

Summary of Housing Action Illinois' Comments Regarding HUD's Proposed Changes to the "Mixed-Status" Rule

The Department of Housing and Urban Development (HUD) has proposed a rule "Housing and Community Development Act of 1980: Verification of Eligible Status" that will dramatically alter the existing law and policy with respect to the right of mixed-status households to live together in HUD-assisted housing subject to Section 214 of the Housing and Community Development Act of 1980. We express our strong opposition. This proposed rule is an expansion of HUD's 2019 proposed but never finalized rule that also sought to break-up and evict mixed-status families living in HUD-assisted housing.

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.¹ 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.

The comments state the following:

- HUD should rescind this harmful proposed rule and honor the existing rules that allow mixed-status families to live together in HUD funded housing subject to Section 214;
- The proposed rule is contrary to the intent of Congress and the statutory language that clearly authorizes mixed-status families to live together in HUD housing;
- The proposed rule has the potential to harm all 198,000 households in Illinois that rely upon HUD housing subject to Section 214 to have stable housing and avoid homelessness;
- The proposed rule will hurt mixed-status families, U.S. citizens, persons with disabilities, survivors of gender-based violence, older adults, and people of color;
- The proposed rule will cost Illinois and the nation millions of dollars in costs due to increased homelessness and administrative burdens;
- The proposed rule will unnecessarily burden affordable housing providers and force them to spend resources they don't have to comply with this rule;
- The proposed rule distracts from the ongoing Illinois and nationwide housing crisis resulting in millions of households struggling to secure affordable housing and will result in fewer, not more, families likely to receive assistance;
- The proposed rule will result in fewer funds available to maintain HUD housing and in turn, a decline in the quality of that housing.

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