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Office of General Counsel, Rules Docket Clerk
Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410

Re: HUD Docket No. FR-6524-P-01, RIN 2501-AE16 Comments in Response to Proposed Rulemaking: Housing and Community Development Act of 1980: Verification of Eligible Status

We are writing on behalf of the National Homelessness Law Center and the other undersigned organizations in response to the Department of Housing and Urban Development's (HUD) Notice of Proposed Rulemaking to express our strong opposition to the changes regarding the eligibility of families for financial assistance under Section 214 of the Housing and Community Development Act of 1980, published in the Federal Register on February 20, 2026 (RIN 2501-AE16; HUD Docket No. FR-6524-P-01) (the "Proposed Rule"). This comment raises concerns not addressed by HUD that the Proposed Rule will increase homelessness and inflict the costs of housing instability on eligible families and on society as a whole. We all share the concern that millions of U.S. households struggle to find affordable housing in the ongoing nationwide housing crisis, but blaming struggling immigrant families will not fix this problem. The real issue is the lack of sufficient funding to ensure that every family, regardless of immigration status, has access to one of the most basic of human rights—a safe place to call home.

As described below in more detail, the current rules already prohibit ineligible applicants from utilizing financial assistance, making the Proposed rule an unnecessary and arbitrary attempt to target some of the most vulnerable families. The Proposed Rule would result in many eligible individuals losing their housing and being exposed to housing instability and potential homelessness. The Proposed Rule will also exacerbate the existing crisis of a lack of affordable housing and result in fewer families being able to receive assistance, and would reduce the quantity and quality of assistance available for others. The effects would stretch beyond just immigrant families, as the resulting increase in housing instability and homelessness will result in greater costs to U.S. citizen families and their communities than it currently costs HUD to keep families stably housed and work toward self-sufficiency through these programs. Accordingly, we urge the Proposed Rule be withdrawn in its entirety, and that the long-standing policies that allow eligible

individuals in these households to utilize life-changing financial assistance continue to remain in effect.

The National Homelessness Law Center (the “Law Center”) is a national legal 501(c)(3) organization dedicated to ending and preventing homelessness. The Law Center believes that the human rights to housing, food, and education lie at the heart of human dignity, and we envision a world where everyone’s basic needs are met. No one should be going without these basic human needs in a country as wealthy as ours. The Proposed Rule directly contradicts these beliefs as it would negatively impact many individuals who currently reside in public and assisted housing, including by terminating assistance to close to 80,000 people, including approximately 55,000 legally eligible beneficiaries, most of whom are children, and would place their families at risk of eviction, housing instability, and potential homelessness.¹

I. THE PROPOSED RULE DOES NOT SERVE ANY LEGITIMATE PURPOSE

A. The Proposed Rule is contrary to HUD’s Mandate and the Fair Housing Act

The Proposed Rule targets households consisting of both ineligible and eligible family members (“mixed status” households) and accordingly violates HUD’s statutory mandate. The Fair Housing Act requires the Secretary to “administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of” fair housing.² The Proposed Rule instead discriminates based on race and national origin by using eligibility as a pretext for targeting tens of thousands of immigrant families, effectively evicting more than 36,000 eligible children from their homes.

HUD’s own analysis concedes that the Proposed Rule will result in *fewer* eligible households having access to one of the most basic human rights—a home.³ The Proposed Rule is antithetical to Congress’s mission to the agency of “a decent home and a suitable living environment for every American family.”⁴ And HUD has committed to taking “to take any action rationally related to promoting any attribute or attributes of fair housing”—characteristics which include race, national origin, and having a disability.⁵ But the Proposed Rule does nothing to “take any action rationally related to promoting any attribute or attributes of fair housing,” or to ensure housing “is affordable,

¹ Erik Gartland and Sonya Acosta, *Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers*, Center on Budget and Policy Priorities (December 12, 2025).

² 42 U.S.C.A. § 3608(e)(5) (West 2019).

³ HUD, Regulatory Impact Analysis, *Housing and Community Development Act of 1980: Verification of Eligibility Status*, Docket No. FR-6524-P-01, at 8 (Sept. 30, 2025). (herein “Regulatory Impact Analysis”)

⁴ 12 U.S.C. 1701t and 42 U.S.C. 1441a et seq.

⁵ 24 C.F.R. § 5.150 (definition of “Affirmatively furthering fair housing”).

safe, decent, free of unlawful discrimination, and accessible as required under civil rights laws, such as the Fair Housing Act.”⁶

In addition to being contrary to HUD’s own mandate and purpose, the Proposed Rule is in direct conflict with the federal government’s stance that ending homelessness nationwide is a policy priority. In its FY 2026 Annual Performance Plan, HUD emphasizes that homelessness remains at historically high levels and characterizes preventing and reducing homelessness—particularly among vulnerable families and low-income renters—as a central priority of the Department’s work to “unlock the Golden Age of Housing”⁷ For example, in the National Affordable Housing Act, congressional intent is clear that “every American family [should] be able to afford a decent home in a suitable environment.”⁸ This rule will evict eligible program beneficiaries—who are paying their rent and complying with their leases—from their homes. And the Proposed Rule is contradictory to the U.S. Interagency Council on Homelessness’s (USICH) goal of ending homelessness.⁹ By targeting families, especially immigrant families with eligible children, the Proposed Rule would be contrary to USICH’s goal “to reduce and end homelessness in the nation while maximizing the effectiveness of the Federal Government in contributing to the end of homelessness.”¹⁰

B. The proposed regulations directly conflict with underlying statutory authority and ignore congressional intent evidenced by the amendments to Section 214

The Proposed Rule squarely conflicts with the plain text of Section 214. Congress did not merely permit prorated assistance for mixed-status families—it mandated it. Section 214 provides that “any financial assistance made available to that family by the applicable Secretary **shall be prorated**” when eligibility for at least one family member has been affirmatively established and the ineligibility of other members has not been affirmatively established.¹¹ The phrase “**shall be prorated**” is mandatory language that leaves no discretion to deny assistance entirely where a single household member is eligible. Under well-settled principles of statutory interpretation, “shall” imposes a binding obligation, not an option. The statutory command is therefore categorical: where one family member is eligible, prorated assistance must be provided.

The Proposed Rule disregards this mandate by transforming a congressionally required proration regime into a prohibition on assistance for mixed-status households.¹² In doing so, HUD reads the

⁶ 24 C.F.R. § 5.150(a)

⁷ HUD, Fiscal Year 2026 Annual Performance Plan, at ii and 5.

⁸ 42 U.S.C. § 12701.

⁹ 42 U.S.C. § 11311.

¹⁰ 42 U.S.C. § 11311.

¹¹ 42 U.S.C. § 1436b(2), *emphasis added*.

¹² Housing and Community Development Act of 1980: Verification of Eligible Status, 91 Fed. Reg. 8153 (Proposed Feb. 20, 2026).

word “shall” out of the statute and replaces it with an unstated bar on assistance that appears nowhere in the text. This is not a permissible interpretation; it is an outright contradiction. Section 214 carefully balances two objectives—restricting benefits to eligible individuals while preserving family unity through proration. HUD’s rule eliminates that balance by denying assistance where Congress expressly required it to continue in prorated form.

Because the statutory language is unambiguous, the agency’s interpretation fails even under agency deference due to the clear text. Congress has spoken directly to the precise question at issue, and that ends the inquiry. HUD has no authority to adopt an interpretation that negates Congress’s explicit directive that assistance “shall be prorated” when at least one family member is eligible.

The Proposed Rule is not only contrary to the direct language of the statute, but also conflicts with more than 30 years of congressional intent and implementation. The legislative history of the statute makes this clear. Congress amended Section 214 in 1988 to ensure that mixed status families would be able to remain unified if their assistance was in danger of being terminated.¹³ That amendment does provide for *temporarily* grandfathered assistance for families who were already receiving aid, which is illustrative of Congress’ consistent desire to ensure that immigrant families and their children would be able to remain together. HUD distorts this particular provision to argue that prorated assistance is meant to be temporary. But prorated assistance was not established until 1996—8 years later, and under a different piece of legislation.¹⁴ That legislation also makes clear that Congress wants to ensure that families can remain together, but it grants authority to local housing authorities to prorate assistance to families who have a member without verified eligibility. There is no indication that proration is meant to be temporary, contrary to HUD’s unfounded claim. Thus congressional intent and the legislative history of Section 214 are clear. HUD’s new interpretation ignores this intent, as well as the plain language of the statute. The agency twists the legislative history of the regulation to justify stripping assistance from thousands of eligible children by proposing a rule that would increase nationwide waiting lists, throw millions of people into disarray, and expose thousands of vulnerable households to housing instability and potential homelessness.

C. The Proposed Rule would reduce the quantity and quality of assisted housing, exacerbating the nationwide housing crisis and increasing homelessness

The Proposed Rule would exacerbate the national shortage of affordable housing and increase homelessness because HUD will be forced to sacrifice the quantity and quality of housing it can provide through Section 214.

¹³ Housing and Community Development Act of 1987, Pub. L. No. 100-242, § 164, 101 Stat. 1815.

¹⁴ Use of Assisted Housing by Aliens Act of 1996, Pub. L. No. 104-208, § 572, 110 Stat. 3009.

The Proposed Rule would make the covered programs more costly to administer in two ways. First, because mixed status households receive prorated financial assistance, they are significantly cheaper to assist than non-mixed status households. Second, mixed status households have higher incomes than non-mixed status households.¹⁵ Accordingly, mixed households receive a prorated subsidy, that amounts to an average per-person subsidy of \$2,700 annually. The average per-person subsidy for non-mixed families is \$7,700 annually.¹⁶ Therefore, by terminating prorated assistance to mixed status households, HUD is increasing the cost of administering the covered programs while decreasing the number of people who can benefit. The agency’s own regulatory impact analysis estimated that the increased costs would run between \$167 million and \$218 million per year.¹⁷

The Proposed Rule would thus worsen the housing crisis by increasing waitlists across the country. The rule will evict or strip financial assistance from 20,000 families who are more cost-effective to serve than the households who will replace them. Given that HUD does not anticipate an increase in resources to combat this increase in costs, the agency’s own regulatory impact analysis admits that the primary effect of the Proposed Rule would mean that housing providers would “assist proportionally fewer households and household members, but with higher subsidies”¹⁸

This reduction would mean that fewer households can utilize Housing Choice Vouchers, which are the most effective tool for helping homeless families find and maintain safe and stable housing.¹⁹ It would mean lower-quality housing for families who already live in units that suffer from decades of inadequate resources—units already in need of an estimated \$90 billion dollars’ worth of repairs.²⁰ HUD’s own analysis predicts that the Proposed Rule would result in a reducing in housing maintenance of public housing units.²¹ There is already a lengthy waitlist for these programs, a shortage of affordable housing, and a national homelessness crisis—particularly a crisis of homeless families. The Proposed Rule fails to address any of these crises, and instead would exacerbate them all. HUD has not addressed concerns that the Proposed Rule would reduce the supply of affordable housing and expose many people—including thousands of families and eligible children—to homelessness. The agency must do so before finalizing any version of the Proposed Rule.

¹⁵ Regulatory Impact Analysis at 15.

¹⁶ Regulatory Impact Analysis at 16.

¹⁷ Regulatory Impact Analysis at 5.

¹⁸ Regulatory Impact Analysis at 17.

¹⁹ OFFICE OF POL’Y DEV. & RESEARCH, DEP’T HOUSING & URBAN DEV., THE FAMILY OPTIONS STUDY (Oct. 2016), https://www.huduser.gov/portal/sites/default/files/pdf/FamilyOptionsStudy_final.pdf.

²⁰ National Association of Housing and Redevelopment Officials (NAHRO), Preserving Existing Affordable Units (updated July 10, 2025), <https://www.nahro.org/national-housing-framework/preserve-existing-affordable-units/>.

²¹ Regulatory Impact Analysis at 18.

D. The Proposed Rule is unnecessary to achieve its stated goal of preserving the integrity of the program and ensure that assistance only benefits eligible beneficiaries

When the Proposed Rule was first announced, Secretary Turner attempted to justify the change in policy by claiming “...will guarantee that all residents in HUD-funded housing are eligible tenants. We have zero tolerance for pushing aside hardworking U.S. citizens...”²² The agency argues in the regulatory analysis that the Proposed Rule will close a loophole in the current regulations and ensure that agency resources do not benefit people who are ineligible for Section 214 financial assistance.²³

But as HUD admits in the regulatory impact analysis, the current rule does not allow ineligible individuals to benefit from financial assistance. Rather, mixed status households can only receive financial assistance that is prorated for the number of eligible individuals in the household. And to calculate a household’s level of assistance, the entire household income is taken into account—including the income of ineligible members. This ensures that the prorated amount of assistance benefits only the eligible members of the household.

For example, consider a mother of two whose household uses a Housing Choice Voucher subsidy to help pay rent. She is a domestic violence survivor and holds a U-visa. This means she has documented, legal immigration status—but is ineligible for Section 214 financial assistance. Her two minor children are U.S. citizens and thus are eligible. Under the current rules, her income is used to calculate the income of the entire household and determine the amount of the prorated subsidy that her children can receive. She, however, is ineligible for any assistance, and pays the remaining rent out of pocket. Under the Proposed Rule, these two minor U.S. citizen children would lose the financial assistance for which they are eligible. Their family will face eviction or must find a way to pay market rent.

E. The Proposed Rule is based on pretext and a discriminatory mischaracterization about who is eligible for assistance

The Proposed Rule is part and parcel of the Administration’s ongoing attack on immigrant families, in line with the proposed public charge rule, interior enforcement of immigration policies, and consistent rhetoric demonizing and othering entire communities. Local government officials have described the policy as “cruel.”²⁴

²² HUD News, HUD Moves to Close “Mixed Status Households” Roommate Loophole Illegals, Ineligibles, and Fraudsters: Pack Your Bags, <https://www.hud.gov/news/hud-no-26-015>.

²³ Regulatory Impact Analysis at 4.

²⁴ Julie Sharp , *Trump Proposal Would Evict Undocumented Immigrants From Public Housing*, CBS NEWS (March 3, 2026), <https://www.cbsnews.com/losangeles/news/los-angeles-hud-proposal-end-housing-assistance-for-mixed-immigration-status-households/>.

The supposed justifications offered for the Proposed Rule are demonstrably faulty, and have no basis in sound public policy. The Proposed Rule would disproportionately harm families of color, who make up 96 percent of individuals living in mixed-status families across the three largest federal rental assistance programs—Housing Choice Vouchers, Public Housing, and Section 8 Project-Based Rental Assistance.²⁵ It discriminates based on race and national origin by using a verification of “eligibility” as a pretext to target tens of thousands of immigrant families. In doing so, the rule would cost more than 35,700 eligible children their subsidy, and cause the vast majority to be evicted from their homes.²⁶

The Proposed Rule is also based on a mischaracterization of who is eligible for assistance under covered programs. Eligibility under Section 214 is not synonymous with U.S. citizenship, and ineligibility is not limited to people who have undocumented immigration status.²⁷ For example, you are eligible for assistance if you are a Lawful Permanent Resident, a VAWA Self-Petitioner, an Asylee or Refugee, a parolee, have been granted withholding of removal, or are a victim of trafficking. And many people have documented immigration status, but are still ineligible for covered programs, such as a person who holds a student or employment visa, a recipient of temporary protected status, a domestic survivor who holds a U-visa, or DACA recipient. Any of these statuses still make someone ineligible for the covered programs; they already cannot benefit from financial assistance, but their families would face eviction under the rule. There is no sound justification for a rule which strips assistance from these families, and HUD has failed to justify the rule or respond to these concerns.

F. The Proposed Rule is arbitrary and capricious under the Administrative Procedure Act (“APA”)

The rule is arbitrary and capricious under the APA. HUD fails to consider the reliance interests of its existing tenants. HUD’s Regulatory Impact Analysis concedes that verification of eligibility will have an adverse outcome for its existing tenants. Furthermore, HUD fails to quantify in detail key costs, including homelessness externalities and the burden to state and local governments.

²⁵ Erik Gartland and Sonya Acosta, Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers, Center on Budget and Policy Priorities (December 12, 2025).

²⁶ *Id.*

²⁷ Section 214 of the Housing and Community Development Act of 1980 (Section 214) limits access to federally subsidized housing programs to U.S. citizens and a specific list of noncitizen categories. 42 U.S.C.A. § 1436a(a)(1)-(6) (West 2019) (Noncitizens eligible for Section 214 housing programs: Lawful Permanent Residents, VAWA Self-Petitioners, Asylees and Refugees, Parolees, Persons Granted Withholding of Removal/Deportation, Qualified Victims of Trafficking, Persons granted admission for emergent or public interest reasons, Persons granted lawful temporary residence amnesty under the Immigration Reform and Control Act of 1986, Immigrants eligible for registry who entered the U.S. before June 30, 1948, Lawful U.S. residents and individuals who entered the U.S. under the Compacts of Free Association with the Marshall Islands, Micronesia, Palau and Guam^[1]Immigrants admitted for lawful temporary residence prior to January 1, 1982).

The Proposed Rule is contrary to the law under 5 U.S. Code § 706(2)(A) and (C) since it conflicts with the statutory text of Section 214 (as detailed in this comment) and overrides the explicit proration mandate of the law.

Finally, the rule is procedurally defective, since the regulation fails to adequately respond to the prior rulemaking record on similar proposals, such as the 2019 rulemaking. Furthermore, the agency provides insufficient economic analysis under OMB Circular A-4 principles.

Rather than face inevitable legal challenges, HUD should withdraw the Proposed Rule.

II. THE PROPOSED RULE WOULD INCREASE HOMELESSNESS IN THE UNITED STATES

A. By serving fewer families, the Proposed Rule would increase homelessness

The Proposed Rule would affect approximately 20,000 mixed status households, constituting more than 79,000 people. More than 70 percent of the people living in these households are eligible for financial assistance: this includes over 35,000 citizen or otherwise eligible children, who would face family separation or eviction and homelessness under the Proposed Rule. In fact, eligible children are disproportionately impacted by the rule, as a majority of households are comprised of citizen or eligible children who live with one or two ineligible parents. 90 percent of the people who are an ineligible member of a mixed status family are adults whose children are eligible. Most mixed families have three (3) eligible members and one (1) ineligible member.²⁸ The rule would harm some of the most vulnerable people that HUD serves—in all, 58 percent of people in covered programs that will be affected by the Proposed Rule are children, are elderly, or are people with disabilities.²⁹

These families have few distressing options. Mixed status families live in one of three types of housing. First, nearly 44,300 individuals receive Housing Choice Vouchers (also known as Section 8). Under the Proposed Rule, these families would see their leases terminated. They would face the choice between eviction, housing instability, and potential homelessness while they find a new, less affordable place to live; or staying in their residence—but only if they can afford the market value rent (which they, by definition, cannot) *and* if the lessor is willing to offer them a separate, unassisted lease. Another 13,500 individuals live in multi-family project-based housing. These families would face the choice between eviction, housing instability, and potential homelessness while they find a new, less affordable place to live; or staying in their residence (if they can afford the market value rent—which these families, by definition, cannot). Finally, the remaining 21,500

²⁸ Regulatory Impact Analysis at 8.

²⁹ Erik Gartland and Sonya Acosta, Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers, Center on Budget and Policy Priorities (December 12, 2025).

individuals reside in public housing, and would face eviction, housing instability, and potential homelessness.³⁰

B. The Proposed Rule would exacerbate homelessness among current and formerly homeless people

HUD has also failed to account for the effect that the Proposed Rule would have on people who are formerly or currently experiencing homelessness. When a person is experiencing homelessness, her most immediate and pressing human needs are accessing shelter, food, clothing, and services. Finding or retaining documents or identification is incredibly difficult, and is often not a realistic priority for someone who lacks a safe place to sleep. People who are experiencing homelessness frequently find that their property is lost, stolen, thrown away, or destroyed by the elements.³¹ This includes the documents that one needs in order to access services or housing. Moreover, people experiencing homelessness are commonly subject to exclusion, harassment, or even arrest when they lack ID.³² Adding documentation requirements disproportionately harms people who may not have access to these kinds of documents by unnecessarily denying them access to housing and financial assistance.³³

People who lack an ID are already denied access to “clothing closets, shelters, food pantries, and certain public benefits,” and would now be excluded from accessing the covered programs, which include rental assistance for the formerly homeless and some homeless programs funded by Section 214. For people who are currently experiencing homelessness or were homeless before gaining housing through one of the covered programs, the Proposed Rule will create an additional, arbitrary barrier to accessing the kind of assistance that has been proven to be the most effective way to escape and prevent homelessness.³⁴

HUD has not taken into account the costs and burden that the Proposed Rule would impose have on people who are formerly or currently experiencing homelessness, instead the Regulatory Impact Analysis says the net effect on homelessness is “ambiguous” and “depends”.³⁵ HUD must complete a full analysis of these impacts before finalizing any version of the Proposed Rule.

³⁰ Regulatory Impact Analysis at 9.

³¹ Jessica Anderson, *Nowhere To Go: The Trend To Criminalize The Nation's Homeless* (January 2013) ONLINE THESES AND DISSERTATIONS 150 available at <https://encompass.eku.edu/etd/150>.

³² See *Pottinger v. City of Miami*, 810 F. Supp. 1551, 1555-56 (S.D. Fla. 1992) (documenting incidents of malicious destruction of the property of homeless persons including “two burning incidents in Lummus Park in which City police officers awakened and handcuffed class members, dumped their personal possessions – including personal identification, medicine, clothing and a Bible – into a pile, and set the pile ablaze.”).

³³ NAT’L L. CTR. ON HOMELESSNESS & POVERTY, *Photo Identification Barriers Faced by Homeless Persons: The Impact of September 11* (Apr. 2004), https://nlchp.org/wp-content/uploads/2018/10/ID_Barriers.pdf.

³⁴ OFFICE OF POL’Y DEV. & RESEARCH, DEP’T HOUSING & URBAN DEV., *THE FAMILY OPTIONS STUDY* (Oct. 2016), https://www.huduser.gov/portal/sites/default/files/pdf/FamilyOptionsStudy_final.pdf.

³⁵ Regulatory Impact Analysis at 34-35.

C. The Proposed Rule would add onerous recertification requirements for more than 8.8 million people in affected programs

The Proposed Rule would not only directly evict and separate thousands of families, it will impose onerous documentation requirements for the millions of people who navigate an already convoluted eligibility process.³⁶ The new requirements would directly result in the loss of assistance for 25,000 mixed status households, constituting more than 79,000 people, as noted in Part II.A. But the requirements create an additional bureaucratic obstacle by increasing documentation requirements for the nearly 8,479,600 U.S. citizens and 315,600 eligible individuals who currently receive financial assistance under covered programs.³⁷ The new requirements would require that each household member—people who already declare their citizenship under penalty of perjury—provide evidence of citizenship in addition to their declaration.³⁸ Evidence of citizenship includes a birth certificate, passport, or other document verifying their citizenship, as well as sign a form that consents to that document being reviewed by HUD and DHS. This requirement is demonstrably unnecessary for protecting the integrity of the program; it would merely add administrative burdens and impose costs on both assisted families and housing providers.³⁹ A 2007 GAO report found that similar requirements imposed on Medicaid beneficiaries increased administrative costs of the program, generated confusion among applicants and beneficiaries, and created further administrative costs for states. Moreover, the change made it such that even fewer *eligible* people were willing or able to enroll in the program and utilize assistance. It also increased the time that local administrators had to spend on applications, appeals, and redeterminations of eligibility,⁴⁰ all without narrowing the proportion of benefits disbursed to eligible recipients.⁴¹

³⁶ CBPP analysis of HUD administrative data. Data include Section 8, public housing, Rent Supplement, and Rental Assistance (RAP) programs, but do not include the Section 236, Section 235 (without Rent Supp), Section 23 Leasing Housing Assistance, or Housing Development Grant programs.

³⁷ Erik Gartland and Sonya Acosta, Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers, Center on Budget and Policy Priorities (December 12, 2025).

³⁸ Housing and Community Development Act of 1980: Verification of Eligible Status, 84 Fed. Reg. 20,589, 20,592 (proposed May 10, 2019) (to be codified at 24 C.F.R. part 5).

³⁹ See, e.g., Donna Cohen Ross, *New Medicaid Citizenship Documentation Requirement is Taking a Toll: States Report Enrollment Is Down and Administrative Costs Are Up*, CPBB (Mar. 13, 2007), <https://www.cbpp.org/research/new-medicaid-citizenship-documentation-requirement-is-taking-a-toll-states-report>.

⁴⁰ <https://www.gao.gov/new.items/d07889.pdf> U.S. GOV'T ACCOUNTABILITY OFFICE, *Medicaid: States Reported That Citizenship Documentation Requirement Resulted in Enrollment Declines for Eligible Citizens and Posed Administrative Burdens* (June 2007), <https://www.gao.gov/new.items/d07889.pdf>.

⁴¹ Donna Cohen Ross, *New Medicaid Citizenship Documentation Requirement is Taking a Toll: States Report Enrollment Is Down and Administrative Costs Are Up*, CPBB (Mar. 13, 2007), <https://www.cbpp.org/research/new-medicaid-citizenship-documentation-requirement-is-taking-a-toll-states-report>

The costs of this overregulation would disproportionately be borne by some of the most vulnerable U.S. citizens, such as children, elderly, or people with disabilities.⁴² Documentary proof of nationality or citizenship is not readily available for as many as 3.8 million adult U.S. citizens.⁴³ And such documentation is even more difficult to obtain for people with low incomes, people of color, people with disabilities, and older people.⁴⁴ For many, getting to a government office or obtaining the funds to obtain or replace these records is a significant barrier alone. Some never even received these documents to begin with. Nearly 40 percent of those with incomes below \$30,000 per year simply lack a driver's license with a current name and address, which is often needed to obtain a birth certificate or other citizenship documentation.⁴⁵ This "verification of eligibility status" is not nearly so simple as producing documentation at annual recertification. It would involve time-consuming and costly trips to government offices, potential loss of assistance and eviction, and lengthy appeals processes.

For example, in the case of elderly beneficiaries, the Proposed Rule would endanger the housing of more than 1.9 million older adults who will be required to obtain proof of their immigration status. Presently, assisted people over the age of 62 must provide proof of age and a declaration of eligible status. Under the Proposed Rule, they would also have to provide proof of citizenship; this is an unnecessary addition to already-arduous certification procedures.

People with disabilities represent a significant fraction of those assisted by covered programs, and members of this population are particularly vulnerable to homelessness. Homeless families are more than 2.6 times more likely to have an adult family member with a disability, and the average rate of disability among students experiencing homelessness is 8% higher than the overall student population.⁴⁶ These families would be even more likely to experience homelessness in the face of the Proposed Rule given that it exposes them to eviction and housing stability.

⁴² CBPP analysis of HUD administrative data. Data include Section 8 and public housing programs, but do not include the Rent Supplement, Rental Assistance (RAP), Section 236, Section 235, Section 23 Leasing Housing Assistance, or Housing Development Grant programs.

⁴³ Erik Gartland and Sonya Acosta, Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers, Center on Budget and Policy Priorities (December 12, 2025).

⁴⁴ Ina Jafe, *For Older Voters, Getting the Right ID Can Be Especially Tough*, NPR: ALL THINGS CONSIDERED (Sept. 7, 2018), <https://www.npr.org/2018/09/07/644648955/for-older-voters-getting-the-right-id-can-be-especially-tough>.

⁴⁵ Erik Gartland and Sonya Acosta, Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers, Center on Budget and Policy Priorities (December 12, 2025).

⁴⁶ HUD, The 2016 Annual Homeless Assessment Report (AHAR) to Congress (Nov. 2016) available at <https://files.hudexchange.info/resources/documents/2016-AHAR-Part-2.pdf>; National Center for Homeless Education, *Federal Data Summary School Years 2014-2015 to 2016-2017* (Feb. 2019) available at <https://nche.ed.gov/wp-content/uploads/2019/02/Federal-Data-Summary-SY-14.15-to-16.17-Final-Published-2.12.19.pdf>.

For young people 16-24, especially those who are on their own or have aged out of foster care, obtaining and maintaining documentation is very challenging.⁴⁷ This includes youth who are citizens who would now have to recertify their status. Barriers that would make the burden more difficult for young people include documents may have been maintained by parents or guardians and are no longer accessible; complicated processes to obtain these documents; state age requirements to request vital documentation may limit access; and lack of permanent residence, as young people on their own tend to move from place to place. This rule change could lead young people who otherwise have been able to obtain housing to become homeless.

The Proposed Rule fails to even mention eligible older adults and the added burdens the rule would impose on this population and their housing providers. HUD should perform a comprehensive study on the impact that the Proposed Rule would have on these vulnerable eligible beneficiaries before finalizing any version of the rule.

D. The Proposed Rule would force some mixed status households to forego their assistance and be evicted in order to maintain family unity, exacerbating family homelessness

Mixed status families would be forced to choose between foregoing their assistance to maintain family unity (which could expose them to potential homelessness) or family separation.

To be sure—as HUD admits outright and repeatedly in the regulatory impact analysis—it is extremely likely that the majority of these mixed status families will choose not to separate from their children, rather than sacrifice family unity to maintain their meager subsidy. Even if one parent were willing to leave the household and sacrifice herself so that the family could retain the subsidy, “a household would probably suffer a worse outcome by trying to adapt to the new rules than by leaving together.”⁴⁸ The economically rational choice for any family would be to choose not to separate parents from minor children, since the financial subsidy provided by the program is outweighed by the economic benefits of growing up in a two-parent household.⁴⁹

And for many families, separation to maintain their subsidy and homes would not even be an option. The Proposed Rule would end prorated assistance for mixed status families, punishing

⁴⁷ See generally, Laura Katherine Kolb & Jennifer Pokempner, *Proving I Exist; Strategies for Assisting Youth in Obtaining Identification Documents*, AM. BAR ASSN. (Oct. 2017), <https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/strategies-assisting-youth-obtaining-identification-documents/>.

⁴⁸ Regulatory Impact Analysis at 48.

⁴⁹ In terms of children’s economic mobility, cognitive, behavioral, and physical, and mental health, two-parent households produce better outcomes on average than single parent households. Susan L. Brown, Wendy D. Manning, and J. Bart Stykes, *Family Structure and Child Well-Being: Integrating Family Complexity*, JOURNAL OF MARRIAGE AND FAMILY (Feb. 2015) 77(1): 177–190. doi:10.1111/jomf.12145.

citizen and legal permanent resident children and families who have ineligible parents and family members. For the vast majority of these households, there is not even the opportunity to choose separation over subsidy: nearly 37,000 children live in households with ineligible parents. These children cannot legally sign a lease, and the new rule would categorically strip from them the financial assistance for which they are legally eligible.

There are more than 35,000 eligible children who would be directly affected by the Proposed Rule targeting mixed status families.⁵⁰ The rule would strip these eligible children of their subsidy and effectively punish them for having ineligible family members. And families who are evicted are likely to experience housing instability or homelessness, to move into low-quality housing, and to suffer adverse mental and physical health outcomes as described in Section III.A.⁵¹

E. Some ineligible members of mixed status households may elect to leave or be evicted, which will may lead to homelessness for the ineligible individual

HUD may be correct in assuming “that most mixed households will leave” covered housing programs in response to the rule because of fear or because they are unable to confirm the eligibility of one member of the household (see Section II.B.). However, it is possible that some ineligible members may elect to or be asked to leave their families in order to preserve the rest of the family’s ability to remain in assisted housing.⁵² As HUD acknowledges, this situation is impossible for the vast majority of families comprised of U.S. citizen children who live with their ineligible parents.⁵³ As HUD states in its Regulatory Impact Analysis, “eligible minors cannot remain in HUD housing without an eligible adult leaseholder.”⁵⁴ These children are legally incapable of signing a lease, and of course do not have the option of evicting their parents in order to avoid homelessness for the entire family. Similarly, families with ineligible children and eligible parents will reasonably choose their children over subjecting their children to abandonment.

But for the 22% of assisted households in which some other immediate family member is ineligible, these families may face the excruciating forced choice of having an ineligible adult child, other family member, aunt, uncle, or grandparent elect to leave their family in order for the rest of the household to be able to retain assistance and stay housed.⁵⁵ These individuals—ineligible people who cannot receive assistance but whose income is used to prorate the subsidy

⁵⁰ Regulatory Impact Analysis at 6-9 (noting that 65% of eligible family members are children and there are a total of 55,110 eligible individuals in the covered programs, for a total of 35,822 eligible children).

⁵¹ Allison Bovell-Ammo and Megan Sandel, *The Hidden Health Crisis of Eviction*, BOS. U. SCH. OF PUB. HEALTH (Oct. 5, 2018), <http://www.bu.edu/sph/2018/10/05/the-hidden-health-crisis-of-eviction/>; Matthew Desmond, and Rachel Tolbert Kimbro, *Evictions Fallout: Housing, Hardship, and Health*, 94 SOCIAL FORCES 295 (Feb. 2015).

⁵² Regulatory Impact Analysis at 13.

⁵³ Or otherwise eligible minors.

⁵⁴ Regulatory Impact Analysis at 13, FN 26.

⁵⁵ Regulatory Impact Analysis at 47.

amount—may be especially likely to face housing instability and potential homelessness. The ramifications of either decision are monumental: family instability harms children’s health and education outcomes for years to come. Moreover, family separation harms a child’s ability to maintain healthy relationships with her family members in both the short and long term.⁵⁶

F. Some eligible adults will abandon their ineligible children which will increase the amount of unaccompanied youth

While most families will choose to remain with their ineligible children rather than continue to be housed rather than separate as described in Section II.E, there will be instances in which families with predominantly eligible members choose to remain in HUD-assisted housing. In these cases, families may be forced to separate from ineligible children, resulting in an increase in unaccompanied minors.

For example, consider a household consisting of two eligible adults and four children. Three of the children are eligible, while one child—a 16-year-old girl—is ineligible. If the household chooses to remain housed, the ineligible 16-year-old would not be permitted to live in the HUD-assisted unit with her guardian and siblings. Instead, the 16-year-old girl would be forced to try and find alternate places to stay which may result in sleeping outside, staying in a homeless shelter, living in their car, and/or living with other unaccompanied minors, in addition to other unstable and unsafe housing options. Youth who experience homelessness have more physical and mental health problems, substance use, experiences of violence and exploitation, and suicidology than their peers.⁵⁷

There are over 700,000 unaccompanied minors in the United States, meaning that they are not a part of a family or accompanied by a parent or legal guardian. Besides overwhelming short-staffed foster care systems, many of these unaccompanied minors will end up on the street. According to the National Sexual Violence Resource Center, one in three teens on the streets will be approached by a trafficker within 48 hours of leaving home.⁵⁸ This policy will be responsible for thousands of youth being subjected to sex or labor trafficking, foster care, and/or homelessness.

G. Some families—including eligible families—will choose not to or be unable to recertify and verify eligibility status, and be subject to housing instability and potentially homelessness

⁵⁶ Laura C. N. Wood, *Impact of Punitive Immigration Policies, Parent-Child Separation and Child Detention on the Mental Health and Development of Children*, 2 BMI PAEDIATRICS OPEN (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6173255/>.

⁵⁷ National Conference of State Legislature, Youth Homelessness Overview, (Updated May 28, 2025) <https://www.ncsl.org/human-services/youth-homelessness-overview>.

⁵⁸ *Ibid.*

The cruel and arbitrary policies underlying the Proposed Rule make people who are in need of assistance afraid to seek help, even when they are eligible to do so.⁵⁹ HUD is fully aware that the confusion and fear generated by this unnecessary rule would result in both eligible and ineligible households vacating publicly assisted housing, “Given the current stance of the administration on immigration....”⁶⁰ The agency’s regulatory impact analysis admits this outright, predicting “that a fear of the family being separated would prompt the departure of most mixed families.”⁶¹

Many people in this population—people who are already vulnerable to housing instability—are likely to be scared into homelessness by the Proposed Rule, similar to when a similar rule was proposed during the first Trump administration.⁶² Similar documentation requirements consistently generate confusion among applicants and beneficiaries, greater administrative costs, and reduce the number of eligible people who choose or are able to enroll in the program, as well as result in the loss of benefits for many more people, all without increasing the proportion of benefits disbursed to eligible recipients.⁶³

The Proposed Rule would also have a chilling effect on family immigration, on the willingness of family members to participate in programs that promote family unity such as sponsorship, and on the usage of housing and benefits which are the most effective ways of escaping poverty and improving one’s life. And immigrant families are particularly vulnerable to discrimination and intimidation from private housing providers who make threats in response to the Administration’s targeting of immigrants of all statuses. The Proposed Rule would likely scare some of these families away from trying to receive assistance or recertify at all.

III. THE PROPOSED RULE WOULD INFLICT SIGNIFICANT COSTS THAT DO NOT JUSTIFY THE CHANGE IN POLICY

A. The human costs of homelessness are devastating for the families and U.S. citizen children who would suffer because of the Proposed Rule

The Proposed Rule would result in housing instability for hundreds of thousands of families, reducing their incomes and thus their ability to pay for food and healthcare, to prioritize their

⁵⁹ Tracy Jan, *Trump Proposal Would Evict Undocumented Immigrants From Public Housing*, WASH. POST (Apr. 18, 2019), https://www.washingtonpost.com/business/2019/04/18/trump-proposal-would-evict-undocumented-immigrants-public-housing/?utm_term=.f68fec836d53.

⁶⁰ Regulatory Impact Analysis at 49.

⁶¹ *Id.* at 43.

⁶² PRATT CTR. FOR CMTY. DEV., *CONFRONTING THE HOUSING SQUEEZE: CHALLENGES FACING IMMIGRANT TENANTS, AND WHAT NEW YORK CAN DO* (2018), <https://prattcenter.net/research/confronting-housing-squeeze-challenges-facing-immigrant-tenants-and-what-new-york-can-do>.

⁶³ Donna Cohen Ross, *New Medicaid Citizenship Documentation Requirement is Taking a Toll: States Report Enrollment Is Down and Administrative Costs Are Up*, CPBB (Mar. 13, 2007), <https://www.cbpp.org/research/new-medicaid-citizenship-documentation-requirement-is-taking-a-toll-states-report>.

children’s education and healthy development, and to live in safe and secure communities.⁶⁴ Severely rent burdened families—those who spend more than half their income on rent—only have \$250 per month left over to spend on critical needs like food, transportation, and healthcare than families who pay less than 50% of their income to rent.⁶⁵ For these families, assisted housing is the most effective way to avoid homelessness and improve their lives and the lives of their children. A housing subsidy makes a family 20 times less likely to experience housing instability.⁶⁶ Eviction is a driver of homelessness, particularly for families, who face significant barriers to finding a safe place to live after losing their assistance.⁶⁷

Housing instability and homelessness are devastating for families. Eviction and moving themselves are traumatic events, especially for the children in these families. Children who experience housing instability suffer short term consequences: they often move into low-quality or overcrowded housing, and experience interim stress and life disruptions, including disruptions that inhibit their ability to succeed in school.⁶⁸ They suffer long term adverse impacts as well, such as struggling in school,⁶⁹ with lasting ramifications for their educational outcomes.⁷⁰ They make more frequent visits to the emergency room and are likely to be in worse health than stably housed children.⁷¹ Children who experience homelessness with their families have an increased chance of becoming homeless themselves: 25% of young people who have experienced homelessness linked their homelessness to earlier disruptions of family and home, including family homelessness and entrance into foster care.⁷² These impacts have lifelong consequences for their own well-being and

⁶⁴ Jason M. Fletcher, Tatiana Andreyeva, & Susan H. Busch, *Assessing the Effect of Increasing Housing Costs on Food Insecurity* (Nov. 12, 2009), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1503043; ENTERPRISE, *Renters Report Housing Costs Significantly Impact Their Health Care* (Apr. 3, 2019), https://www.enterprisecommunity.org/news-and-events/news-releases/2019-04_renters-report-housing-costs-significantly-impact-their-health-care.

⁶⁵ JOINT CENTER FOR HOUSING STUDIES OF HARVARD UNIVERSITY, *The State of the Nation’s Housing 2025 (2025)* https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_The_State_of_the_Nations_Housing_2025.pdf.

⁶⁶ Shinn, M.; Weitzman, B. C.; Stojanovic, D.; Knickman, J. R.; Jimenez, L.; Duchon, L.; James, S.; Krantz, D. H. 1998. *Predictors of Homelessness among Families in New York City: From Shelter Request to Housing Stability*. AMERICAN JOURNAL OF PUBLIC HEALTH 88(11): 1651-1657.

⁶⁷ Matthew Desmond, Weihua An, Richelle Winkler, Thomas Ferriss, *Evicting Children* (September 2013) SOCIAL FORCES 92(1) 303–327; Matthew Desmond, *EVICTED: POVERTY AND PROFIT IN THE AMERICAN CITY* (2016).

⁶⁸ Robert Collinson & Davin Reed, *The Effects of Evictions on Low-Income Households*, NYU LAW (Dec. 2018), https://www.law.nyu.edu/sites/default/files/upload_documents/evictions_collinson_reed.pdf.

⁶⁹ *Housing Instability is Linked to Adverse Childhood Behavior*, HOW HOUSING MATTERS (May 9, 2019), <https://howhousingmatters.org/articles/housing-instability-linked-adverse-childhood-behavior/>.

⁷⁰ Mary Cunningham & Graham MacDonald, *Housing as a Platform for Improving Education Outcomes among Low-Income Children*, URBAN INSTITUTE (May 2012), https://www.researchgate.net/profile/Heather_Schwartz/publication/267687704_Housing_as_a_Platform_for_Improving_Education_Outcomes_among_Low-Income_Children/links/546621100cf25b85d17f58d7/Housing-as-a-Platform-for-Improving-Education-Outcomes-among-Low-Income-Children.pdf.

⁷¹ Alison Bovell & Megan Sandel, *The Hidden Health Crisis of Eviction*, CHILDREN’S HEALTH WATCH BLOG (Oct. 5, 2018), <http://childrenshealthwatch.org/the-hidden-health-crisis-of-eviction/>.

⁷² CHAPIN HALL, *Missed Opportunities in Youth Pathways Through Homelessness* (June 2019), https://www.chapinhall.org/wp-content/uploads/ChapinHall_VoYC_Youth-Pathways-FINAL.pdf.

the strength of their communities. Even for families who, under the new rule, would make the excruciating forced choice for the ineligible member (rather than the entire family) to leave the home, family separation is a stressful and traumatizing experience for children. It demonstrably alters the chemistry of a child's growing brain, and produces adverse consequences which last a lifetime.⁷³

U.S. citizen and otherwise eligible children will be among those most directly harmed by the Proposed Rule. By taking away the financial assistance for which these children are eligible and which allows them to stay in their homes, the Proposed Rule forces families to choose between eviction from housing that is proven to improve their lives, or separation to maintain their meager subsidy. The rule thus takes away children's access to assistance that has been shown to improve the lives of more than one million children every year and allow families to lift themselves out of poverty.⁷⁴ Families with access to financial subsidies for housing—as opposed to shelters or other temporary housing—have the most housing stability as well as fewer family separations, less domestic violence, less psychological distress, increased food security, and increased school attendance.⁷⁵ These children go on to have higher incomes and better health outcomes. They are less likely to become involved with the criminal justice system; they experience less food insecurity; and they are less likely to experience homelessness.⁷⁶ Because of this, the chilling effect of this proposed policy will have implications across generations, even for citizen children of immigrant families.

Homelessness is particularly traumatic for children and their development. These traumatic effects are compounded over time, and are particularly detrimental for younger and more vulnerable children.⁷⁷ A homeless child is nearly 90% more likely to drop out of school than a child who has safe and stable housing.⁷⁸ They are, consequently, more likely to fall behind academically and be subject to school discipline.⁷⁹ Homeless children suffer from more frequent and severe mental and

⁷³ Shruti Simha, *The Impact of Family Separation on Immigrant and Refugee Families*, 80 N C MED J. 95, 96 (2019).

⁷⁴ Liana Fox, *The Supplemental Poverty Measure: 2017* (Sept. 12, 2018)

<https://www.census.gov/content/dam/Census/library/publications/2018/demo/p60-265.pdf>.

⁷⁵ THE BASSUK CENTER, *Services Matter: How Housing & Services Can End Family Homelessness* at 11 (Nov. 2015), <https://www.bassukcenter.org/wp-content/uploads/2015/11/Services-Matter.pdf>.

⁷⁶ Fredrik Andersson, and John C. Haltiwanger, *Childhood Housing and Adult Earnings: A Between-Siblings Analysis of Housing Vouchers and Public Housing*, NATIONAL BUREAU OF ECONOMIC RESEARCH, Working Paper No. 22721 (Sept. 2018), <http://www.nber.org/papers/w22721>.

⁷⁷ Megan Sandel, Richard Sheward, and Lisa Sturtevant, *Compounding Stress: The Timing and Duration Effects of Homelessness on Children's Health*, INSIGHTS FROM HOUSING POLICY RESEARCH (June 2015), <https://www.issueclab.org/resources/21731/21731.pdf>.

⁷⁸ Erin S. Ingram, John M. Bridgeland, Bruce Reed, and Matthew Atwell, *Hidden in Plain Sight: Homeless Students in America's Public Schools*, CIVIC ENTERPRISES AND HART RESEARCH ASSOCIATES (2016), <http://www.americaspromise.org/report/hidden-plain-sight>.

⁷⁹ John Fantuzzo, Whitney A. Leboeuf, Heather L. Rouse, and Chin-Chih Chen, *Academic achievement of African American boys: A city-wide, community-based investigation of risk and resilience*, JOURNAL OF SCHOOL PSYCHOLOGY (Sept. 2012) 50(5):559-79 doi:10.1016/j.jsp.2012.04.004.

physical health problems, and are more likely to experience personal and community violence.⁸⁰ And they are more likely to be victims of physical or sexual violence than their housed peers.⁸¹

Homeless children are more likely to become homeless adults. For example, 20% of homeless adults in Los Angeles indicated that they first experienced homelessness when they were under the age of 18, and 25% when they were young adults between the ages of 18-24.⁸² Similarly, in Minnesota, more than half (52%) of homeless adults surveyed first became homeless by the time they were age 24, and over one-third (36%) first became homeless at or before age 18. For homeless adults, the most common age at which they first experienced homelessness was 18 years old.⁸³ By forcing children into homelessness, we are substantially increasing the odds of their reliance on future housing support.

HUD has failed to do its due diligence and address the effect that the Proposed Rule will have on exacerbating homelessness in the United States, and to estimate the costs of homelessness for the people who would lose their housing and for society as a whole. Other federal agencies have frequently recognized the importance of housing for families who are traumatized by homelessness, as “housing plays as an essential platform for human and community development. Stable housing is the foundation upon which people build their lives—absent a safe, decent, affordable place to live, it is next to impossible to achieve good health, positive educational outcomes, or reach one’s economic potential.”⁸⁴

B. The societal costs of increased homelessness would be far greater than the cost to continue to serve families and prevent them from experiencing homelessness

There are significant costs to society associated with family homelessness. Emergency housing—such as shelters—are expensive for local communities, and these costs will be passed from HUD to the cities and states that operate these programs. The most effective way to prevent homelessness is to provide subsidies to families who need it.⁸⁵ Housing Choice Vouchers (one of the covered

⁸⁰ U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, *OPENING DOORS: FEDERAL STRATEGIC PLAN TO PREVENT AND END HOMELESSNESS* (2015) at 19, https://www.usich.gov/resources/uploads/asset_library/USICH_OpeningDoors_Amendment2015_FINAL.pdf.

⁸¹ LJ Anooshian, *Violence and Aggression in the Lives of Homeless Children: A Review*, *AGGRESSION AND VIOLENT BEHAVIOR* (2005) 10(2): 129-152.

⁸² Daniel Flaming, Patrick Burns & Jane Carlen, *Escape Routes: Meta-analysis of Homelessness in L.A.* (Apr. 2018), <https://economicrt.org/publication/escape-routes/>.

⁸³ M.N. DEPT. OF HUM. SERV., *Homeless Youth Act Biennial Report* at 9 (Apr. 2021), <https://www.lrl.mn.gov/docs/2021/mandated/210637.pdf>.

⁸⁴ U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, *Opening Doors: federal strategic plan to prevent and end homelessness* (2015), https://www.usich.gov/resources/uploads/asset_library/USICH_OpeningDoors_Amendment2015_FINAL.pdf.

⁸⁵ OFFICE OF POL’Y DEV. & RESEARCH, DEP’T HOUSING & URBAN DEV., *COSTS ASSOCIATED WITH FIRST-TIME HOMELESSNESS FOR FAMILIES AND INDIVIDUALS* at P-1 (Mar. 2010), https://www.huduser.gov/publications/pdf/Costs_Homeless.pdf.

programs) are the most effective way to lift eligible families out of poverty; for example, providing assistance to just 70% of the eligible unassisted families would reduce child poverty by 3 percentage points.⁸⁶ HUD's Family Options Study measured the impact of access to Housing Choice Vouchers and found that families with vouchers were more likely to have housing than to need emergency shelter or experience homelessness. Moreover, vouchers are cost-effective: providing one family with an HCV costs an average of \$1,172 per month, while providing emergency shelter costs \$4,819.⁸⁷

The Proposed Rule also implicates the long term impacts of homelessness, including the huge costs that homelessness imposes on education and healthcare systems.⁸⁸ Child poverty and homelessness in the U.S. cost us as a society more than \$1 trillion each year.⁸⁹ These costs are much greater than the cost of the modest rental subsidies provided by the covered programs.⁹⁰ Moreover, the cost of emergency and transitional resources for these households are levied on local and state entities. Thus the Proposed Rule would pass these costs from HUD to states—another increased cost which the agency has failed to account for. Vouchers are the most effective way to alleviate costs imposed to the child welfare system, for example, because it reduces domestic violence and substance abuse, food insecurity, and improves school outcomes.⁹¹

In a country where 771,480 people are homeless on a given night,⁹² homelessness is both a cause and result of poor health outcomes, chronic disease, and early death.⁹³ In the U.S., housing is healthcare.⁹⁴ The Proposed Rule will be detrimental to public health because it will lead to eviction and homelessness for many families, including for the tens of thousands of U.S. citizen children whose families would necessarily face eviction because of the Proposed Rule. The regulatory impact analysis makes a passing reference to the costs of chronic homelessness, without attempting

⁸⁶ OFFICE OF POL'Y DEV. & RESEARCH, DEP'T HOUSING & URBAN DEV., THE FAMILY OPTIONS STUDY (Oct. 2016), https://www.huduser.gov/portal/sites/default/files/pdf/FamilyOptionsStudy_final.pdf.

⁸⁷ *Id.*

⁸⁸ U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, *Opening Doors: federal strategic plan to prevent and end homelessness* at 19 (2015),

https://www.usich.gov/resources/uploads/asset_library/USICH_OpeningDoors_Amendment2015_FINAL.pdf.

⁸⁹ NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE, *A Roadmap to Reducing Child Poverty*, <https://doi.org/10.17226/25246> (2019).

⁹⁰ U.S. DEP'T OF HOUSING AND URBAN DEV. OFFICE OF POLICY DEV. AND RESEARCH, *Costs Associated with First-Time Homelessness for Families and Individuals* (2010) at ES-10

https://www.usich.gov/resources/uploads/asset_library/USICH_OpeningDoors_Amendment2015_FINAL.pdf.

⁹¹ Maya Brennan, Mary Cunningham, and James Gastner, *Ending Family Homelessness: An Opportunity for Pay-for-Success Financing*, URBAN INSTITUTE at 9 (Aug. 2017),

https://www.urban.org/sites/default/files/publication/92566/ending_family_homelessness_through_pfs.pdf.

⁹² Daniel Soucy, Andrew Hall, and Joy Moses, State of Homelessness: 2025 Edition, National Alliance to End Homelessness (September 4, 2025), <https://endhomelessness.org/state-of-homelessness/#report>.

⁹³ NATIONAL HEALTH CARE FOR THE HOMELESS COUNCIL, *Homelessness & Health: What's The Connection* (June 2011), http://www.nhchc.org/wp-content/uploads/2011/09/Hln_health_factsheet_Jan10.pdf.

⁹⁴ Nabihah Maqbool, Janet Viveiros, & Mindy Ault, *The Impacts of Affordable Housing on Health: A Research Summary*, CENTER FOR HOUSING POLICY, (Apr. 2015), <https://www.rupco.org/wp-content/uploads/pdfs/The-Impacts-of-Affordable-Housing-on-Health-CenterforHousingPolicy-Maqbool.etal.pdf>.

to estimate the scale or impact of these costs.⁹⁵ HUD has failed to account for these costs and the concerns raised throughout this section. The agency should do its due diligence and perform a comprehensive study on the impact the Proposed Rule would have on housing and homelessness before finalizing the Proposed Rule.

C. The Proposed Rule would generate substantial costs which would be passed on to local entities and housing providers

HUD estimates that the verification costs to PHAs and other housing owners would be \$530,140 to \$2.1 million for existing tenants and \$277,000 to \$1,1108,000 for new tenants.⁹⁶ HUD estimates that PHAs and other housing owners will also bear cost for training and hiring, but does not give an estimated dollar amount.⁹⁷ HUD’s regulatory analysis also fails to provide an estimate of “other administrative costs” which includes the costs of updating forms, notices, websites, and communication material to tenants.⁹⁸ Though the regulatory analysis bluntly admits that the increased costs created by the rule will not be accompanied by an increase in resources, HUD fails to address all of the increased administrative costs to housing authorities and other subsidized housing providers that would be generated by the Proposed Rule.

The change would require tens of thousands of public housing agencies and private landlords to collect citizenship documentation for the more than eight million people currently benefitting from the covered programs. The change will further require housing providers to establish their own policies and criteria to determine whether a family can receive continued or temporary deferral of assistance. It will also require PHAs and appeals officers to spend more time verifying eligibility and recertifying households, as well as reviewing appeals for the many households that are likely to be incorrectly terminated or to need time to collect documents. If a family member cannot locate or afford the correct documents—which may be the reason a person cannot prove their eligibility to begin with—a household may be unlawfully denied recertification. This process would take additional provider time and resources, as does the need to review the appeal. This also incurs costs to families who may have to go to court, potentially in the midst of losing their housing. All this would come at increased cost of administering the program while resulting in fewer families served, a reduction in “the quantity and quality of assistance available”, and worsen the national homelessness crisis and affordable housing shortage.

The Proposed Rule would incur an estimated \$2.8 million in eviction and repair costs to terminate the assistance of tens of thousands of families and remove them from their homes.⁹⁹ It would incur

⁹⁵ Regulatory Impact Analysis at 34-36.

⁹⁶ Regulatory Impact Analysis at 24.

⁹⁷ Regulatory Impact Analysis at 25.

⁹⁸ *Id.*

⁹⁹ Regulatory Impact Analysis at 34.

terminations and evictions that HUD says “will burden PHAs”. These estimates appear to be low, since HUD seems to believe that “Given the current administration’s policy on illegal immigration” that most terminated households will not challenge the rule. However, the report does give a cost of \$4,000 per household, if a lawyer is engaged.¹⁰⁰ Assuming that 5,000 households (whether actually mixed families or a tenant family that cannot or fails to provide documentation) this would increase the cost to over \$20 million.

Confusion over the Proposed Rule would also result in costs imposed on housing providers from the increased questions, calls, and visits from fearful tenants, as well as the increased time and resources that providers would have to spend updating forms and notices to inform tenants and applicants about the new rules and potential implications. Additionally, there are likely to be turnover costs from the chilling effect of the Proposed Rule, given that some of the eligible households comprised of eligible noncitizens will nonetheless choose to forgo their assistance out of fear. These costs are not accounted for in the Proposed Rule.

These increased costs will reduce the number of families that can be served through covered programs and exacerbate the national homelessness crisis. Additionally, these costs may deter providers from participating in the covered programs, further decreasing the affordable housing supply and exacerbating the shortage of housing. By forcing already overburdened public housing authorities and housing providers to take on additional administrative costs, without providing the benefit of reducing waitlists or improving public housing, HUD is acting in direct contradiction to its statutory mandate and commitment to reducing homelessness.

IV. THE PROPOSED RULE IN COMBINATION WITH OTHER POLICIES, WILL INCREASE HOMELESSNESS AND MISERY IN THE UNITED STATES.

A. The Proposed Rule in combination with other policies, will increase homelessness and misery for immigrant families and individuals

The proposed HUD mixed-status rule does not operate in isolation. It is part of a broader constellation of immigration, housing, and enforcement policies that collectively narrow access to stability while expanding exposure to punishment.¹⁰¹ Taken together, these policies reflect a governing approach that treats being an immigrant as a basis for exclusion from the social infrastructure required to survive.

¹⁰⁰ Regulatory Impact Analysis at 26.

¹⁰¹ See Julia Galett, Trump Restrictions on Legal Immigration Could Sharply Reduce U.S. Population Growth, Migration Policy Institute (April 2026), <https://www.migrationpolicy.org/news/trump-legal-immigration-cuts-us-population-growth>; Julia Galett, Trump Administration Public-Charge Rule Would Amplify Harms to Immigrant Families, Migration Policy Institute (January 2026), <https://www.migrationpolicy.org/news/trump-public-charge-discretion>; Kaleah Haddock and Diana Roy, ICE and Deportations: How Trump is Reshaping Immigration Enforcement, Council on Foreign Relations (February 27, 2026), <https://www.cfr.org/articles/ice-and-deportations-how-trump-reshaping-immigration-enforcement>.

For example, under the current administration’s proposed expansion of the public charge rule, which redefined lawful immigration eligibility by treating reliance on basic supports—such as housing assistance, nutrition programs, and health benefits—as evidence of undesirability. Although framed as an assessment of self-sufficiency, the rule functions in practice as a deterrent to stability. Families, most which include citizen children, will withdraw from housing assistance and other essential programs out of fear that participation would jeopardize immigration status.¹⁰²

The data bear out this fear. Because data on homelessness often does not involve immigration status (for good reason: to ensure people in need of basic survival resources such as emergency shelter or food are not deterred from asking for them),¹⁰³ much of the clearest quantitative evidence of this chilling effect involves the provision of federal food and healthcare benefits. For example, one study identified sharp drops in enrollment in federal public health benefits programs for eligible children with one or more immigrant parents when the 2018 Rule was proposed and finalized.¹⁰⁴ A series of studies conducted by the Urban Institute found that the 2018 Rule led to a sustained drop in immigrant populations’ willingness to access food and healthcare benefits. For example, a nationally representative survey conducted in 2019 found that 15.6% of adults in immigrant families avoided certain public benefits that year due to the public charge rule, and 26.2% reported chilling effects.¹⁰⁵ The survey found abundant misunderstandings about the scope of the 2018 Rule—for example, only 21.3% of respondents were aware that the rule would not affect parents whose children were enrolled in Medicaid.¹⁰⁶ Perhaps most notably, these studies documented a continuing distrust of public benefits among immigrant populations after the 2018 Rule was rescinded. Even in 2023, after the implementation of the 2022 Rule, 11.7% of adults in immigrant families avoided participating in certain safety net programs to which they were entitled because of green card concerns.¹⁰⁷ These numbers were higher among adults in immigrant families with children,¹⁰⁸ who make up one in four children in the U.S. – 19 million children. The majority

¹⁰² Samantha Artiga, Drishti Pillai, Sammy Cervantes, Akash Pillai, and Matthew Rae, Potential “Chilling Effects” of Public Charge and other Immigration Policies on Medicaid and CHIP Enrollment, KFF (December 2, 2025).

¹⁰³ Riordan Frost, *Record Homelessness Amid Ongoing Affordability Crisis*, HARV. UNIV. JOINT CTR. FOR HOUS. STUD. (Feb. 12, 2024), <https://www.jchs.harvard.edu/blog/record-homelessness-amid-ongoing-affordability-crisis>

¹⁰⁴ Kristin F. Butcher, Luojia Hu & Ryan Perry, *The Public Charge Rule and Program Participation Among U.S. Citizens*, 711 ANNALS AM. ACAD. POL. & SOC. SCI. 170, 183-84 (2024)

¹⁰⁵ HAMUTAL BERNSTEIN, DULCE GONZALEZ, MICHAEL KARPMAN & STEPHEN ZUCKERMAN, URB. INST., AMID CONFUSION OVER THE PUBLIC CHARGE RULE, IMMIGRANT FAMILIES CONTINUED AVOIDING PUBLIC BENEFITS IN 2019, at 2 (2020), https://www.urban.org/sites/default/files/publication/102221/amid-confusion-over-the-public-charge-rule-immigrant-families-continued-avoiding-public-benefits-in-2019_3.pdf.

¹⁰⁶ *Id.* at 8.

¹⁰⁷ DULCE GONZALEZ, HAMUTAL BERNSTEIN, MICHAEL KARPMAN & GENEVIEVE M. KENNEY, URB. INST. MIXED STATUS FAMILIES AND IMMIGRANT FAMILIES WITH CHILDREN CONTINUED AVOIDING SAFETY NET PROGRAMS IN 2023, at 2 (2024), <https://www.urban.org/sites/default/files/2024-08/Mixed-Status-Families-and-Immigrant-Families-with-Children-Continued-Avoiding-Safety-Net-Programs-in-2023.pdf>.

¹⁰⁸ *Id.* at 3.

of these children are U.S. citizens, either in mixed-immigration status households (with noncitizen parents) or with naturalized citizen parents.¹⁰⁹

Moreover, the proposed expansion of the public charge rule states “as the administration persists in its efforts to reduce the siloing of data, DHS anticipates working toward the integration of immigration records with records from Federal benefit-granting agencies. The analysis of that data will inform the development of the flexible and adaptive policy and interpretive tools that will guide future public charge inadmissibility determinations.”¹¹⁰ This is particularly alarming in the context that DHS has been illegally obtaining information from the Internal Revenue Service (IRS)¹¹¹ and benefit granting agencies, including the Social Security Administration¹¹² and the state agencies that operate SNAP¹¹³ and Medicaid.¹¹⁴ This data is being linked without required privacy safeguards and with reckless disregard for accuracy.¹¹⁵

The Department of Housing and Urban Development’s recent Notice of Funding Opportunity (now temporarily withdrawn due to a pending lawsuit) provides up to four (4) points for applicants that demonstrate homeless service providers are verifying immigration status.¹¹⁶ By incentivizing homeless service providers to use immigration verification in the context of DHS’s proposed public charge revisions, the government deters not only undocumented immigrants, but legally present immigrants from using emergency shelters and other resources. Immigrant families also cannot ignore that DHS’s Immigration & Customs Enforcement (ICE) has removed homeless shelters (among others) from its “protected areas” list,¹¹⁷ and ICE agents are conducting violent raids in or outside of homeless shelters, sweeping up not only undocumented but legally present

¹⁰⁹ Drishti Pillai, Akash Pillai, and Samantha Artiga. Children of Immigrants: Key Facts on Health Coverage and Care. KFF, 2025. <https://www.kff.org/racial-equity-and-health-policy/children-of-immigrants-key-facts-on-health-coverage-and-care/>.

¹¹⁰ 2025 NPRM, <https://www.federalregister.gov/d/2025-20278/p-287>.

¹¹¹ Center for Taxpayer Rights vs. Internal Revenue Service, 1:25-cv-00457, (D.D.C.) <https://www.courtlistener.com/docket/69646607/center-for-taxpayer-rights-v-internal-revenue-service/>.

¹¹² Social Security Administration, Privacy Act of 1974, System of Records, 90 FR 50879, November 11, 2025. <https://www.federalregister.gov/documents/2025/11/12/2025-19849/privacy-act-of-1974-system-of-records>.

¹¹³ State of California v. United States Department of Agriculture, 3:25-cv-06310, (N.D. Cal.).

<https://www.courtlistener.com/docket/70945300/state-of-california-v-united-states-department-of-agriculture/>.

¹¹⁴ State of California v. U.S. Department of Health and Human Services, 3:25-cv-05536 (U.S. District Court for the Northern District of California). <https://clearinghouse.net/case/46754/>.

¹¹⁵ Makena Kelly and Vittoria Elliott, “DOGE Is Building a Master Database to Surveil and Track Immigrants,” Wired, 18 April 2025. <https://www.wired.com/story/doge-collecting-immigrant-data-surveil-track/>.

¹¹⁶ Dept. of Hous. & Urb. Dev., *FY 2025 Continuum of Care Competition and Youth Homeless Demonstration Program Grants NOFO* at 88, <https://perma.cc/7MSQ-5FHQ>. See also, King County Regional Homelessness Authority, HUD withdraws Notice of Funding Opportunity, (Dec. 8, 2025), <https://kcrha.org/news-hud-withdraws-notice-of-funding-opportunity/>.

¹¹⁷ National Low Income Housing Coalition, *Department of Homeland Security Rescinds "Protected Areas" Policy; Senators Blumenthal (D-CT) and Representative Espaillat (D-NY) Introduce "Protecting Sensitive Locations Act"* (Feb. 18, 2025), <https://nlihc.org/resource/department-homeland-security-rescinds-protected-areas-policy>.

immigrants.¹¹⁸ As discussed above, all of this deters families from accessing emergency shelter and services and puts immigrants and their families, including U.S. citizen family members and first responders, at risk of exposure and death. The threat of using emergency services and housing data in public charge assessments, where there is no opportunity for appeals, is both dangerous and illegal.

When layered atop the proposed mixed-status rule, these policies compound one another: immigrant families are simultaneously warned against seeking help and penalized when they cannot maintain stability without it.

B. The Proposed Rule in combination with other policies, will increase homelessness for formerly homeless persons and misery for people currently experiencing homelessness

The proposed mixed-status rule must also be understood against the backdrop of broader federal policy changes that have narrowed access to basic survival supports for people experiencing or exiting homelessness. HUD has already constrained access to its primary homelessness response system, the Continuum of Care (CoC) program. Through executive actions and administrative changes, HUD has sought to shift resources away from permanent housing interventions and to remove assistance from more than 170,000 formerly homeless people, if fully implemented.¹¹⁹

At the same time, parallel federal policy changes outside of HUD further undermine housing stability by stripping away essential non-housing supports that enable people to remain housed. Notably, recent changes to the Supplemental Nutrition Assistance Program (SNAP) apply work requirements to people experiencing homelessness—individuals who were previously exempt due to the obvious barriers homelessness presents to consistent employment and documentation. Under these changes, unhoused individuals who cannot meet rigid work or documentation requirements may lose access to food assistance after only three months in a three-year period.¹²⁰

When people lose access to nutrition assistance, scarce resources are diverted from rent, utilities, transportation, and healthcare in order to survive. For people exiting homelessness through CoC-funded permanent housing or rapid rehousing programs—who often remain extremely low-income and medically vulnerable—the loss of SNAP benefits can be the tipping point that results in eviction and a return to homelessness. For people currently experiencing homelessness,

¹¹⁸ See, e.g. Kasey Chronis, ICE detains 4 people outside Chicago homeless shelter, officials say, FOX 32 (Oct. 1, 2025), <https://www.fox32chicago.com/news/bronzeville-feds-shelter-arrests>; Alicia Victoria Lozano, *ICE targets Los Angeles homeless shelter*, NBC News (Jul. 26, 2025), <https://www.nbcnews.com/news/us-news/ice-targets-los-angeles-homeless-shelter-rcna220597>.

¹¹⁹ Anna Bailey, Trump Policies Would Worsen Homelessness, Attack Basic Freedoms of People Who Can't Afford Rent, Center on Budget and Policy Priorities (April 8, 2026), <https://www.cbpp.org/research/housing/trump-policies-would-worsen-homelessness-attack-basic-freedoms-of-people-who-cant>.

¹²⁰ *Id.*

these policies increase desperation, worsen health outcomes, and make it harder to navigate housing and service systems at all.

The predictable result of this policy convergence is an increase in unsheltered homelessness, a rise in returns to homelessness among formerly housed individuals, and deeper misery for people already living without stable shelter.

V. CONCLUSION

HUD's own analysis indicates that the Proposed Rule will significantly increase family homelessness, violating its statutory mission, which alone should tell the agency this harmful rule should be withdrawn. Even though the current rules already prohibit unverified or ineligible members from receiving assistance, the agency is arguing that the proposed change is necessary to align the program with statutory authority and align with the current Administration's priorities. However, as the issues highlighted in this letter demonstrate, the Proposed Rule lacks any basis in, and in fact contradicts, the underlying statute. Moreover, it is contrary to sound public policy, basic morality, and congressional intent. We therefore urge HUD to immediately withdraw the Proposed Rule and dedicate its efforts to advancing policies that help all families be safely housed, prevent and end homelessness, and strengthen our communities.

Our comments include numerous citations to supporting research and relevant documents, including direct links for the benefit of the Department in reviewing our comments. We direct the Department to each of the studies or documents cited and made available to the agency through active hyperlinks, and we request that the full text of each of the items cited, along with the full text of our comments, be considered part of the administrative record in this matter for purposes of the Administrative Procedure Act.

Housing is a human right, dependent on humanity, not on immigration status. Ensuring the universal human rights of all our residents, including economic and social rights, enables everyone to live dignified lives and develop to their fullest potential, benefitting us all.

Please contact Eric Tars (ETars@homelesslaw.org) with any further questions.

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