



NATIONAL LOW INCOME HOUSING COALITION

Renee Willis, President
Board of Directors

Bambie Hayes-Brown,
Chair
Atlanta, GA

Cathy Alderman
Denver, CO

Derrick Belgarde
Seattle, WA

Russell "Rusty" Bennett
Birmingham, AL

Staci Berger
Trenton, NJ

Diana Blackwell
New York, NY

Andrew Bradley
Indianapolis, IN

Loraine Brown
Santa Barbara, CA

Allie Cannington
San Francisco, CA

Geraldine Collins
New York, NY

Kafi Dixon
Boston, MA

Aaron Gornstein
Boston, MA

Rhonda Hamilton
Washington, DC

Zella Knight
Los Angeles, CA

Moises Loza
Alexandria, VA

Anne Mavity
St. Paul, MN

Kathryn Monet
Washington, DC

Faith Redwine-Otieno
Ann Arbor, MI

Chrishelle Palay
Houston, TX

Hasson J. Rashid
Cambridge, MA

Megan Sandel
Boston, MA

Marie Claire Tran-Leung
Redondo Beach, CA

Sharon Vogel
Eagle Butte, SD

Mindy Woods
Seattle, WA

Founded in 1974 by
Cushing N. Dolbear

April 21, 2026

Submitted via www.regulations.gov

Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-0500

Re: FR-6524-P-01 Housing and Community Development Act of 1980:
Verification of Eligible Status; RIN 2501-AE16

To the Office of General Counsel, Regulations Division:

The National Low Income Housing Coalition (NLIHC) writes in strong opposition to the Department of Housing and Urban Development's (HUD) Notice of Proposed Rulemaking (Proposed Rule) entitled, "Housing and Community Development Act of 1980: Verification of Eligible Status."¹ Not only is the Proposed Rule cruel in its aim to separate families – many of which include U.S. citizen children – but it offers no tangible benefits to low-income families or HUD-assisted housing providers. Instead, through this rulemaking, HUD seeks to impose additional burdens on tenants and housing providers in service of policy changes that will ultimately house fewer families at higher cost.

NLIHC is an organization whose members include state and local affordable housing coalitions, residents of public and assisted housing, nonprofit housing providers, homeless service providers, fair housing organizations, researchers, faith-based organizations, public housing agencies, private developers and property owners, local and state government agencies, and concerned citizens. While our members include the spectrum of housing interests, we do not represent any segment of the housing industry. Rather, we work on behalf of and with low-income people who receive or need federal housing assistance, especially extremely low-income people and people who are homeless.

¹ 91 Fed. Reg. 8151 (Feb. 20, 2026).

For the reasons discussed below, we urge HUD to withdraw the Proposed Rule.

A. HUD’s Proposed Rule Will Exacerbate the United States’ Affordable Housing Crisis

If finalized and implemented, the Proposed Rule will threaten thousands with homelessness and worsen our nation’s ongoing affordable housing crisis. Nearly 80,000 individuals in mixed-status families, including almost 37,000 children, would be forced to either separate or face eviction under HUD’s proposal.² Although heralded by HUD as a way to free up scarce affordable units, in reality, the Proposed Rule would result in HUD serving *fewer* families overall due to the costs of implementing these changes. In fact, HUD’s own analysis acknowledges that public housing units may sit vacant if this proposal is implemented.

i. The United States Faces a Housing Affordability Crisis

According to NLIHC research, in the United States, there are 11 million renter households with extremely low incomes, yet only 3.8 million rental units affordable and available to such households.³ In 2025, NLIHC’s analysis revealed that a full-time worker would need to make \$33.63 per hour to afford a modest two-bedroom rental, and \$28.17 per hour for a modest one-bedroom.⁴ Nearly half of workers in the United States make less per hour than needed to afford a modest one-bedroom rental.⁵ In fact, the average worker making minimum wage would need to work 116 hours a week – or almost three full-time jobs – to afford a modest one-bedroom rental paying Fair Market Rent.⁶ Currently, only 1 in 4 U.S. households eligible for federal housing subsidies receive it.⁷

ii. Mixed-Status Families Are Not Causing Our Nation’s Shortage of HUD-Assisted Units

Implementing the Proposed Rule will not help address the need for more HUD-assisted units because mixed-status families are not driving the shortage. In an op-ed announcing the Proposed Rule, Secretary Turner referenced the “millions of Americans

² Erik Gartland & Sonya Acosta, Ctr. on Budget & Pol. Priorities, “Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers” (Dec. 12, 2025), available at: <https://www.cbpp.org/research/housing/administration-plan-targeting-immigrants-would-take-away-rental-assistance-create> (79,600 total persons in HUD-assisted, mixed-status households; 36,900 children ages 0-17 in mixed-status, HUD-assisted households); HUD, Regulatory Impact Analysis (RIA), at 9 (listing 79,300 total persons in mixed-status families) and 13 n.26 (anticipating 36,000 eligible children may “choose” to leave HUD-assisted housing to remain with ineligible adult).

³ NLIHC, *The Gap: A Shortage of Affordable Homes*, at 11 (2026), available at: <https://nlihc.org/gap>.

⁴ NLIHC, *Out of Reach: The High Cost of Housing* (2025) (Out of Reach), at 11, available at: <https://nlihc.org/oor>.

⁵ *Out of Reach* at 11.

⁶ *Out of Reach* at 13.

⁷ *Out of Reach* at 26.

on housing wait lists across the country.”⁸ Despite HUD’s focus on mixed-status families in this rulemaking, such families make up a tiny fraction of HUD-assisted individuals. As noted above, nearly 80,000 individuals live in mixed-status families, and of those, an estimated 24,100⁹ are ineligible for HUD assistance. By law, those who lack eligible immigration status under Section 214 of the Housing and Community Development Act of 1980 (Section 214) do not receive rental assistance within Section 214-covered programs. The remaining 55,110 people in mixed-status families are eligible for HUD housing.¹⁰ The majority of eligible persons in mixed-status families are children,¹¹ and those children are overwhelmingly U.S. citizens.¹² Nearly 8.9 million people participate in HUD-assisted housing programs who would fall under the Proposed Rule.¹³ The ineligible 24,100 persons living in mixed-status families comprise less than one third of a percent of this total. And according to HUD’s own analysis, the number of mixed-status families has already been decreasing over time.¹⁴ Displacing mixed-status families will not create a dent in the shortage of affordable housing units in the United States, which NLIHC research estimates to be a shortage of 7.2 million affordable and available rentals for extremely low-income households.¹⁵

In other words, the millions of Americans on waitlists referenced by Secretary Turner will not be housed even if this Proposed Rule is implemented. In fact, as discussed below, housing providers will serve fewer families because of increased per-household subsidies. The Proposed Rule’s burdensome documentation requirements on U.S. citizens and eligible noncitizens could cause eligible people to lose housing assistance if they cannot produce acceptable verifying documentation. And finally, the Administration’s FY27 proposed budget contains language prohibiting issuing new vouchers or “otherwise assist[ing] new families”¹⁶ (with some exceptions), a policy position at odds with providing relief to families on long voucher waitlists.

iii. Fewer Families Would Be Housed Under the Proposed Rule

The “immediate effect” of the Proposed Rule “would be a reduction in the number of households and eligible persons assisted.”¹⁷ The reason is simple math: if the Proposed Rule is finalized and implemented, HUD’s analysis estimates that over \$300 million dollars in additional funds would be needed to serve the same number of

⁸ Sec. Scott Turner, “Liberals exploited public housing. That must stop.” Washington Post (Feb. 18, 2026), available at: <https://www.washingtonpost.com/opinions/2026/02/18/hud-public-housing-undocumented-noncitizens-ineligible/>

⁹ RIA at 9 (Table 1).

¹⁰ RIA at 9 (Table 1).

¹¹ RIA at 8 (noting that 65 percent of eligible family members are children).

¹² Gartland & Acosta, *supra* note 2 (noting 35,400 U.S. citizen children).

¹³ RIA at 9 (Table 1, “All Members”).

¹⁴ RIA at 10-11. The RIA offers as an alternative theory that this could be a product of mixed-status families not reporting but cites no evidence of that.

¹⁵ *The Gap*, at 4.

¹⁶ Office of Management & Budget, Budget of the U.S. Government (FY 2027), Appendix, at 563.

¹⁷ RIA at 17.

families.¹⁸ Average “replacement households” – i.e., fully eligible households on waiting lists for HUD-funded housing assistance—would require a higher amount of assistance than the average outgoing mixed-status family because the household would receive a full subsidy not a prorated one. HUD estimates that it would take, on average, \$4,900 more per person to subsidize a replacement household.¹⁹

The fiscal impacts of the Proposed Rule would force housing providers to consider harrowing cost-cutting options. HUD’s own analysis notes that public housing agencies (PHAs) may take measures such as offering fewer Housing Choice Vouchers (HCVs), delaying issuing HCVs, lowering payment standards,²⁰ using reserves, and reducing public housing unit maintenance.²¹ Most jarringly, HUD’s own analysis admits that PHAs could even leave public housing units *vacant* to defer turnover and operations expenses.²² Furthermore, HUD admits that administrative burdens associated with the Proposed Rule, discussed more *infra*, could also “discourage attracting more private owners willing to participate in the HCV program.”²³

B. The Proposed Rule Will Impose Burdensome Verification and Documentation Requirements on Eligible HUD-Assisted Families

The Proposed Rule will create new, burdensome verification and documentation requirements for eligible tenants and applicants across covered HUD-assisted programs. While the Proposed Rule preamble heralds SAVE as providing instantaneous verification “in most instances,” HUD’s regulatory impact analysis reveals what occurs when that is not the case. According to HUD’s analysis, the “total costs for existing tenants who do not have any of the required documents for verification range from \$1.5 million to \$6.4 million,” and that a “significant share” of those costs “falls on U.S. citizens and nationals.”²⁴ The costs and associated efforts of gathering documentation “could potentially result in denial, termination, or delay of housing assistance because some tenants and applicants cannot produce the required documents.”²⁵ This is wholly inconsistent with HUD’s stated goal of wanting to emphasize providing assistance to eligible tenants; rather, the Proposed Rule puts the onus on eligible tenants to navigate frustrating new requirements.

¹⁸ RIA at 19 (noting additional funding of \$311-\$385 million would be needed to maintain the same number of assisted family members).

¹⁹ RIA at 16.

²⁰ RIA at 17-18. If PHAs are forced to reduce payment standards due to the Proposed Rule being finalized, this reality directly contradicts one of the purported benefits of HUD’s proposal. HUD’s RIA states that the “rule would reinforce the positive economic benefits of housing assistance imparted to recipients of housing assistance,” and that HCVs “enhance mobility and thus access to a safer environment and economic opportunities.” RIA at 12. Yet, a reduction in payment standards would constrain HCV household choices by limiting the neighborhoods and communities that HCV families can afford.

²¹ RIA at 18.

²² RIA at 18.

²³ RIA at 25.

²⁴ RIA at 30.

²⁵ RIA at 31.

Research shows that millions of U.S. citizens do not have easy access to documentary proof of citizenship. According to the Brennan Center for Justice, over 9 percent of U.S. citizen adults, or 21.3 million people, lack such proof readily available.²⁶ Furthermore, 3.8 million adults lack access to documents all together, “often because they were lost, destroyed, or stolen.”²⁷ Research also identified evidence of racial disparities in availability, in that people of color lack ready access to citizenship documents at a higher rate (11 percent), than white Americans (8 percent)²⁸.

The Proposed Rule would impose burdens that stem from SAVE system error through no fault of the tenant. Individuals whose information is not correctly logged in SAVE “would bear the burden of pursuing additional verification in SAVE or secondary verification” with their housing provider.²⁹ HUD admits that this could even require tenants to need to request an informal hearing to address this issue.³⁰ Eligible tenants may need to take time off work, drive long distances (particularly in rural areas), and pay fees to obtain documentation such as a birth certificate or passport. In fact, several PHA industry groups recently noted to HUD that requiring eligible tenants to obtain documentation for reverification purposes could require families to need to “save up” to afford the fee for documents.³¹ Persons with disabilities may face additional hurdles may include inability to travel to the appropriate government offices. Survivors of domestic and sexual violence may be particularly impacted by needing to show verifying documentation, as abusers often cut off access to important documents as a means of asserting control.

The Proposed Rule would specifically burden eligible noncitizens aged 62 and over, who under current law and regulation, are not required to provide proof of immigration status. Older adults in HUD-assisted housing programs will face similar challenges obtaining immigration documentation as those discussed above (possible fees, travel to get paperwork). However, older adults may also face challenges such as limited English proficiency³² and mobility challenges due to age-related disabilities.

C. The Proposed Additional Documentation and Verification Requirements Will Impose Administrative Burdens on Housing Providers

²⁶ Kevin Morris & Cora Henry, Brennan Center for Justice, “Millions of Americans Don’t Have Documents Proving Their Citizenship Readily Available” (June 11, 2024), available at: <https://www.brennancenter.org/our-work/analysis-opinion/millions-americans-dont-have-documents-proving-their-citizenship-readily>; see also RIA at 28 (citing same report).

²⁷ Morris & Henry, *supra* note 26.

²⁸ Morris & Henry, *supra* note 26.

²⁹ RIA at 29.

³⁰ RIA at 29.

³¹ NAHRO, PHADA, and MTW Collaborative, Ltr. to HUD (Industry Letter) (Feb. 13, 2026), at 3, available at: <https://www.nahro.org/wp-content/uploads/2026/02/EIV-SAVE-Letter-to-HUD-2-13-2026-final.pdf>

³² Denny Chan, Justice in Aging, “Threats to Older Immigrants in Health Care, Economic Security, Housing, and Elder Rights” (Apr. 7, 2025), available at: <https://justiceinaging.org/threats-to-older-immigrants/> (noting that older immigrants tend to have limited English proficiency).

The Proposed Rule, as written, will impose additional cost and administrative burdens on PHAs and HUD-assisted owners. According to HUD’s regulatory impact analysis, the administrative costs for PHAs and HUD-assisted owners include verification for all tenants, staffing and training, updating planning documents such as Admissions and Continued Occupancy Policies, and “other forms, notices, and websites.”³³ Regarding forms and notices, under HUD’s proposal, housing providers will be tasked with developing (not just issuing) “a notice for informing current tenants of the need to undergo verification.”³⁴

HUD’s regulatory impact analysis admits that implementing the Proposed Rule could impose, in the aggregate, millions of dollars in costs on housing providers. The Proposed Rule’s verification requirements just for existing tenants, according to HUD estimates, could impose an aggregate cost of \$530,140 to \$2.1 million.³⁵ For verifying new tenants, HUD estimates these costs to fall between \$277,000 to \$1.1 million.³⁶ These figures do not include further costs such as turning over units, creating notices, updating documents, and training staff. In discussing some of the administrative costs generated by the Proposed Rule, HUD acknowledges that, housing providers “may absorb some of these costs by diverting funds from existing programs, services, and staffing resources,”³⁷ underscoring that the Proposed Rule means fewer funds available to be spent on serving families.

SAVE System Shortcomings Raise Likelihood of Secondary Verifications

Given significant issues regarding SAVE system use in other contexts, the Proposed Rule’s reliance on an expanded role for SAVE will likely result in additional burdens on housing providers. For example, recent reporting describes how SAVE “has made persistent mistakes, particularly in assessing the status of people born outside the U.S.,” and that SAVE does not always pick up the fact that someone becomes a U.S. citizen.³⁸ Additionally, SAVE searches “may also generate a large volume of non-matches because of missing, outdated, or inconsistent citizenship information in the Social Security Administration database and DHS immigration records.”³⁹ Assuming these errors are not limited to the voting context, accuracy issues with SAVE increase the likelihood that a housing provider will need to conduct secondary verifications.

³³ RIA at 21.

³⁴ RIA at 25.

³⁵ RIA at 23.

³⁶ RIA at 24.

³⁷ RIA at 25.

³⁸ Jen Field, ProPublica, and Zach Despart, ProPublica and The Texas Tribune, “A federal tool to check voter citizenship keeps making mistakes. It led to confusion in Texas.” (Feb. 13, 2026), available at: <https://www.texastribune.org/2026/02/13/save-voter-citizenship-tool-mistakes-confusion/>. For one Texas county, the same news report calculated that a SAVE error rate “of at least 14%,” as twelve of the 84 voters identified as potential noncitizens provided proof of citizenship. The report concluded that more than 5% of voters flagged by SAVE were in fact U.S. citizens across the Texas counties for which the news organizations received data.

³⁹ Jasleen Singh & Spencer Reynolds, Brennan Center for Justice, “Homeland Security’s ‘SAVE’ Program Exacerbates Risks to Voters,” (July 21, 2025), available at: <https://www.brennancenter.org/our-work/research-reports/homeland-securitys-save-program-exacerbates-risks-voters>

Accordingly, housing providers will need to devote staff time and resources to conducting secondary verifications on U.S. citizens and nationals.

The chaotic implementation of HUD's 30-day directive⁴⁰ to HUD-assisted housing providers is instructive, as similar concerns of accurately identifying U.S. citizens were raised in that context as well. In response to the directive, housing provider industry groups expressed concern regarding the accuracy of HUD-supplied EIV-SAVE reports – reports which relied in part on the SAVE system.⁴¹ Some of the groups' members "reported that the data in the EIV-SAVE report appears to be inaccurate," including anecdotes "where most of the people flagged in the [PHA's] report were clearly U.S. citizens or eligible immigrants who had submitted the appropriate documentation."⁴² Importantly, having to investigate such mismatches come at a cost. As the industry groups' letter to HUD regarding the 30-day directive explains, "This re-checking of eligible individuals with valid documentation is a costly endeavor," noting that this is "especially true for large agencies where the list of people to review may stretch into the thousands."⁴³ Although HUD's analysis, citing a 2017 study, described SAVE as having a one percent error rate, for larger housing providers even a one-percent error rate could mean a noticeable diversion of resources to address and process secondary verifications. The experiences of housing providers trying to implement HUD's 30-day directive likely foreshadow the types of issues and concerns housing providers will encounter if the Proposed Rule is finalized and implemented.

Furthermore, HUD's own Proposed Rule also acknowledges that the inherent limitations of SAVE will create multiple work streams for housing providers conducting secondary verifications. Since SAVE "cannot review or process birth certificates or U.S. passports," two work streams are needed at "the secondary verification step for cases involving U.S. citizenship or U.S. nationality: one that accounts for documents SAVE can review and process, and one that accounts for documents SAVE cannot review and process at this time."⁴⁴ In such cases where SAVE is unable to process secondary documentation, housing providers will be required to then review the document, confirm its authenticity, and make eligibility determinations, again adding diverting staff time and resources. HUD also acknowledges that because of SAVE program limitations "and the potential need for manual record searches, which may take significant time," HUD is not specifying a timeline for secondary verification of U.S. citizenship, which differs from the 30-day secondary verification timeline for noncitizens;⁴⁵ this differential approach appears to conflict with HUD's stated aim of making "the administrative process for verification more uniform for citizens and eligible noncitizens."⁴⁶

⁴⁰ See generally HUD Press Release, 'Cleaning House': HUD Orders Immediate Citizenship Verification for All Tenants in HUD-Funded Housing Nationwide, available at: <https://www.hud.gov/news/hud-no-26-008>; Ltr. to PHA Executive Directors, available at: <https://www.hud.gov/sites/default/files/PIH/documents/PHA-Letter-on-EIV-Report.pdf>

⁴¹ See generally Industry Letter, *supra* note 31.

⁴² Industry Letter, *supra* note 31, at 3.

⁴³ Industry Letter, *supra* note 31, at 4-5 (discussing experience with HUD's 30-day directive).

⁴⁴ 91 Fed. Reg. at 8159.

⁴⁵ 91 Fed. Reg. at 8159.

⁴⁶ 91 Fed. Reg. at 8153.

D. Current HUD Regulations Are Appropriately Grounded in the Text of Section 214, and Should Be Retained

Contrary to HUD's assertion of the need to "bring HUD's regulations into greater alignment" with Section 214,⁴⁷ current HUD regulations are consistent with the statute. The statutory text clearly allows for proration of assistance⁴⁸ and does not require that prorated assistance be only provided on a temporary basis. Current HUD regulations have provided a workable approach to providing eligible family members within mixed-status families rental assistance in a way that is grounded in Section 214's text. HUD should thus retain current HUD regulations implementing Section 214.

E. The Proposed Rule Is Inconsistent With HUD's Statutory Obligation to Affirmatively Further Fair Housing

Under the Fair Housing Act, the HUD Secretary is required to "administer the programs and activities relating to housing and urban development in a manner affirmatively to further" fair housing.⁴⁹ This Proposed Rule does the opposite.

Despite HUD's actions to sideline implementation of this obligation, the fact remains the duty to affirmatively further fair housing remains enshrined in federal statute. The Proposed Rule raises a number of fair housing concerns due to the impacts on members of protected classes. For example, 96 percent of individuals in mixed-status households are people of color, including 86 percent of whom are Latino.⁵⁰ Nearly half (46 percent) of individuals in mixed-status households are children. The Proposed Rule also fast-tracks mixed-status families to fulfill verification and documentation requirements, while non-mixed-status families would have more time to comply.⁵¹

Additionally, the provision of the Proposed Rule requiring notification of individuals that a PHA or owner "must" report household members who they determine are "present in the U.S. in violation of the Immigration and Nationality Act"⁵² raises concerns about potential reporting based on race or national origin, rather than immigration status, given that PHAs and owners are not equipped to make a determination of whether persons are present in violation of the law. The wide variety of lawful immigration statuses, the issues described above regarding SAVE accuracy, and the fact that ineligibility under Section 214 does not equate to unlawful presence in the United States, all add to the concern that the Proposed Rule would facilitate improper reporting based on a tenant's race or national origin.

⁴⁷ 91 Fed. Reg. at 8153.

⁴⁸ 42 U.S.C. 1436a(b)(2).

⁴⁹ 42 USC 3608(e)(5).

⁵⁰ Gartland & Acosta, *supra* note 2.

⁵¹ Proposed 5.508(f)(2).

⁵² Proposed 5.058(e)(2)(vi).

Given these aspects and likely impacts of the Proposed Rule, this rulemaking is inconsistent with the statutory obligation to affirmatively further fair housing and should be abandoned.

F. HUD Should Disclose the Use of Artificial Intelligence in the Rulemaking Process

HUD has previously described how the agency has “HUD embraced the transformative potential of artificial intelligence.”⁵³ For example, HUD has noted that “HUD’s rental assistance programs rely on decades of complex regulations, making policy research time-consuming.”⁵⁴ In response, HUD created “an AI-powered tool that organizes and analyzes guidance, enabling faster eligibility checks and consistent policy interpretation,” and that the tool “synthesizes more than 570 program office Memos, 10 contract-specific guidelines, and 16,000 pages of policy documentation, cutting manual review time by hundreds of hours annually.”⁵⁵ Given the role artificial intelligence already plays in HUD policy research and implementation, HUD should disclose and describe any role artificial intelligence has played in: (1) drafting the Proposed Rule and accompanying regulatory impact analysis; (2) reviewing, analyzing, and summarizing comments, attachments, and research submitted in response to the Notice of Proposed Rulemaking during the Proposed Rule’s 60-day comment period; and (3) drafting the Final Rule.

G. HUD Should Withdraw the Proposed Rule

In closing, NLIHC strongly opposes the issuance of the Proposed Rule, and urges HUD to withdraw its Notice of Proposed Rulemaking and retain existing regulations regarding mixed-status families in HUD-assisted housing programs.

Sincerely,

/s/

David Gonzalez Rice, PhD
Senior Vice President of Public Policy

⁵³ HUD Agency Financial Report (AFR) for FY 2025 at 16.

⁵⁴ AFR at 16.

⁵⁵ AFR at 16.