

United States House of Representatives
Committee on Financial Services
2129 Rayburn House Office Building
Washington, D.C. 20515

March 9, 2026

The Honorable Eric Scott Turner
Secretary
U.S. Department of Housing and Urban Development
451 7th Street S.W.
Washington, DC 20410-0001

RE: Proposed Rule, "Housing and Community Development Act of 1980: Verification of Eligible Status"
Docket No. FR-6524-P-01
FR Citation: 24 CFR Part 5

Dear Secretary Turner:

The recent introduction of the proposed rule implementing Section 214 of the Housing and Community Development Act of 1980, the Department of Housing and Urban Development (HUD) has inexplicably revived a much-maligned proposal to separate families with mixed immigration status and evict them from the major HUD housing programs.¹ This proposal will ultimately exacerbate the affordable housing crisis for citizens and immigrants alike by worsening the very housing conditions that HUD has a mission to improve: stability, homelessness, affordability and poverty. It also contradicts deeply-held American values and clear congressional intent that favor keeping families together. For these reasons, we urge you to immediately withdraw this proposed rule.

Contrary to your misrepresentations, HUD does not give housing assistance to noncitizens who lack eligible immigration status. Section 214 and its implementing rules restricts HUD housing assistance to U.S. citizens and noncitizens with certain eligible immigration statuses, including legal permanent residents and refugees.² U.S. citizens and eligible immigrants may live in HUD-subsidized housing with family members who do not have an eligible immigration status. Commonly known as mixed status families, these families receive partial rental assistance that is prorated to cover only the eligible family members. These families then pay the remaining portion of the rent themselves. For example, if the typical mixed status family has four members (two parents and two children) and three of whom are U.S. citizens, the family would receive 75% of the rental assistance that they would have otherwise qualified for if all family members were fully-eligible. In receiving a smaller subsidy, the family also pays a larger share of their rent to cover the 4th family member's portion of the rent.

In authorizing prorated rental assistance to mixed status families, Section 214 reflects Congress' intent to balance two priorities: to preserve limited housing assistance for eligible individuals and to preserve family integrity by allowing families with mixed immigration status to live together under the same roof. HUD's proposal to prohibit mixed status families from living together in HUD-subsidized housing

¹ The following is a full list of HUD housing programs covered by Section 214: Public Housing; all Section 8 housing assistance (including Vouchers and Project-based Section 8); Section 236 Housing, with or without Supplements (low-income units only); Rent Supplement Housing; Section 235 Homeownership Housing; Housing Development Grants (HoDAG) (low-income units only); Section 23 Leased Housing Assistance Program. 42 U.S.C. §1436a(b)(1); 24 CFR 5.500(a).

² The categories of noncitizens are: lawful permanent residents, asylees and refugees, persons granted withholding of removal; public interest and humanitarian parolees; and individuals lawfully residing under compacts between the U.S. and Marshall Islands/Micronesia and Palau. 42 U.S.C. §1436a(a). Certain additional groups have the same rights as refugees including human trafficking survivors and self-petitioners under the Violence Against Women Act (VAWA).

and to end prorated rental assistance for these families ignores this congressional intent and is wholly inconsistent with the policy that Congress crafted in Section 214.

HUD’s proposal also cruelly attacks mixed status families because it puts them at real risk of eviction, homelessness, and family separation. Under the proposed rule, each family member must be a U.S. citizen or a noncitizen with eligible immigration status; otherwise, the family faces termination of their housing assistance. Families would be forced to make an impossible and heart wrenching choice to either forfeit critical housing assistance, which could put them at risk of eviction and homelessness, or separate their family to exclude members that do not have eligible immigration status in order to preserve the family’s eligibility for housing assistance. For many mixed status families where the children are U.S. citizens, the proposed changes could mean separating young children from their parents or leaving them with no way to access the benefits for which they qualify.

If implemented, children, seniors, and people with disabilities would be put at a disproportionate disadvantage. According to 2024 HUD administrative data, less than 1 percent of all people receiving housing assistance are mixed status households.³ By separating and displacing families or forcing them to forfeit housing assistance, HUD is threatening the well-being and long-term life welfare of children, seniors, and people with disabilities who make up the majority of families being targeted by the rule. Decades of research show that housing stability is the bedrock of a quality life. A person’s eligibility status does not change the necessity for shelter. Adequate, affordable, and healthy homes lift families out of poverty, improve children’s life outcomes, and boost national economic trends over the long-term – while housing instability and the lack of adequate, quality affordable housing harms mental health, educational outcomes and economic prosperity, especially for children.⁴ According to the Urban Institute’s Children of Immigrants report, one in four children in the U.S. had an immigrant parent in 2022-2023 and 90 percent of the children were U.S. citizens themselves.⁵ Despite accounting for less than a quarter of the nation’s population of young people, the children of immigrants account for 30 percent of all low-income children.⁶

Moreover, HUD’s proposal to bring an undertested Department of Homeland Security system into the citizenship verification process presents a serious housing risk to U.S. citizens. If implemented, the proposed rule would require public housing authorities and owners to use the Systematic Alien Verification for Entitlements (SAVE) system to verify citizenship status of HUD residents. The problem, however, is that SAVE is not a reliable tool for proving a person’s citizenship in part because this function is so new. For decades, federal benefits agencies like HUD used SAVE for the exclusive purpose of verifying *immigration status* to determine a person’s eligibility for benefits. The current Trump administration sought to re-purpose SAVE for citizenship verification in 2025 and have been pushing for its use on state voter rolls. With reports of SAVE inaccurately flagging citizens as noncitizens and kicking them off voter rolls, we are wary of HUD’s proposal to use this system to verify status for housing benefits and its negative impact on U.S. citizens in the housing programs.

This proposed rule additionally imposes sweeping compliance burdens and an unfunded mandate on public housing agencies by requiring documentation from every federally assisted household. This comes at a time when the Trump Administration has already made significant cuts to federal housing programs, reduced HUD’s own staffing capacity, and continues to operate in a chronically underfunded environment leaving public housing authorities, owners and tenants on their own to fund and resource how they will ensure

³ HUD, *6524-P-01 RIA Verification 1-28-26 (1)* (Feb. 26, 2026).

⁴ American Economic Review, *The effects of exposure to better neighborhoods on children: New evidence from the Moving to Opportunity experiment*. (2016); See also JAMA Pediatrics, *Prospective Associations of Childhood Housing Insecurity with Anxiety and Depression Symptoms During Childhood and Adulthood* (Jun. 2023); and American Journal of Epidemiology, *Eviction, inability to pay rent, and youth mental health: a fixed effects study* (Sept. 2025).

⁵ Urban Institute, *Children of Immigrants in 2022-23* (May 2025).

⁶ The Annie E. Casey Foundation, *Race for Results :2017 Policy Report Kids Count* (2017).

accurate, timely, and fair implementation of this rule. In fact, HUD estimates the regulatory compliance costs of these new requirements on public housing authorities and owners would be between \$807,000 and \$6 million while the cost to tenants and applicants would be between \$16 million to almost \$27 million.⁷

This proposed rule is yet another proposal from HUD under your leadership that fundamentally contradicts the agency’s mission “to create strong, sustainable inclusive communities and quality affordable homes for all.” It is also an attempt to re-write Section 214 by regulation in a way that is inconsistent with the congressional intent of the law. Rather than trying to circumvent federal statutes, we urge you to immediately withdraw this proposed rule and re-direct your attention to pursuing real solutions to the housing affordability crisis that burden people every day in this country.

Sincerely,



Maxine Waters
Ranking Member
Committee on Financial Services



Nydia M. Velázquez
Member of Congress



Juan Vargas
Member of Congress



Sylvia R. Garcia
Member of Congress



Brad Sherman
Member of Congress



Gregory W. Meeks
Member of Congress



David Scott
Member of Congress



Stephen F. Lynch
Member of Congress

⁷ HUD, *Regulatory Impact Analysis: Housing and Community Development Act of 1980: Verification of Eligibility Status* (Sept. 2025)



Al Green
Member of Congress



Emanuel Cleaver, II
Member of Congress



Bill Foster
Member of Congress



Joyce Beatty
Member of Congress



Vicente Gonzalez
Member of Congress



Sean Casten
Member of Congress



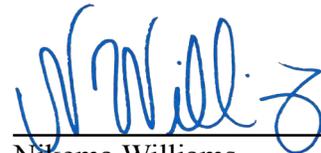
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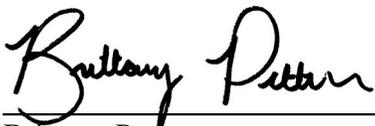
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Member of Congress



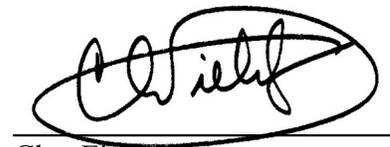
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Member of Congress



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Member of Congress



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Member of Congress



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Member of Congress



Sam T. Liccardo
Member of Congress

Cc: The Honorable French Hill, Chairman, Committee on Financial Services