

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

April 21, 2026

Re: HUD Docket No. FR-6524-P-01, RIN 2501-AE16

Dear Sir/Madam:

These comments are submitted on behalf of the undersigned Illinois-based organizations in response to the Department of Housing and Urban Development's (HUD) proposed rule "Housing and Community Development Act of 1980: Verification of Eligible Status" to express our strong opposition. This proposed rule is a cruel repeat and expansion of HUD's 2019 proposed rule that sought to break-up and evict mixed-status families living in HUD-assisted housing subject to Section 214 of the Housing and Community Development Act of 1980 (Section 214).

The undersigned organizations are dedicated housing, social service, immigrant justice, and advocacy organizations. We urge HUD to rescind this harmful rule and honor the existing rules that allow mixed-status families to live together in HUD funded housing subject to Section 214. This rule is not necessary, is contrary to statutory language, will cost Illinois and the nation millions of dollars in costs due to increased homelessness and administrative burdens, and is contrary to our highest values as a nation.

In order to live in HUD assisted housing subject to Section 214, the proposed rule will require every individual to be either a U.S. citizen or have eligible immigration status.<sup>1</sup> It will also mandate that all housing providers subject to Section 214 require that every applicant, including U.S. citizens, verify their status through the Department of Homeland Security's notoriously unreliable SAVE system, or if it cannot be confirmed via SAVE, submit third-party documentation of their status, despite the well recognized harm it will pose on numerous groups, including children, older adults, people of color, and persons who have experienced homelessness, among others.

What is being proposed here is a manufactured crisis that will hurt immigrant households and low-income individuals and families. It distracts from the ongoing Illinois and nationwide housing crisis resulting in millions of households struggling to secure affordable housing. Scapegoating immigrant families will do nothing to address this crisis. Indeed, the proposed rule will result in fewer, not more, families likely to receive assistance. HUD should focus on the lack of sufficient funding for affordable housing so that every family and individual, regardless of their immigration status, has access to safe, decent, and affordable housing.

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<sup>1</sup> FR-6524-P-01 Housing and Community Development Act of 1980: Verification of Eligible Status (Feb. 20, 2026).

## **I. The Proposed Rule is Contrary to The Purpose and Intent of Section 214 To Permit Mixed-Status Families to Live Together in Federally Assisted Housing.**

Congress intended for mixed-status families to live together in housing subject to Section 214 of the Housing and Community Development Act (Section 214). Indeed, amendments were periodically made to the law in order to clarify for HUD that Congress did in fact intend for mixed-status families to be lawfully admitted to HUD housing subject to Section 214.

The proposed regulations are in direct conflict with their underlying statute. In the proposed rule, HUD claims to be revising its regulations “into greater alignment with the wording and purpose of Section 214,” namely by barring mixed-status families from receiving assistance.<sup>2</sup> To support its claim, HUD insists that Section 214 prohibits the indefinite receipt of prorated assistance by mixed status families, but it cannot point to any statutory language. To the contrary, Section 214 makes it clear that Congress intended to provide for this type of assistance precisely to avoid forcing families into these impossible choices. 42 U.S.C. § 1436a(b)(2) states, “If the eligibility for financial assistance of at least one member of a family has been affirmatively established 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...”.

HUD cannot create a regulation that authorizes termination where Congress explicitly stated that the authority for termination does not apply.

## **II. The Proposed Rule Would Cause Widespread Harm on All Recipients and Applicants to HUD Housing Program, including U.S. Citizens and Eligible Immigrant Households.**

The proposed rule could result in about 8.5 million individuals losing their eligibility for housing assistance, including nearly 3 million children who are U.S. citizens or legal immigrants.<sup>3</sup>

If finalized, the rule would impact all 20,000 mixed status families (which is nearly 80,000 individuals, including 37,000 mostly U.S. citizen children in those households)<sup>4</sup> currently receiving pro-rated HUD assistance. The vast majority of the individuals in those mixed-status households are Latine (68,500), and 96 percent are people of color, a clear target of this administration’s animus.<sup>5</sup>

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<sup>2</sup> FR-6524-P-01.

<sup>3</sup> Center on Budget and Policy Priorities (CBPP), Sonya Acosta, *HUD Publishes Proposed Rule that Would Take Away Rental Assistance, Create New Barriers* <https://www.cbpp.org/research/federal-budget/executive-action-watch?item=30507> (last visited March 16, 2026).

<sup>4</sup> CBPP, Acosta, *supra*, at 41.

<sup>5</sup> CBPP, Erik Gartland and Sonya Acosta, *Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers* (Dec. 12, 2025).

Because 75% of mixed status families currently receiving HUD assistance are composed of eligible children and at least one ineligible parent, many of these families likely will forgo the subsidies to avoid separation.<sup>6</sup> These mass evictions and departures from housing assistance will cause increased rates of homelessness and unstable housing among an already vulnerable population. Many families, once they have left HUD-assisted housing, will likely be forced into the shelter system, double up with loved ones, or become street homeless.

Unstable housing and homelessness, particularly among children, can negatively impact a person's health and education, increase hospitalizations and loss of employment, and trigger mental health crises.<sup>7</sup> Safe, stable housing is crucial to a person's health, ability to maintain employment, and be successful in school.

Beyond creating an illegal ban on mixed-status families living together or being eligible for HUD housing subject to Section 214, it will force onerous documents requirements on households living in or eligible for this housing. Currently, people declaring eligible status submit a signed declaration, under penalty of perjury, attesting to their citizenship. Housing providers are authorized to adopt policies asking individuals to submit verifying documents. There are few incidents of fraud with those signed declarations of eligibility.

Under this shift in proof requirements, HUD will require all individuals' immigration or citizenship status to be verified through the Department of Homeland Security service called SAVE (Systematic Alien Verification for Entitlement). However, there are limitations where certain groups cannot have their status immediately verified.<sup>8</sup> If an individual cannot have their status verified through SAVE, they will have to submit additional documentation that they may not have.<sup>9</sup>

*Impact on People of Color.* Through a combination of racialized statements, policy actions, data collection, and federal enforcement, the Trump administration is carrying forward a broad agenda to target and discriminate against immigrants from majority non-white countries.<sup>10</sup> For example, HUD's Secretary has claimed that in order to secure HUD-subsidized housing subject to the mixed-status rule, people were submitting falsified documents certifying that they are U.S. citizens, even though there is no evidence of that actually occurring.<sup>11</sup> HUD has also taken a series of actions to disavow any commitment to civil rights laws, racial equity, diversity, and inclusion.<sup>12</sup> All combined, the rationale behind the proposed rule is pretextual. In reality, it is being proposed with the purpose and intent of harming and discriminating against immigrants

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<sup>6</sup> *Id.*

<sup>7</sup> Urban Institute, Housing Matters, *How Housing Instability Affects Children* (March 12, 2025).

<sup>8</sup> CBPP, Acosta, *supra*, at 41.

<sup>9</sup> *Id.*

<sup>10</sup> See, e.g., Federal Register, 2025 Donald J. Trump Executive Orders; The White House, Presidential Actions, Executive Orders.

<sup>11</sup> U.S. Dept. of Hous. and Urb. Dev. *HUD Moves to Close 'Mixed Status Households' Roommate Loophole Illegals, Ineligibles, and Fraudsters: Pack Your Bags* (Feb. 20, 2026)

<sup>12</sup> See, e.g., Debra Kamin, New York Times, *Trump Appointees Roll Back Enforcement of Fair Housing Laws* (Sept. 22, 2025); FR-6519-I-01, *Affirmatively Furthering Fair Housing Revisions* (March 3, 2025).

from majority non-white countries. For this reason alone, HUD must rescind the rule in its entirety.

*Impact on Persons with Disabilities.* This proposed rule will also harm persons with disabilities, who tend to have lower incomes and are at greater risk of homelessness without the assistance of a housing subsidy.<sup>13</sup> People with disabilities often face discrimination when seeking housing.<sup>14</sup> Many people with disabilities, whether in mixed status households or U.S. citizens, will also struggle with the documentation requirements and be at risk of losing assistance. Given the inaccessibility common among local shelters, persons with disabilities may be at greater risk of homelessness.<sup>15</sup>

*Impact on Survivors.* This proposed rule will also harm survivors of gender-based violence, including survivors of human trafficking, sexual assault, and domestic violence. Due to the violence they have experienced and related trauma, survivors are often low income and disproportionately need access to safe, affordable housing.<sup>16</sup> Gender-based violence is both a cause and a consequence of homelessness. If the proposed rule is finalized, survivors without eligible immigration status living in HUD housing subject to Section 214 will be particularly vulnerable. They will be forced either into homelessness or to returning to or remaining with a perpetrator.

Perpetrators are well aware of how housing stability for their victims can easily be upended and lead to the survivor having no choice but to return to them. For immigrant survivors, perpetrators often prevent them from seeking lawful immigration status or even possessing their own immigration documents.<sup>17</sup> Thus, demonstrating proof of immigration status will be challenging for survivors and play directly into a tool perpetrators use to maintain control and vulnerability.

*Impact on Older Adults.* Under the existing rule, immigrant older adults, age 62 or older, in HUD housing subject to Section 214 only had to certify their age. Despite no valid evidence that this longstanding process did not work or resulted in ineligible individuals living in HUD housing subject to Section 214, the proposed rule will now require older adults to provide a Social Security Number, consent to have their status verified through DHS' SAVE system, and if SAVE does not verify their status, submit a document proving their immigration status. Older immigrant adults are less likely to possess those immigration documents and will find it difficult to secure them.<sup>18</sup> They are also more likely to rely upon family members, some of whom may not have eligible immigration status or be U.S. citizens, to provide caregiving so that they can maintain

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<sup>13</sup> Center for American Progress, *Recognizing and Addressing Housing Insecurity for Disabled Renters* (May 27, 2021).

<sup>14</sup> *Id.*

<sup>15</sup> Chicago Tribune, Rebecca Johnson, *People with disabilities struggle to find space in Chicago's homeless shelters: 'Let's hope for better things to come.'* (April 14, 2025).

<sup>16</sup> National Network to End Domestic Violence, *The Impact of Safe Housing on Survivors of Domestic Violence* (last visited March 23, 2026).

<sup>17</sup> National Network to End Domestic Violence, *Immigration Policy* (last visited March 23, 2026).

<sup>18</sup> Leading Age, Juliana Bilowich, *HUD Proposes Immigration Eligibility Changes for "Mixed-Status" Families* (Feb. 20, 2026).

their independence.<sup>19</sup> As low-income, older adults, they will also be more vulnerable to homelessness if they are evicted.

*Impact on U.S. Citizens.* Given the mandate that under this proposed rule all individuals must prove their citizenship status, beyond the current declaration under penalty of perjury, there will be households who are eligible for and even currently live in Section 214 housing but their citizen status cannot be confirmed via SAVE, and they cannot secure or afford to pay for the documents to prove their status. This threatens housing security for 8.5 million U.S. citizens currently receiving HUD assistance and all future U.S. citizens seeking these benefits.<sup>20</sup> Many U.S. citizens never had a birth certificate or have lost it, and obtaining one can take months. Obtaining a passport similarly entails a long wait and is costly.

Rigid citizenship documentation requirements accomplish virtually nothing while producing extraordinary collateral damage. That's because having proof of citizenship has not been expected of people with U.S. citizenship until the Trump administration. An estimated 3.8 million adult U.S. citizens currently lack any form of documentation proving citizenship, and another 17.5 million cannot readily access such documents.<sup>21</sup> People of color are disproportionately more likely to lack access to citizenship documentation compared to white citizens.<sup>22</sup> Many older Black Americans from the rural south lack a birth certificate. Women who take their spouse's last name, people who are low income, and transgender individuals may also have challenges securing proper documentation.<sup>23</sup>

HUD has failed to take into account the added costs and burdens of these new documentation requirements for residents, applicants, and housing providers and should complete an analysis before finalizing the proposed rule.

### **III. The Proposed Rule Would Cause Widespread Harm to Illinois Communities.**

198,000 households in Illinois rely upon housing assistance subject to Section 214 to have stable housing and avoid homelessness.<sup>24</sup> While there are only 300 mixed-status households in HUD assisted housing subject to Section 214 in Illinois, it vastly underrepresents the number of mixed-status households in Illinois potentially eligible for this housing. Illinois ranks sixth highest among the states with the largest immigrant populations, with 588,000 individuals.<sup>25</sup>

Contrary to HUD's broad assertion that the impact on responsible entities would be "low," HUD has failed to consider how public housing agencies and other federal housing providers will be significantly burdened by the rule. Illinois housing providers subject to Section 214 in Illinois

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<sup>19</sup> *Id.*

<sup>20</sup> CBPP, Gartland and Acosta, *supra*, at 43.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Migration Policy Institute, *Profile of the Unauthorized Population - IL* (last visited March 23, 2026).

would need to collect documents “proving” the citizenship of all of their assisted residents receiving HUD assistance who have already attested, under penalty of perjury, that they are citizens. This would also apply to all future applicants for assistance.

Subsidized housing providers in Illinois subject to Section 214 will also have to shoulder the cost of evicting and terminating the assistance of thousands of mixed status families or families unable to prove their citizenship. HUD previously estimated that the cost was over \$4 million nationally. These costs and increased burdens will also likely deter Illinois housing providers from participating or continuing to participate.

As Illinois public housing authorities and other federal housing providers are forced to terminate the assistance of and evict low-income households in need of affordable housing, state of Illinois and local governments, area hospitals, non-profits dedicated to ending homelessness, and local shelters will be overwhelmed with an increased need for emergency assistance. At the same time, as homelessness rates rise, so too will the rates of hospitalization and premature death among this newly homeless population.<sup>26</sup>

#### **IV. The Proposed Rule Will Reduce the Quality and Quantity of Federally Assisted Units.**

HUD Secretary Scott Turner has stated that it has promulgated the proposed rule in an effort to address the nation’s affordable housing crisis. But the proposed rule would only worsen that crisis. The proposed rule will likely lead to a decrease in the number of families who can be assisted and the quality of units under HUD’s housing programs, despite the claims alleged in the Regulatory Impact Analysis for the proposed rule.<sup>27</sup>

If the agency were to replace the 20,000 mixed status families (and the nearly 80,000 individuals, including 37,000 children, who are a part of those families<sup>28</sup> currently receiving HUD assistance, not to mention U.S. citizen households who cannot prove their citizenship) with households composed of members who are all eligible for federal housing assistance, this transition would cost HUD exponentially more money annually. Even HUD’s current Regulatory Impact Analysis admits that the removal of mixed-status families alone, will result in about 55,000 fewer households being served and an increase in \$5,000 in HUD funds per household.<sup>29</sup> To pay for these new costs, HUD will have to reduce the quantity and quality of

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<sup>26</sup> Illinois Department of Public Health, *Illinois Homelessness Mortality and Morbidity Report 2017-2023* (Jan. 30, 2026).

<sup>27</sup> “The subsidy of a new replacement household will be higher than an otherwise equivalent mixed status household that receives a prorated subsidy. Any decrease in the number of households assisted due to the higher subsidy cost prorating would be exactly counterbalanced by the increase in the number of eligible persons per household.” U.S. Dep. of Hous. and Urb. Dev., Regulatory Impact Analysis, Housing and Community Development Act of 1980: Verification of Eligibility Status, at 12, fn 23 (Sept. 30, 2025).

<sup>28</sup> Center on Budget and Policy Priorities, S. Acosta, *HUD Publishes Proposed Rule that Would Take Away Rental Assistance, Create New Barriers* <https://www.cbpp.org/research/federal-budget/executive-action-watch?item=30507> (last visited March 16, 2026).

<sup>29</sup> U.S. Dep. of Hous. and Urb. Dev., Regulatory Impact Analysis, Housing and Community Development Act of 1980: Verification of Eligibility Status, at 17.

assisted housing in response to higher costs, admitting that for public housing authorities, they will be forced to “leave some units vacant” and “reduce overall project expenses such as housing maintenance, protective services, management and leasing services.”<sup>30</sup> In total, HUD admits it will have approximately \$311 million to \$385 million more in costs to maintain the same number of households should this rule be finalized.<sup>31</sup>

## **V. Conclusion.**

The undersigned organizations strongly oppose the proposed rule as discriminatory, unnecessary, and contrary to the letter and spirit of Section 214. This rule will also cause unspeakable and unnecessary harm to individuals, communities, families, non-profits, safety nets, affordable housing providers, and governments in Illinois. No family should have to choose between staying together and having a roof over their head. Stable, safe, and affordable housing has always been a key metric to family stability.

We urge HUD to withdraw its current proposal, and dedicate its efforts to advancing policies that increase the supply of affordable housing for all individuals, regardless of their immigration status.

Sincerely,

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<sup>30</sup> *Id.* at 18.

<sup>31</sup> *Id.* at 19.