

*Submitted electronically via [www.regulations.gov](http://www.regulations.gov)*

April 21, 2026

Regulations Division  
Office of General Counsel  
Department of Housing and Urban Development

Regarding: HUD Docket 2026-1999, R-2026-03405: Housing and Community Development Act of 1980, Verification of Eligible Status

The Protecting Immigrant Families Coalition and the undersigned organizations strongly oppose the Department of Housing and Urban Development's (HUD) proposed rule ([RIN 2501-AD89, FR-2026-03405](#)) targeting lawfully present immigrants and U.S. citizens in immigrant families. The proposed rule will have widespread negative consequences for families and worsen the nation's housing affordability crisis. HUD should abandon this proposal.

Safe and stable housing is critical for families, creating strong community connections, building economic self-sufficiency, and improving health care outcomes. Public housing and voucher programs provide subsidized housing for an [estimated 10 million people in households](#) with low incomes, many of whom are families with children, people with disabilities, and seniors.

The proposed rule singles out "mixed families," which the proposal defines as families "whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status." In so doing, the proposal punishes U.S. citizens, while doing nothing to increase the availability of affordable housing and help all families live in safe and stable housing, regardless of immigration status. It also forces millions of citizens to go through an unproven and flawed system to prove their status.

### **The proposed rule goes against longstanding policy and interpretation**

Under federal law and HUD's longstanding policy, U.S. citizens and individuals with certain lawful immigration status are eligible to receive housing assistance through the Section 8 voucher program, public housing, and other HUD housing programs. Contrary to HUD's false claims, people who are undocumented do not receive housing subsidies under current policy. If the eligible individual is part of a mixed status family, the family receives prorated housing assistance only for the eligible individual.

These families therefore pay a higher amount of rent than other households. HUD housing providers then use these funds to help pay for services for all tenants.

The proposed rule ignores federal law and tries to change this longstanding policy by denying housing assistance to eligible individuals – including U.S. citizens and lawfully present immigrants – just because someone else in their family has not claimed to have citizenship or eligible immigration status.

Further, HUD has maintained the same interpretation of policy allowing mixed status families to live together for over three decades and through several administrations. Now, without any explanation, HUD is proposing to radically change its own longstanding interpretation to further a political ideology. When changing a long-held agency interpretation, the agency must state “good reasons for the new policy” and consider whether the rule has “engendered serious reliance interests” to some group. HUD does neither, ignoring that the rule has engendered serious reliance interests for both mixed status families now receiving housing assistance and their housing providers.

**The proposed rule threatens the housing stability and well-being of families and children, including U.S. citizens**

Federal rental assistance [enables families to afford decent and stable homes and sharply reduces their chances of experiencing homelessness](#). Safe and stable housing, in turn, is critical to the well-being and healthy development of children, while housing instability and [homelessness](#) are linked to [immediate and long-term adverse effects](#), from school readiness to chronic disease in adulthood.

Over [95 percent](#) of children in mixed status families who are receiving HUD assistance are U.S. citizens. These children are eligible for prorated HUD rental assistance under Section 214 of the Housing and Community Development Act. Under the current rule, if their parents or caregivers are ineligible for housing assistance, they can still sign a lease on behalf of the family and pay for the remainder of their rent out-of-pocket.

The proposed rule would bar children and other U.S. citizens who are eligible for housing subsidies from receiving them simply because they live with a family member with ineligible status. By doing so, the proposed rule increases their chances of housing instability and poverty and the adverse effects these hardships have on their health and well-being.

## **The proposed rule forces families to choose between family separation or eviction and homelessness**

According to HUD, approximately [20,000 mixed status families live in HUD-assisted housing](#). Ineligible individuals in these families pay a higher amount of rent and are able to remain with their families. The proposed rule will put these families in an impossible situation: stay together and get evicted or split the family up. Because most of the eligible individuals in mixed status families are children (and U.S. citizens), parents or caregivers will likely choose to keep the family together and therefore face eviction.

In fact, the proposed rule could result in the [eviction of 36,000 U.S. citizen children](#) according to HUD's estimate. For families already struggling to make ends meet, and with affordable housing in short supply, no longer receiving rental assistance will leave them [vulnerable to homelessness, overcrowding, and/or frequent moves](#).

## **The proposed rule requires eligibility verification based on a flawed system**

The proposed changes would require all individuals in a household – including children – to have their information shared with the U.S. Department of Homeland Security (DHS) for eligibility verification through the unreliable Systematic Alien Verification for Entitlements (SAVE) program. An examination of the recently expanded SAVE program revealed [persistent errors](#) resulting in U.S. citizens being turned away from the polls on Election Day. In a recent [letter to HUD](#), prominent industry groups shared similar concerns about frequently changing and inaccurate data, among other issues.

If SAVE does not confirm a citizen's status, a manual review of documents would be required, posing burdens on both individuals and agencies. [Research](#) on voter registration indicates that nearly 1 in 10 U.S. citizens over 18 do not have readily accessible proof of citizenship, and at least 3.8 million U.S. citizens don't have these documents at all. Recent experience with U.S. [citizenship documentation in voter registration](#) found that 14 percent of people aged 80 and older lacked access to documents proving citizenship and 33 percent of married women lack documents that meet citizenship requirements with their current legal (married) name. Past experience with a rigid citizenship [documentation requirement in the Medicaid program](#) resulted in marked declines in enrollment and increased administrative costs. Put simply, SAVE does not work, and relying on SAVE puts both immigrants and U.S. citizens at risk of losing their housing.

Immigrant families account for 28% of the U.S. population, and one in four children in this country live in immigrant families. This proposed policy targeting immigrant families will not only create instability and negative long-term consequences among immigrants and their citizen children, it will have a huge

impact on entire communities and the nation as a whole. HUD must abandon this proposal and keep current regulations in place.

Sincerely,