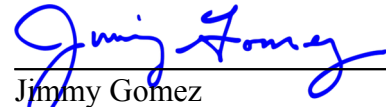
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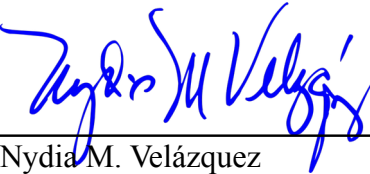
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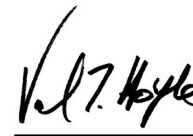
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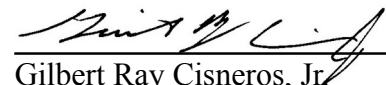
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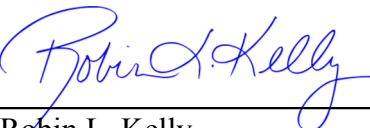
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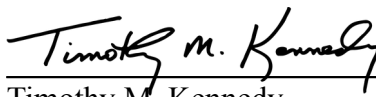
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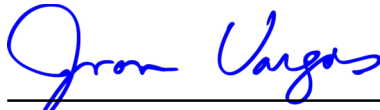
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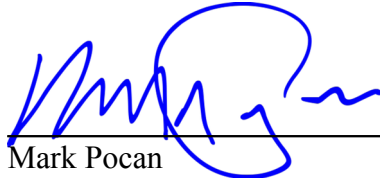
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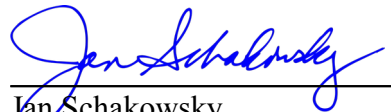
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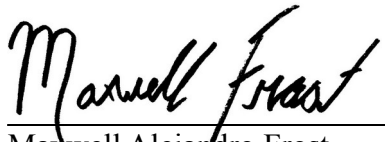
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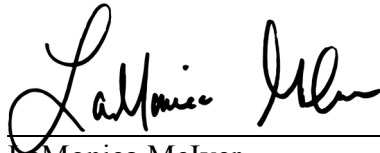
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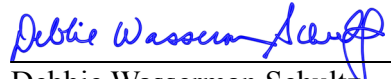
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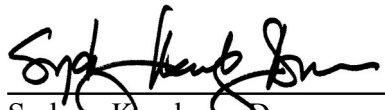
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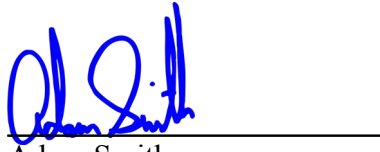
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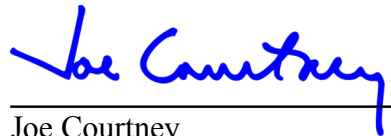
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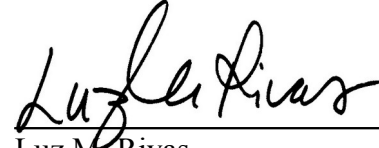
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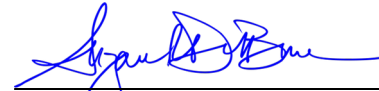
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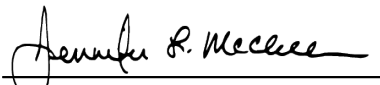
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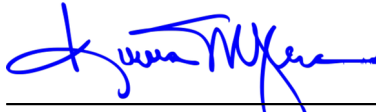
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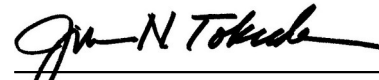
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