

Office of General Counsel, Rules Docket Clerk
U. S. Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-0500

April 13, 2026

BY EMAIL

Re: HUD Docket No. HUD-2026-0199

Comments in Response to Proposed Rulemaking: Housing and Community Development Act of 1980: Verification of Eligible Status, Docket No. HUD-2026-0199, RIN 2501-AE16, 91 Fed. Reg. 8151 (February 20, 2026)

Dear Sir/Madam:

These comments are submitted on behalf of the Leaders and Organizers for Tenant Empowerment (LOFTE) Network and the National Alliance of HUD Tenants (NAHT) in response to the U. S. Department of Housing and Urban Development's (HUD) proposed rule. We write to express our strong opposition to the changes proposed by HUD regarding "verification of eligible status," as published in the Federal Register on February 26, 2026.

As elaborated below, the rule will needlessly cause massive hardship, disruption and homelessness for tens of thousands of families, including 37,000 children who are US citizens; inconvenience and potentially displace tens of thousands of low income citizens unable to meet stringent new identification requirements; reduce the supply of affordable housing; and create administrative havoc for owners and agencies who administer assisted housing.

Formed in 2022, Leaders and Organizers for Tenant Empowerment (LOFTE) is a national tenants coalition representing 5.5 million families in privately-owned, federally-assisted multifamily housing. LOFTE's mission is to empower residents to save and improve their homes as affordable housing. Since 1992, NAHT has been the national tenants' membership union representing tenants in HUD-assisted multifamily housing.

HUD's rule will harm U.S. citizens. Contrary to HUD's justifications, the proposed rule will mostly harm U.S. citizens. Of the 80,000 people in "mixed status" families, 37,000 are children who are U.S. citizens or legal residents, and thousands more are adult citizen partners of noncitizens targeted by the proposed rule; 70% of mixed status families consist of eligible children living with ineligible parents. These children need an adult member of the household, including those who do not receive public assistance, to sign the lease so they can have a roof over their heads. By forcing out ineligible adults, the proposed rule would put these families in an impossible dilemma—either break up to allow eligible children to continue receiving assistance, or forgo subsidies so that families can stay together.

The rule will promote homelessness, family breakup and trauma. The rule will promote family breakup, resulting in lifelong trauma and massive homelessness for tens of thousands of vulnerable HUD tenants. The rule offers no estimate whatsoever of

the long-term social costs of these policies, contrary to administrative requirements to weigh social costs and policy alternatives.

Indeed, this appears to be HUD's intent. According to HUD regulatory analysis in the 2019 version of the proposed rule, "HUD expects that fear of the family being separated would lead to prompt evacuation by most mixed households." That HUD is embracing fear as a tool of public policy is profoundly disturbing, and deeply un-American.

The rule will force owners to become extensions of ICE. Furthermore, the rule in Section 5.508(d)(4) requires that owners and PHAs must 'immediately report to DHS' any undocumented immigrant household member. This would force owners and PHAs to collaborate in the Administration's vicious, fear-inducing ICE deportation policy targeting low income people of color. With ICE lurking at the door, identifying and forcing out immigrants from HUD housing will fuel the Administration's deportation agenda, which has overwhelmingly affected law-abiding, hard working immigrants, with no criminal background whatsoever. Only a tiny fraction of ICE victims have any criminal background, and vanishingly few, if any, of these are residents of HUD housing, where owners and PHAs already perform criminal background checks and screen out serious offenders.

HUD's rule will increase costs and reduce affordable housing. HUD's proposed rule will worsen, not abate, the quantity and quality of the nation's subsidized housing and reduce the number of families receiving assistance. Since mixed status families receive only a pro-rated portion of rent subsidies in their units for eligible tenants only, and therefore pay more in rent, replacing them with families who are entirely eligible will cost more in federal subsidies. Section 5.4.2 of HUD's Regulatory Impact Analysis estimates that maintaining current coverage levels would require \$311 to \$385 million in additional appropriations each year. HUD does not request these appropriations and does not propose to address this gap.

Accordingly, the number of assisted households overall would decline by at least 55,000. HUD further acknowledges that the proposed rule would reduce the "maintenance of the units and possibly <lead to> deterioration of the units that could lead to vacancy," due to the shortfall of funds, as well as discourage landlords from accepting Section 8 vouchers.

HUD's analysis does refer to a cost to local governments of \$20,000 to \$50,000 per person for people displaced by the proposed rule, but notes in Section 7.2 that this cost 'would decrease if any of the displaced families were displaced from the United States'—the evident 'solution' to the problem of mixed status families that the Administration contemplates with this proposed rule.

HUD should seek more funds for affordable housing. HUD has suggested that the proposed rule will abate the waiting list crisis faced by many owners and Public Housing Agencies nationwide, in effect scapegoating mixed status immigrant families for the nation's housing crisis. This explanation is presented to mask the Administration's coordinated overall strategy to attack, demonize, exclude and punish immigrant families, in particular immigrants from predominantly black or brown countries.

We share the concern about lengthy wait lists and the need for housing. The answer is to advocate for funding increases from Congress, not scapegoat HUD's most vulnerable children and families and fueling divisive anti-immigrant sentiment.

The rule will needlessly burden housing providers and 9.5 million low income citizens. The 37,000 US citizen children who face homelessness with HUD's rule are not the only US citizens and legal residents who will be harmed. The proposed rule creates a new "red tape" requirement for *all* 9.5 million tenants currently receiving HUD assistance, and all tenants that will seek benefits in the future, by requiring "proof of citizenship" as a condition of receiving assistance.

As with states seeking to impose similar punitive requirements as a condition of voting, this will create extreme hardship for older segments of the population. A 2006 Brennan Center study, "Citizens without Proof," found that at least 12% of citizens earning less than \$25,000 a year do not have proof of citizenship; 18% of citizens over 65 do not have a photo ID; and 25% of African American citizens lack a photo ID. Older individuals often face challenges in getting this kind of documentation, including difficulty in getting government offices to replace lost records, coming up with the funds for replacement, and some who may have never been issued a birth certificate in the first place. It is well known in the Deep South, for example, that African-American births were routinely not recorded by many local governments prior to the civil rights movement.¹

If HUD's rule were implemented, tens of thousands of US citizens unable to produce the required documents in the specified time frame under the rule, could needlessly lose their housing assistance, be evicted and made homeless. What is the point of imposing this ridiculous and administratively burdensome requirement on millions of low income citizens and property management companies?

HUD's rule will undermine trust within our communities. Moreover, HUD's proposed rule will undermine housing communities and wreak administrative havoc among owners and public housing agencies charged with implementation. Local managers will be forced to evict long-time tenants in good standing in the communities they administer. The trauma of separating families at the household level and/or evicting family members will echo throughout the properties. Friends, neighbors and social networks will be disrupted, affecting the social and community environment.

In particular, the DHS reporting requirement in the proposed rule will undermine the trust between tenants and owners that is fundamental to effective property management and community-building. If residents believe that disclosing family composition to their

¹ HUD's Regulatory Impact Analysis at 6.2.1 also cites a 2024 report by the Brennan Center that confirms that 'more than 9% of American citizens of voting age, or 21 million people, do not have readily available documentary proof of citizenship such as passport, birth certificate, or naturalization papers.' The FIA notes that primarily poor, elderly and minority citizens are even less likely to possess these forms of documentation. Around 2% of adult American citizens are estimated to not have *any* form of documentary proof of citizenship.

property manager may result in a referral to ICE and arrest and deportation of family members, they may withhold information or seek to conceal potential victims.

Most on-site property managers will not welcome the new unfunded mandate to tear apart and evict children and their families; implementation will be difficult and traumatic for many of them, as well. Carrying out evictions which will be perceived as unjust by the community will undermine the trust and respect which on-site managers need to perform their role.

The proposed rule imposes unfunded mandates and administrative burdens on managers. The proposed rule would impose impossible new administrative burdens on property managers who are not trained to assess citizenship status, forcing them to become extensions of the ICE deportation machine. Owners would moreover be forced to absorb these costs, with no reimbursement for the additional administrative costs.

HUD's rule violates the law. HUD's proposed rule also violates the law. It directly conflicts with Section 214 of the Housing and Community Development Act of 1980, which limits access to federally subsidized housing programs to U.S. citizens and a specific list of non-citizen, legal resident categories. Section 214 clearly states Congress' intention to ensure that individuals with eligible immigration status would receive assistance, as well as keeping mixed status families together in their homes.

By discriminating against vulnerable children, the elderly, and protected class racial and ethnic groups, the proposed rule also profoundly violates the Fair Housing Act and HUD's affirmative duty to promote Fair Housing. The proposed rule also directly conflicts with federal policy prioritizing ending homelessness, as declared by the U.S. Interagency Council on Homelessness.

HUD's proposed rule is cut from the same cloth as the unconscionable policies of terrorizing our communities with masked federal agents, arresting and deporting long-time residents, separating children from their parents, caging them in unspeakable conditions, and traumatizing them for life.

We urge HUD to withdraw this proposal now. It is immoral, illegal, unnecessary and cruel. Instead, HUD should dedicate its efforts to policies and funding that strengthen, not undermine, the availability of housing assistance to all who need it, including both U.S. citizen and mixed status immigrant families.

Thank you for the opportunity to submit these comments on the proposed rulemaking. Please do not hesitate to contact michaelkane@saveourhomes.org or 617-522-4523 if you have any questions or Rana Jezzini ranadavid2002@yahoo.com 781-771-5213.

Sincerely,

Michael Kane, Co-Chair
LOFTE Network

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