



April 21, 2026

Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 7th Street, SW, Room 10276
Washington, DC 20410-0500

Re: HUD's Verification of Eligible Status Proposed Rule (Docket No. FR-6524-P-01; RIN 2501-AE16)

To Whom It May Concern:

The National Council of State Housing Agencies (NCSHA) appreciates this opportunity to provide comments on the U.S. Department of Housing and Urban Development's (HUD) proposal to revise its regulations to require the verification of U.S. citizenship or the eligible immigration status of all applicants and recipients of assistance under covered HUD programs subject to Section 214 of the Housing and Community Development Act of 1980 and to make prorated assistance a temporary condition pending verification of eligible status of all family members.

For the reasons discussed below, we urge the Department to withdraw this rulemaking and continue its current proration policy. Any modifications to this policy should only be implemented prospectively and with appropriate transition time and consideration of the reasonable difficulties some people will face producing needed documentation. Withdrawing the rule or, at least, applying it prospectively and in a measured manner will promote fairness, prevent homelessness, avoid destabilizing families and communities, minimize additional taxpayer costs, and avoid increasing administrative and financial burdens on housing program administrators and users.

NCSHA represents the nation's state housing finance agencies (HFAs).¹ HFAs deliver roughly \$50 billion in financing to make affordable homeownership and rental housing opportunities a reality for hundreds of thousands of families and individuals every year. In addition, many HFAs administer HUD's project-based rental assistance contracts, Housing

¹ NCSHA is a nonprofit, nonpartisan organization. None of NCSHA's activities related to federal legislation or regulation are funded by organizations that are prohibited by law from engaging in lobbying or related activities.

Choice Vouchers, the HOME Investment Partnerships program, and several other federal and state housing programs. They monitor HUD-subsidized properties' compliance with federal housing requirements and work with many of the beneficiaries and other stakeholders likely to be affected by the proposed rule.

The Proposed Rule Would Have a Substantial Negative Impact on Many Families

The proposed rule would reverse decades of stable housing policy that has successfully balanced statutory requirements to provide assistance to American citizens with the important policy goals of promoting housing affordability and preventing homelessness. Eliminating the "prorated assistance" model that has been in place for over 30 years would force families to choose whether to stay together but give up their affordable housing or divide their families so eligible members can remain in their affordable housing.

Assistance proration already ensures that no federal subsidy is spent on ineligible individuals. Incentivizing families to split up to retain affordable housing for some is antithetical to pro-family policy objectives and shreds the fabric of economic and social stability intact families provide. Dividing families or forcing families into less affordable housing or homelessness would lead to harmful economic consequences for those families, the communities in which they live, and – to some extent – the whole nation.

The proposed rule could lead to displacement of thousands of families currently receiving assistance. These people, including many families with children and senior citizens, followed the rules in place at the time they obtained their housing and should not face potential eviction – particularly when finding alternative affordable housing is so challenging virtually everywhere.

If established, any new policy should only be prospective, not retroactive. Applying the policy only to new applicants for affordable housing would minimize the negative impacts and relieve the administrative burden the new policy will create for public housing agencies, landlords, owners, and other stakeholders.

The Proposed Rule's Documentation Deadline Requirements Would Be Challenging for Many Eligible Households

The proposed rule's tight documentation-production timeline poses a serious threat to many of the most vulnerable U.S. citizens and other potentially eligible households – particularly seniors, persons with disabilities, and those that have experienced or are experiencing homelessness. Obtaining documents such as a birth certificates and passports can be costly, complicated, and time-consuming. Many people lack the financial resources or physical ability to produce such documents on short notice. Expecting these vulnerable households to obtain these documents faster than possible risks inadvertently evicting or denying needed affordable housing from eligible households who could produce documentation if given more time. We

suggest giving households at least six months, with clear waiver authority for cases where it would take longer.

The Proposed Rule's Strict Limits on Proration Assistance Would Reduce Revenues for Public Housing Agencies and Increase the Financial Burden on the Federal Government

By requiring all applicants for Section 214 housing to verify U.S. citizenship or eligible immigration status, the proposal would actually undermine the President's priorities under Executive Order 14218. Limiting applicants to only citizens and eligible immigrants and creating a temporary proration period under Section 214 would ultimately reduce the amount of rental income collected from those families that fall under the proration rules. Families in subsidized housing covered under Section 214 pay a prorated rent if members of the household have an ineligible immigration status and therefore the federal government costs are lower than for families comprised of only US citizens and eligible immigrants, who receive the full taxpayer-funded subsidy. Therefore, the current rule already furthers the President's priority under Executive Order 14218 by ensuring that taxpayer funded benefits exclude ineligible aliens.

Furthermore, because a mixed status family pays more rent than a family comprised entirely of eligible members, the owner or landlord – including public housing agencies – benefits from the higher rent collection. To limit Section 214 housing to only US citizens and eligible immigrants and to limit the amount of time a mixed-status family could stay in subsidized housing would ultimately reduce the amount of rental income coming into covered housing. These housing providers rely heavily on rental income to support their operating costs not covered by HUD appropriations, which historically fall below the current need. The proposed rule would put more of a burden on the federal government to support the operations of these programs, while simultaneously adding administrative burden to those housing providers.

The Proposed Policy Would Impose Unnecessary and Significant Administrative Burdens on Many Stakeholders

The proposed rule would significantly increase the administrative burden related to verification, recertification, and documentation for public housing agencies (PHA) and other landlords and owners involved in covered programs, particularly in cases involving mixed-status households or legacy files requiring documentation updates. It would also increase the risk of loss of assistance for mixed-status families, which could translate into higher delinquency, displacement, or vacancy rates in certain developments. HUD has already issued operational communications in 2026 emphasizing status reviews and corrective actions by PHAs and owners.

Requiring all applicants and current tenants to provide multiple forms of citizenship or immigration documentation is excessive and creates unnecessary barriers to housing access. HUD's existing regulations require all applicants and participants to disclose their Social Security Numbers or Employer Identification Numbers except those who do not contest eligible immigration status. The proposed rule is suggesting removal of the language "except that this

section is inapplicable to individuals who do not contest eligible immigration status” claiming the language would no longer be necessary. Given the above comment the language should remain.

The proposed rule also suggests the removal of the language in the existing regulations that excludes participants in HUD housing programs age 62 or older as of January 31, 2010 from submitting certain information including SSNs. This would be an undue burden on low-income elderly citizens and noncitizens alike, who often do not have the ability to quickly or easily produce these documents. It would not only increase homelessness in the population through denial in applications of the elderly, but also in the eviction of current elderly tenants who are unable to produce these documents. This rule would cause direct harm to one of America’s most vulnerable populations and should be rejected.

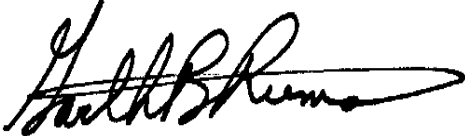
Additionally, the use of the Department of Homeland Security’s (DHS) Systematic Alien Verification for Entitlements (SAVE) system and the elimination of the “do not contend” option will increase administrative complexity for housing providers. The new reporting requirements under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which require notification to DHS in cases of suspected unlawful presence, further compound this burden and raise concerns about inappropriately entangling housing agencies in immigration enforcement.

Minimize Disruption and Allow for Reasonable Transition to Any New Policy

In summary, we think the current rule is working satisfactorily and recommend that HUD withdraw the proposed rule. If HUD decides to go ahead anyway and implement the proposed rule, we urge it to apply any new policy prospectively only and with appropriate transition time and consideration of the difficulties some people will face producing needed documentation.

This will promote fairness, prevent homelessness, avoid destabilizing families and communities, and reduce potential financial and administrative burdens on housing providers.

Sincerely,

A handwritten signature in black ink, appearing to read "Garth Rieman", with a long horizontal flourish extending to the right.

Garth Rieman
Director of Housing Advocacy and Strategic Initiatives