



April 16, 2026

Submitted via www.regulations.gov

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

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

My name is Trudy Taylor Smith. I am writing in my capacity as senior administrator of Policy and Advocacy for Children's Defense Fund-Texas (CDF-TX) to express our organization's strong opposition to the changes regarding "verification of eligible status" that are included in the Department of Housing and Urban Development's (HUD) proposed rule, published in the Federal Register on February 20, 2026 (RIN 2501-AE16; HUD Docket No. FR-6124-P-01). CDF-TX is deeply concerned that this rule will increase homelessness for children in Texas, creating devastating ripple effects on the social, emotional, physical, and economic well-being of marginalized children and their families. We urge HUD to withdraw the rule in its entirety and to allow its long-standing regulations governing mixed status families and verification of status to remain in effect.

CDF-TX is a state office of Children's Defense Fund, a national nonprofit advocacy organization committed to ensuring that every child grows up with dignity, hope, and joy. Established in 1999, CDF-TX has connected more than one million children and youth to affordable health care, equipped young Texans to pursue education and personal development, and advocated for resources that nurture the next generation of leaders. Our mission is rooted in the belief that every child deserves a safe and supportive pathway to adulthood, guided by the strength of caring families and communities and supported by access to the resources they need to thrive. Today, CDF-TX remains steadfast in advocating for family-centered policies, delivering vital resources, and uplifting the voices of youth, families, and communities across our state.

We engage in public policy advocacy to promote child and youth well-being, and our outreach and engagement teams in East Texas and the Rio Grande Valley connect parents and caregivers with information about public benefits programs that they and their children are eligible for. We help families apply for programs including the supplemental Nutrition Assistance Program (SNAP), Medicaid, and the Children's Health Insurance Program (CHIP), and we keep families connected to these vital resources by assisting with renewal applications.

CDF-TX is concerned about the devastating impacts that HUD's proposed rule could have on the children we serve, including those who hold U.S. citizenship and live in mixed-

status households with immigrant family members. The proposed rule would increase family homelessness and housing instability for children and youth in immigrant and mixed status households. HUD estimates that nationwide, 36,000 eligible children will lose their housing as a result of the proposed rule.¹ According to HUD analysis, 23% of all mixed families receiving federal housing assistance live in Texas,² so we expect that nearly a quarter of the children evicted as a result of this rule will be in Texas. According to the Center on Budget and Policy Priorities, the proposed rule would make 4,500 mixed status families in Texas ineligible for the assistance they currently receive.³

Texas families are currently living in an environment of fear due to pervasive anti-immigrant rhetoric and policy. Aggressive immigration operations in Texas and elsewhere have resulted in the detention and deportation immigrants with lawful status and even U.S. citizens. Based on 25 years of experience serving Texas families, CDF-TX believes that the proposed rule will generate fear and confusion that creates a chilling effect on access to housing assistance for individuals and families who need and qualify for that assistance under law.

Fear of immigration-related consequences already deters immigrant parents in Texas from accessing vital nutrition support for their children and causes many U.S. citizens to go without health insurance coverage through Medicaid and CHIP. Furthermore, we have seen chilling effects from similar policy changes in the past, including the enactment of Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996 and the 2019 public charge rule. In a “qualitative study of 32 geographically diverse organizations in Texas,” CDF-TX found that between 2016 and 2019, anti-immigrant policies caused many mixed-status families to “fear enrolling even their citizen children in federal benefits programs for which they qualify.”⁴

I. Introduction

A. Overview of the proposed rule

The proposed rule would eliminate the right of mixed status families to continue living in HUD-assisted housing, even though federal law gives these families the right to live together in HUD-subsidized housing.⁵ If finalized, the proposed rule would specifically:

¹ United States, Department of Housing and Urban Development. “Regulatory Impact Analysis. Housing and Community Development Act of 1980: Verification of Eligibility Status.” Sep. 30, 2025.

² United States, Department of Housing and Urban Development. “Regulatory Impact Analysis. Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980. Proposed Rule Docket No: FR-6124-P-01.” Apr. 15, 2019. <https://nlihc.org/sites/default/files/2019-05/Noncitizen-RIA-Final-April-15-2019.pdf>.

³ Gartland, Erik and Acosta, Sonya. “Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers” at p. 10. *Center on Budget and Policy Priorities*. Dec. 12, 2025. <https://www.cbpp.org/sites/default/files/12-12-25hous.pdf>.

⁴ Anderson, Cheasty. “Public Charge and Private Dilemmas: Key Challenges and Best Practices for Fighting the Chilling Effect in Texas, 2017-2019.” *Children’s Defense Fund-Texas*, Nov. 2020, p. 1, Bellaire, TX, www.childrensdefense.org/wp-content/uploads/2024/10/Public-Charge-and-Private-Dilemmas-TX_FINAL-020.pdf. Accessed Nov. 25, 2025.

⁵ 42 U.S.C. §1436a(b)(2).

1. Eliminate a family member's right not to contend eligibility – Currently, mixed status families can live in HUD-assisted housing as long as at least one family member is a U.S. citizen or has eligible immigration status.⁶ The typical mixed status family includes two children and two parents, and three of the family members are U.S. citizens.⁷ The remaining family members have the right not to contend eligibility, which means that they do not receive housing assistance and they are not required to share their immigration status with their housing provider or HUD.⁸ The proposed rule would require each household member to be a U.S. citizen, U.S. national, or have eligible immigration status for the household to receive HUD housing assistance,⁹ forcing many mixed-status families to choose between separating or losing their HUD housing assistance.
2. Eliminate ongoing prorated assistance for mixed status families – Currently, mixed status families receive prorated rental assistance that covers only eligible family members.¹⁰ This means that they receive a smaller subsidy than other families and pay the rest of the rent themselves to cover other family members. The combination of a smaller subsidy and higher rent allows housing providers to provide more housing assistance or spend more on repairs for other families, including families comprised of U.S. citizens. The proposed rule would essentially eliminate the availability of prorated assistance for mixed status families except during the time period when final verification of citizenship or immigration status is pending.¹¹
3. Impose new verification requirements on all HUD tenants, regardless of age. Currently, to establish eligibility for access Section 214 housing assistance, U.S. citizens only need to provide a declaration signed under penalty of perjury of their citizenship or nationality status.¹² The Proposed Rule would overhaul the process for verifying citizenship in the covered HUD housing programs. PHAs and owners would be required to verify citizenship status through Systematic Alien Verification for Entitlement (SAVE) system,¹³ which is administered by U.S. Citizenship and Immigration Services (USCIS) at the Department of Homeland Security (DHS). It would also require, in certain cases, that citizens provide documentary proof of citizenship, such as a birth certificate.¹⁴ In addition, whereas older noncitizens (62+) are currently required to submit only a signed declaration and a document

⁶ 42 U.S.C. §1436a(b)(2); 24 CFR § 5.508(e).

⁷ Erik Gartland and Sonya Acosta, Center on Budget & Policy Priorities, "Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers" 4 (Dec. 2025), <https://www.cbpp.org/sites/default/files/12-12-25hous.pdf>.

⁸ 42 U.S.C. §1436a(b)(2); 24 CFR § 5.508(a) ("If one or more family members do not have citizenship or eligible immigration status, the family members may exercise the election not to contend to have eligible immigration status").

⁹ 91 Fed. Reg. at 8154, 8165 (proposed 24 CFR § 5.506(b)(1)).

¹⁰ 42 U.S.C. §1436a(b)(2); 24 CFR § 5.520(a) ("An eligible mixed family who requests prorated assistance must be provided prorated assistance.").

¹¹ 91 Fed. Reg. at 8154, 8165 (proposed 24 CFR 5.506(b)(3)); 91 Fed. Reg. at 8161, 8170 (proposed 24 CFR 5.520(a)(1)).

¹² 24 C.F.R. § 5.508(b)(1). Public housing authorities have the discretion to request documents proving citizenship, but this policy must be formally included in the PHA Plan. *Id.*

¹³ 91 Fed. Reg. at 8157-58, 8167-68 (proposed 24 CFR 5.512).

¹⁴ *Id.* at 8158-59, 8167 (proposed 24 CFR § 5.512(d)(2)(ii)-(iii)).

proving their age,¹⁵ the proposed rule would do away with special rules for older noncitizens and instead require all noncitizens to provide the following three documents: (1) a signed declaration of eligible immigration status, (2) documentary proof of their eligible immigration status, and (3) a signed verification consent form.¹⁶

A. Summary of arguments

CDF-TX opposes this cruel proposal to force families with “mixed” immigration status to either separate or lose their housing assistance, putting them at risk of eviction and, in worst cases, homelessness. The proposed rule is part of the current administration’s campaign to harm immigrants and their families and will worsen the affordable housing crisis while creating devastating impacts on the long-term physical, psychological, and financial well-being of tens of thousands of children. Contrary to Secretary Turner’s claims that this rule will increase housing assistance for U.S. citizens, HUD’s own analysis of the proposed rule concludes that the overall number of families who will receive assistance will decrease as a result of the rule.¹⁷ Furthermore, HUD’s asserted justification of seeking to increase housing assistance for U.S. citizens is contradicted by the administration’s own budget requests, which have proposed deep cuts for HUD programs.¹⁸ The American people are clamoring for actual solutions to the ongoing housing crisis. Rather than scapegoating immigrants, the Trump administration should withdraw this proposed rule and instead work with Congress to make significant new investments in federal housing programs to ensure that every family, regardless of immigration status, has access to a safe place to call home.

The proposed rule imposes significant costs on a variety of stakeholders for which HUD has not adequately accounted. By forcing mixed status families to separate or leave HUD housing, the proposed rule inflicts short-term and long-term harm on thousands of families, many of which include U.S. citizens. Furthermore, the harm of this rule extends beyond immigrant families to all HUD residents, including U.S. citizens, who will be subject to a new citizenship verification process that relies on a flawed, unreliable system that poses significant data privacy risks. Together, these factors will lead to a reduction in the quantity and quality of HUD housing with no discernable benefit for anyone. Indeed, with fewer units and more displaced families, the proposed rule will contribute to high rates of homelessness, increasing costs for states and localities. These impacts will place an even heavier burden on community members protected by the federal Fair Housing Act, including families with children. The remainder of this comment will discuss in detail these significant costs imposed by the proposed rule.

¹⁵ 24 CFR § 5.508 (b)(2).

¹⁶ 91 Fed. Reg. at 8153.

¹⁷ HUD, Regulatory Impact Analysis, *supra* note 1 at p. 19.

¹⁸ National Low Income Housing Coalition, “Trump Administration Releases Additional Details of FY26 Budget Request Slashing HUD Rental and Homelessness Assistance Programs – Take Action!” (Jun. 2, 2025), <https://nlihc.org/resource/trump-administration-releases-additional-details-fy26-budget-request-slashing-hud-rental>.

II. HUD should focus on addressing the affordable housing crisis rather than introducing a policy that will evict immigrant and mixed-status families from their homes while decreasing the supply of affordable housing for everyone.

HUD's mission is to "create strong, sustainable, inclusive communities and quality affordable homes for all,"¹⁹ yet the proposed rule runs counter to this goal. By HUD's own calculations, the rule would reduce the supply of HUD-assisted housing and therefore worsen, rather than improve, the affordable housing crisis.²⁰ Nationwide, there is a shortage of 7.1 million affordable rental units. Three out of four extremely low-income renters are severely rent burdened, meaning they spend more than half of their income on rent and utilities.²¹ People in the U.S. view housing as increasingly unaffordable and a significant area of concern.²² In an October 2025 national survey:

- more than 70% of all respondents reported that housing affordability has worsened in their community in the last few years;²³
- nearly half (46.7%) were moderately or extremely concerned about their own ability to afford housing;²⁴ and
- 44% reported personally knowing someone who is having trouble finding affordable housing.²⁵

Texas is currently facing a severe housing shortage, with only 26 affordable rental homes available for every one hundred extremely low-income households.²⁶ To afford the average Fair Market Rent and utilities for a two-bedroom home without spending more than 30% of its income on housing, a household needs an annual income of at least \$61,661.²⁷ The median hourly wages for common occupations such as home health aides, nursing assistants, and retail salespersons place full-time workers well below that income level, even though they are earning much more than minimum wage.²⁸ Earning minimum

¹⁹ HUD, "HUD Partners, Multifamily Residents." (last visited Mar. 3, 2026), <https://www.hud.gov/hud-partners/multifamily-residents>.

²⁰ HUD, Regulatory Impact Analysis: Housing and Community Development Act of 1980: Verification of Eligible Status 17 (Sept. 30, 2025), <https://www.regulations.gov/document/HUD-2026-0199-0006>.

²¹ National Low Income Housing Coalition, "The Gap: A Shortage of Affordable Homes" at 10 (Mar. 2025), https://nlihc.org/sites/default/files/gap/2025/gap-report_2025_english.pdf.

²² Erin Dougherty, New Poll Paints a Grim Picture of a Nation Under Financial Strain, Politico (Dec. 10, 2025), https://www.politico.com/news/2025/12/10/poll-affordability-cost-of-living-00678076?experience_id=EXYF89KVT5UQ&is_login_link=true&template_id=OTJIR2CRKUD6&variant_id=OTV7T8G93R30L (noting that "[c]oncerns about housing costs – which have represented a major share of inflation in recent years – eclipsed those for health care, utilities, commuting expenses, and child care"); The U.S. Conference of Mayors, Mayoral Housing Report: 68-City Survey (June 2025), <https://www.usmayors.org/wp-content/uploads/2025/06/USCM-Housing-Report-AM-2025-June-19-2025.pdf> (reporting that "[m]ore than 94% [of bipartisan mayors surveyed] report that their residents are dissatisfied or very dissatisfied with housing affordability").

²³ Center for Public Interest Communications, Nationwide Survey Sheds Light on Americans' Increasing Worry about Housing Affordability (Oct. 2025), <https://realgoodcenter.jou.ufl.edu/center-update/october-2025-nationwide-survey-sheds-light-on-americans-increasing-worry-about-housing-affordability/>.

²⁴ *Id.*

²⁵ *Id.*

²⁶ National Low Income Housing Coalition. "2026 Texas Housing Profile." Mar. 2026. https://nlihc.org/sites/default/files/SHP_TX.pdf.

²⁷ *Id.*

²⁸ *Id.*

wage, household members would need to work a combined total of 164 hours a week—more than four full-time jobs—to meet that threshold.²⁹

Graciela Camarena, the program director for CDF-TX's outreach and engagement team in the Rio Grande Valley, works directly with low-income families, schools, service providers, and other community stakeholders in South Texas. She recently spoke with a property manager within the Weslaco Housing Authority who expressed concerns about the impacts of eviction on local families. The property manager told Camarena that subsidized housing has always helped families keep a roof over their heads in Weslaco, and the housing complex she manages used to have a long waiting list. Today, however, there are more vacancies than ever before as some families are already moving out due to fear of ICE coming to their door.

Camarena states that without subsidized housing, low-income families with children, the elderly, and people with disabilities will be unhoused, “forced to move frequently because of the temporary arrangements with extended family members or shelters that are short-term stays,” or forced “into dangerous living situations with abusive relationships when they don’t have anywhere else to go.” If mixed status families are no longer eligible for HUD assistance, Camarena says the impact on families’ mental health will be devastating, especially given that “many families have already lost their jobs, are afraid to leave their homes, [and] don’t participate in everyday social activities like going to church, visiting a flea market or farmers markets, or even taking their children to public parks.” She points out that when families are displaced, “the children suffer the most” because “their education, healthcare, mental health, and their overall well-being” are disrupted. If the proposed rule goes into effect, “I’m afraid we are going to see so many other needs arise and snowball into problems that we as a community cannot handle,” Camarena says.

Most other communities across the country share the same concerns. To address these concerns, the Trump administration should withdraw this proposed rule and instead work with Congress to make significant new investments in federal housing programs to ensure that every family has a safe place to call home.

III. By forcing mixed status families to separate or leave HUD housing, the proposed rule inflicts harm on thousands of families, many of which include U.S. citizens.

If finalized, the rule would force mixed status families to make an impossible decision: either separate to allow eligible family members to continue receiving assistance or forgo HUD subsidies so that their families can stay together. This impossible choice will cause significant harm to these families.

A. The proposed rule unfairly punishes U.S. citizen children based on who they are related to.

By eliminating the ability of mixed status families to live together, the proposed rule robs eligible children of housing subsidies because they have parents with ineligible noncitizen

²⁹ National Low Income Housing Coalition, *supra* note 26.

status. Section 214 of the Housing and Community Development Act of 1980 (hereafter referred to as “Section 214”) limits access to federally subsidized housing programs to U.S. citizens and a specific list of noncitizen categories.³⁰ Nearly all of the children in mixed status families who are receiving HUD assistance covered by Section 214 are U.S. citizens and lawful permanent residents (LPR) who live with parents or other adults who lack an eligible immigration status: HUD’s statistics show that 73% of mixed status families are composed of eligible children and ineligible parents.³¹ According to analysis from the Center for Budget and Policy Priorities, there are nearly 37,000 U.S. citizen and otherwise eligible children in these families.³² Since children lack the legal capacity to sign leases themselves, the adult heads of their households, including those who do not receive assistance, must sign these contracts on behalf of the family. Therefore, by prohibiting the ineligible adults from living in subsidized units, the proposed rule would effectively bar their U.S. citizen and LPR children from receiving housing assistance for which they qualify.

B. The proposed rule will harm children through forced family separation.

HUD acknowledges that the proposed rule may cause some families to separate, noting that “some charitable and ineligible adult members may even volunteer to leave if there is a financial benefit for eligible members.”³³ CDF-TX believes that every child deserves to grow up in a stable, caring family where they feel safe and emotionally connected to trustworthy adults who protect their wellbeing. Separating families robs children of the continuity and care that they need for healthy development, and it damages the primary bonds that shape a child’s view of themselves and the world.

HUD fails to discuss any of the harms that mixed status families will likely experience. Families who decide to separate are more likely to experience family instability, which gives rise to toxic stress, trauma, and attachment issues in children. Children suffer severe psychological harm from losing a primary caregiver.³⁴ It is no secret that when children lose their sense of psychological safety, trust, and belonging due to family separation, this significant loss can continue to impact them throughout their lives. Research has repeatedly shown the “far reaching effects of these separations into adulthood, including increased risk for mental health problems, poor social functioning, insecure attachment, disrupted stress reactivity, and mortality.”³⁵

Even temporary separation has an enormous negative impact on children’s health and educational attainment later in life, and many parents struggle to restore the parent-child bond once it has been disrupted by a separation.³⁶ This harm is compounded at a time

³⁰ 42 U.S.C.A. § 1436a(a)(1)-(6).

³¹ HUD, Regulatory Impact Analysis, *supra* note 1 at p. 46.

³² Gartland, Erik and Acosta, Sonya, *supra* note 7 at p. 10.

³³ HUD, Regulatory Impact Analysis, *supra* note 1 at p. 48.

³⁴ Bouza, Johayra, et al. “The Science is Clear: Separating Families has Long-term Damaging Psychological and Health Consequences for Children, Families, and Communities.” Society for Research in Child Development, 20 June 2018, www.srcd.org/briefs-fact-sheets/the-science-is-clear. Accessed 19 Dec. 2024.

³⁵ *Ibid.*

³⁶ Laura C. N. Wood, *Impact of Punitive Immigration Policies, Parent-Child Separation and Child Detention on the Mental Health and Development of Children*, 2 *BMJ PAEDIATRICS OPEN* (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6173255/>.

when displaced family members may be more vulnerable to the administration's aggressive immigration enforcement campaign.

A. The proposed rule will harm children and families because of eviction and displacement, both in the short term and the long term.

Many mixed status families will lose their housing assistance under the proposed rule. Indeed, approximately 80% of mixed status families in HUD housing are comprised of eligible children and at least one ineligible parent, making separation an unworkable option.³⁷ Therefore, this rule would effectively evict nearly 80,000 individuals in mixed status families from public housing, Section 8, and other programs covered by the proposed rule, even though nearly 3 out of 4 of these individuals are eligible for assistance.³⁸ HUD's regulatory impact analysis makes clear that this is the outcome that the administration is working toward. In discussing why families are more likely to opt to terminate their assistance than separate, HUD explains:

"Expelling a parent, whether forced or voluntary, is improbable among households whose goals is to maximize the welfare of the family. The benefit to a household of children growing up in a two-parent household could outweigh the loss of the housing subsidy. Studies on family structure and its implications on child well-being (e.g., economic mobility and cognitive, behavioral, physical, and mental health) show that children growing up in two-parent households fare better, on average, than those in single-parent households."³⁹

These claims regarding benefits outweighing subsidy loss, however, are unsubstantiated. The studies that HUD cites do not account for families experiencing the stress due to housing instability and exposure to potential arrest, detention, family separation, or deportation that mixed status families will face if they are evicted and displaced as a result of the proposed rule. In addition, HUD makes the conclusory statement that "a household [that separates] would probably suffer a worse outcome by trying to adapt to the new rules rather than by leaving together,"⁴⁰ but fails to offer any evidence to support this claim. Many families in poverty may not be able to afford market rate housing for the entire household, regardless of how badly they want to stay together and how great the emotional toll of living apart may be.

HUD's regulatory impact analysis underestimates the short-term costs of eviction and displacement and ignores the fearful environment in which families would be evicted or displaced. HUD's discussion is limited to moving costs (where it "assum[es] that all moves are local and completed without hiring a moving company")⁴¹ and eviction costs (where it assumes that "[i]t is not likely that many households with ineligible tenants, especially adults, would choose to actively protest HUD's decision").⁴² HUD's own analysis states

³⁷ HUD, Regulatory Impact Analysis, *supra* note 1 at p. 13.

³⁸ Erik Gartland & Sonya Acosta, *supra* note 7.

³⁹ HUD, Regulatory Impact Analysis, *supra* note 1 at pp. 47-48.

⁴⁰ *Ibid* at p. 48.

⁴¹ *Ibid* at p. 32.

⁴² *Ibid* at p. 33.

that “the affected families would have to... make a deposit on a new apartment,”⁴³ but this expense is not included in HUD’s estimate that the cost of moving “would add up to approximately \$900 per household.”⁴⁴ In Texas, “there is no limit on the amount that can be charged as a security deposit” for tenants in the private market,⁴⁵ and tenants are commonly required to pay the equivalent of one or two months’ rent. Since the average Fair Market rent for a two-bedroom home in Texas is \$1,542,⁴⁶ this means that moving costs for families who are evicted from HUD housing could include more than \$3,000 just to cover the rental deposit for their new home.

In addition, this proposal will have severe long-term health consequences for thousands of displaced immigrant families.⁴⁷ Public housing provides one crucial source of affordable homes to 1.6 million low-income people in America,⁴⁸ and the evidence is clear that affordable housing supports health.⁴⁹ Problems such as food insecurity increase along with housing costs⁵⁰ and many renters delay needed medical care because they can’t afford it.⁵¹ People who are evicted from their homes, or even threatened with eviction, are more likely to experience health problems like depression, anxiety, and high blood pressure than people with stable housing.⁵² They are also more likely to become homeless, contend with long-term housing instability, and visit an emergency room.⁵³ Having safe and stable housing is crucial to ensuring person’s health, sustained employment, and overall self-sufficiency.

If implemented, the proposed rule’s resulting housing instability would negatively impact the health of the estimated 37,000 children living in mixed status families. Housing instability is associated with increased likelihood of mental health problems in children.⁵⁴

⁴³ HUD, Regulatory Impact Analysis, *supra* note 1 at p. 32.

⁴⁴ *Ibid* at p. 32.

⁴⁵ Texas RioGrande Legal Aid. “Security Deposits.” *TexasLawHelp.org* (Jan. 2, 2023).
<https://texaslawhelp.org/article/security-deposits>.

⁴⁶ National Low Income Housing Coalition. “2026 Texas Housing Profile.” Mar. 2026.
https://nlihc.org/sites/default/files/SHP_TX.pdf.

⁴⁷ Megan Sandel et al. “Unstable Housing and Caregiver and Child Health in Renter Families.” 141 PEDIATRICS 1 (2018), <http://pediatrics.aappublications.org/content/141/2/e20172199>.

⁴⁸ CENTER ON BUDGET & POLICY PRIORITIES. “Policy Basics: Public Housing” (Sep. 30, 2024),
<https://www.cbpp.org/research/policy-basics-public-housing>.

⁴⁹ Nabihah Maqbool, Janet Viveiros, & Mindy Ault. “The Impacts of Affordable Housing on Health: A Research Summary.” CENTER FOR HOUSING POLICY, (Apr. 2015),
https://www.researchgate.net/publication/339366232_The_Impacts_of_Affordable_Housing_on_Health_A_Research_Summary.

⁵⁰ 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.

⁵¹ Kalinoski, Gail. “How High Housing Costs Impact Health Care.” *Multi-Housing News* (Apr. 4, 2019).
<https://www.multiphousingnews.com/high-housing-costs-impact-on-health-care/>.

⁵² 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/>.

⁵³ 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.

⁵⁴ See Will Fischer. “Research Shows Housing Vouchers Reduce Hardship and Provide Platform for Long-Term Gains Among Children.” CENTER ON BUDGET AND POLICY PRIORITIES (October 7, 2015),
<https://www.cbpp.org/research/housing/research-shows-housing-vouchers-reduce-hardship-and-provide-platform-for-long-term>; see also Linda Giannarelli et al. “Reducing Child Poverty in the US: Costs and Impacts of Policies Proposed by the Children’s Defense Fund” (Jan. 2015), <https://www.childrensdefense.org/wp->

Economic and housing instability also impedes children's cognitive development, leading to poorer life outcomes as adults.⁵⁵ Unstable housing means that kids are more likely to have behavioral problems and to struggle in school⁵⁶—and in classrooms where the student population changes quickly and frequently, all students can fall behind.⁵⁷ Housing instability is directly correlated to decreases in student retention rates and contributes to homeless students' high school turnover and truancy, limiting students' educational opportunities.⁵⁸ Education itself is linked to positive health outcomes and longer lives;⁵⁹ thus, creating housing instability in children's lives can have immediate and negative health impacts, but can also lead to poorer health through educational disruption.

Given the wide range of harms that immigrant families will suffer because of eviction and displacement under the rule, HUD's analysis of costs falls woefully short of the reality that these families will face.

I. The proposed rule's new verification requirements will harm all HUD residents, regardless of citizenship or immigration status.

In addition to the harm to mixed status families, the proposed rule's new verification requirements will create red tape that threatens the housing security of the 8.5 million U.S. citizens currently receiving HUD assistance and all U.S. citizens applying for these benefits in the future.

Currently, to establish eligibility for HUD housing assistance, U.S. citizens must provide a declaration of their citizenship or nationality signed under penalty of perjury.⁶⁰ Each public housing agency decides whether it collects documentation proving citizenship or eligible immigration status.⁶¹

Under the proposed rule, PHAs and owners would no longer rely upon signed declarations. Instead, HUD proposes requiring PHAs and owners to verify citizenship status through a new, two-stage process that incorporates the SAVE system administered by USCIS under DHS. In the first stage, which HUD refers to as *primary verification*, U.S. citizens will have to submit both a signed declaration and a signed verification consent

[content/uploads/2023/08/ReducingChildPovertyintheUSCostsandImpactsofPoliciesProposedbytheChildrensDefenseFund.pdf](https://www.hud.gov/sites/default/files/2023/08/ReducingChildPovertyintheUSCostsandImpactsofPoliciesProposedbytheChildrensDefenseFund.pdf).

⁵⁵ Sandstrom, Heather and Huerta, Sandra. "The Negative Effects of Instability on Child Development: A Research Synthesis" (2013), <https://www.urban.org/sites/default/files/publication/32706/412899-The-Negative-Effects-of-Instability-on-Child-Development-A-Research-Synthesis.PDF>.

⁵⁶ Gaylord, Abigail L. et al. "Housing Instability is Linked to Adverse Childhood Behavior." HOW HOUSING MATTERS (May 9, 2019), <https://howhousingmatters.org/articles/housing-instability-linked-adverse-childhood-behavior/>.

⁵⁷ Cunningham, Mary and MacDonald, Graham. "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.

⁵⁸ Cunningham, Mary and MacDonald, Graham, *supra* note 57.

⁵⁹ Balaj, Mirza et al. "Effects of education on adult mortality: a global systematic review and meta-analysis." *The Lancet*, vol. 9, no. 3, Mar. 2025, e155-e165. [doi.org/10.1016/S2468-2667\(23\)00306-7](https://doi.org/10.1016/S2468-2667(23)00306-7).

⁶⁰ 24 C.F.R. § 5.508(b)(1).

⁶¹ *Id.*

form, allowing their PHA or owner to run their information through the SAVE system to obtain an automated response.⁶² If primary verification fails to confirm an individual's citizenship, then *secondary verification* will be required. At this point, the individual will have to submit documentary proof of their citizenship, and either the PHA/owner or SAVE will perform a manual review, depending on the type of document submitted.⁶³

A. HUD fails to analyze the impacts that using SAVE for the novel purpose of verifying citizenship status will have on covered housing providers and their residents.

Repurposing SAVE to verify citizenship status will impose new burdens on both residents and housing providers in HUD housing programs because this new function is unreliable and prone to error. Since its inception decades ago, SAVE's primary purpose has been to allow agencies to verify immigrant eligibility for public benefits. In 2025, DHS rapidly expanded SAVE to verify not only *immigration* status, but also *citizenship* status, by "merg[ing] a massive amount of data from multiple federal agencies – while also establishing new verification procedures – in just a few months."⁶⁴

Even though DHS' attempt to deploy SAVE to verify citizenship status has faced significant scrutiny, HUD fails to even mention this new use of SAVE in its regulatory impact analysis, much less assess its impact on HUD residents, applicants, and housing providers. HUD's discussion of SAVE in the regulatory impact analysis is limited to its use for verifying immigration status, not citizenship status.

It is likely that HUD did not include information about the reliability of SAVE's citizenship function because DHS has not made this information publicly available,⁶⁵ potentially because users of this new function have reported significant error rates.

B. SAVE's automated responses to verify citizenship raise concerns about accuracy and privacy.

Because the overall accuracy rate of SAVE's citizenship verification process is unknown, neither HUD nor commenters have sufficient information to assess its impact on HUD housing providers or residents. However, there are indications that SAVE's automated responses are unreliable and inaccurate. In the voting rights context, state election officials have reported instances of citizens being purged from voter rolls after SAVE

⁶² 91 Fed. Reg. at 8155 (proposed 24 CFR § 5.508(d)(1)).

⁶³ 91 Fed. Reg. at 8158-59, 8167 (proposed 24 CFR § 5.512(d)(2)(ii)-(iii)).

⁶⁴ Institute for Responsive Government. "An Updated Federal System to Verify Voter Citizenship" (May 28, 2025), <https://responsivegov.org/wp-content/uploads/2025/10/An-Updated-Federal-System-to-Verify-Voter-Citizenship.pdf>.

⁶⁵ Comment from Secretaries of State from California in Opposition to Modifications to and Reissuance of "DHS/USCIS-004 Systematic Alien Verification for Entitlements Program System of Records" (USCIS-2025-0337) 21 (Dec. 1, 2025) ("DHS has provided no information on how (or whether) it has tested the reliability of SAVE's responses or any corresponding error rates, mismatches, or inconclusive responses.") https://www.maine.gov/sos/sites/maine.gov.sos/files/inline-files/DHS-SORN_Final-Comment-Signed-12012025.pdf.

misidentified them as noncitizens.⁶⁶ According to recent reporting from the Texas Tribune and ProPublica, the SAVE system has demonstrated an error rate of at least 14% in identifying U.S. citizens as potential noncitizens in Denton County, Texas, and across our state, “more than 5% of the voters SAVE identified as noncitizens proved to be citizens.”⁶⁷

In addition, public housing authorities (PHAs) have experienced SAVE’s unreliability firsthand under HUD’s recent directive to PHAs to verify citizenship and eligible immigration status. Some PHAs “have reported that the data in the EIV-SAVE report appears to be inaccurate,” and they have “given anecdotes where most of the people flagged in the agency’s report were clearly U.S. citizens or eligible immigrants who had submitted the appropriate documentation.”⁶⁸ PHAs have also reported that “the EIV-SAVE report appears to be constantly changing” and “that running the report more than once results in different length lists with different numbers of individuals.”⁶⁹

In addition to inaccuracy issues, the use of SAVE to verify citizenship raises significant privacy concerns for HUD residents and applicants. State officials have sounded this alarm in the voting rights context:

“SAVE amasses voters’ personal information and leaves that information subject to possible misuse and abuse. Even where SAVE provides an initial response to a registered user that confirms a voter’s U.S. citizenship, DHS will maintain that voter’s personal information for the next decade. This opens voters to security, privacy, and other risks and complications.”⁷⁰

The same privacy risks apply to HUD residents whose information will be run through SAVE to verify their citizenship status. For example, the sharing of their information with additional federal departments or other recipients through routine uses places them at increased risk of becoming the target of cyberattacks.⁷¹

C. Because of the unreliability of SAVE’s automated responses, a significant number of HUD residents will be burdened and potentially evicted due to the requirement to submit documents proving their citizenship.

As noted above, the uncertainty around the accuracy of SAVE’s citizenship verification features makes it difficult to predict how often it will fail to verify citizenship and how often it will require a HUD resident to provide documentary proof of their citizenship. The estimate in HUD’s regulatory impact analysis is likely an underestimate. Regardless of the

⁶⁶ Fifield, Jen and Despart, Zach. “‘Not Ready for Prime Time.’ A Federal Tool to Check Voter Citizenship Keeps Making Mistakes.” *ProPublica* (Feb. 13, 2026), <https://www.propublica.org/article/save-voter-citizenship-tool-mistakes-confusion>

⁶⁷ Fifield, Jen, and Despart, Zach. “A federal tool to check voter citizenship keeps making mistakes. It led to confusion in Texas.” *The Texas Tribune*. Feb 13, 2026. <https://www.texastribune.org/2026/02/13/save-voter-citizenship-tool-mistakes-confusion/>,

⁶⁸ Letter from National Association of Housing and Redevelopment Officials to Ben Hobbs, Asst. Secretary, Office of Public and Indian Housing, U.S. Dep’t of Hous. & Urban Dev. 3 (Feb. 13, 2026), <https://www.nahro.org/wp-content/uploads/2026/02/EIV-SAVE-Letter-to-HUD-2-13-2026-final.pdf>.

⁶⁹ *Ibid* at p. 4.

⁷⁰ Comment from Secretaries of State from California, *supra* note 65.

⁷¹ *Ibid*.

exact number, it is certain that some HUD residents will have to provide documentary proof of their citizenship to the PHA or owner where primary verification has failed.

Impact on residents: This requirement to submit documentary proof during secondary verification will impact a significant number of HUD residents. Over 9% of adult citizens (18+) cannot readily access documents proving of their citizenship, such as a birth certificate, passport, naturalization certificate, or certificate of citizenship.⁷² Low-income individuals are less likely to possess the necessary documents,⁷³ which means that the number of HUD residents who lack ready access to these documents is likely even higher.

According to HUD's regulatory impact analysis, HUD residents will incur costs from the requirement of documentary proof in two ways. First, residents will have to pay fees to obtain the necessary documents. USCIS charges a filing fee of \$555 for a replacement N-565, Naturalization/Citizenship Document if the application is submitted on paper, and \$505 if the application is submitted online.⁷⁴ The U.S. Department of State charges a \$130 fee for renewing a passport, but if an adult is either applying for a passport for the first time or is not eligible for renewal, they will be required to pay an additional Facility Acceptance Fee of \$35, bringing the total cost of obtaining a passport to \$165—not including the cost of obtaining passport photos to submit along with their application.⁷⁵ The Texas Health and Human Services Commission charges a \$22 fee for obtaining a certified birth certificate.⁷⁶

Second, obtaining identity documents from state and local government agencies is a time-consuming and often tedious process, and HUD anticipates that its residents will have to miss work and miss out on wages to obtain the necessary documents. Individuals who lack access to a computer or reliable internet at home would need to apply in person or by mail. Applying in person for a birth certificate would require taking time off work or arranging childcare (in the case of a parent who is usually at home caring for a young child during the day) to visit a local office during business hours. Arranging transportation could also be costly and complicated for individuals who do not own a car and who live in rural areas. Even for passport applications submitted by mail, individuals would need to visit a bank to obtain a money order or a personal, certified, cashier's, or traveler's check

⁷² Jillian Andres Rothschild et al. "Who Lack ID in America Today? An Exploration of Voter ID Access, Barriers, and Knowledge" (June 2024), <https://cdce.umd.edu/sites/cdce.umd.edu/files/pubs/Voter%20ID%20survey%20Key%20Results%20June%202024.pdf>; see also "Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification," *Brennan Center for Justice* (Nov. 2006), http://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf

⁷³ See, e.g., Institute for Responsive Government, "Who has Proof of Citizenship? A Summary of UMD's Texas and Georgia Case Studies" (undated), <https://responsivegov.org/wp-content/uploads/2025/01/20250107-Who-Has-Proof-of-Citizenship-A-Summary-of-UMDs-Texas-and-Georgia-Case-Studies-2.pdf>; see also "Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification." *Brennan Center for Justice* (Nov. 2006) (noting that at least 12 percent of citizens earning less than \$25,000 a year did not have proof of citizenship), http://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf

⁷⁴ United States. Citizenship and Immigration Services. "G-1055, Fee Schedule." <https://www.uscis.gov/g-1055?form=n-565>. Accessed Mar. 24, 2026.

⁷⁵ United States. Department of State. "Passport Fees." <https://travel.state.gov/content/travel/en/passports/how-apply/fees.html>. Accessed Mar. 24, 2026.

⁷⁶ Texas Health and Human Services. "Costs and Fees." <https://www.dshs.texas.gov/vital-statistics/costs-fees>. Accessed Mar. 24, 2026.

for payment of passport fees.⁷⁷ In low-income households where rising costs and a shrinking social safety net have stretched budgets thin, families living in HUD housing have neither the time nor the money to satisfy this new requirement that ultimately produces no tangible benefit for them, at least none that HUD has pointed to in its regulatory impact analysis.

Yet a lack of money to pay fees and time to visit government offices are not the only factors that can prevent a U.S. citizen from obtaining the necessary documentary proof of their citizenship. In its regulatory impact analysis, HUD offers several examples of other non-monetary reasons why a HUD resident or applicant may not be able to obtain the necessary documentation. A person may not be able to get permission from their employer to take time off work.⁷⁸ A HUD applicant or resident may also lack access to internet services, which could make the process of obtaining records even more time-consuming than usual.⁷⁹ The complexity of the additional requirements could also intimidate applicants with eligible citizenship or immigration status and deter them from applying.⁸⁰ Although HUD acknowledges these non-monetary costs in its regulatory impact analysis, HUD fails to offer ways to meaningfully address them.

Obtaining the necessary documentation can be disproportionately difficult for specific populations. Providing additional documentation will be particularly burdensome for recipients of rental assistance who were formerly homeless, as well as for people experiencing homelessness who could be assisted by Section 214 programs in the future. People experiencing homelessness often lose important documents such as photo identification, birth certificates, and social security cards because they have no safe places to store them.⁸¹ Adding more documentation requirements creates more barriers to housing for those who need it most, and this practice could cause many people who have gained stability through rental assistance to return to homelessness.⁸²

In other public benefit programs—most notably, Medicaid—the introduction of a citizenship documentation requirement has impeded access for benefit recipients and diverted limited agency resources away from helping people in need and toward navigating pointless bureaucratic red tape. The Government Office of Accountability (GAO) has documented that once Medicaid began requiring citizenship documentation, there was a sharp decline in Medicaid enrollment because of increased administrative costs.⁸³ Indeed, HUD acknowledged the GAO study in its regulatory impact analysis and

⁷⁷ United States. Department of State. “Passport Fees.”

<https://travel.state.gov/content/travel/en/passports/how-apply/fees.html>. Accessed Mar. 24, 2026.

⁷⁸ Regulatory Impact Analysis: Housing and Community Development Act of 1980, at 31 (Sept. 30, 2025).

⁷⁹ Regulatory Impact Analysis: Housing and Community Development Act of 1980, at 31 (Sept. 30, 2025).

⁸⁰ Regulatory Impact Analysis: Housing and Community Development Act of 1980, at 31-32 (Sept. 30, 2025).

⁸¹ NAT'L L. CTR. ON HOMELESSNESS & POVERTY, PHOTO IDENTIFICATION BARRIERS FACED BY HOMELESS PERSONS: THE IMPACT OF SEPTEMBER 11 (Apr. 2004), <https://homelesslaw.org/wp-content/uploads/2019/03/Photo-ID-Barriers-Faced-by-Homeless-Persons-2004.pdf>.

⁸² Jafe, Ina. “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>.

⁸³ 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>.

yet failed to justify the costs of documentation with any discernable benefits, especially “for PHAs that are in areas where there are no populations of ineligible immigrants or very small populations of ineligible immigrants.”⁸⁴

HUD has failed to take the added costs and burdens of these new verification requirements into account. Those who are unable to produce the required documents within the prescribed time period will face the risk of termination of their housing assistance, eviction from their homes, and homelessness. Hundreds of thousands of U.S. citizens could experience these harsh consequences under the proposed rule.

IV. Together, the changes in the proposed rule will decrease the quantity and quality of affordable housing amid an acute housing affordability crisis in the United States.

The burdens on HUD residents and applicants go beyond the expenses and time associated with the new citizenship verification requirements. In 2019, when HUD proposed a similar rule, it admitted that “HUD would have to reduce the quantity and quality of assisted housing in response to higher costs” resulting from the proposed rule.⁸⁵ HUD ultimately withdrew the 2019 mixed status rule, and it should do the same now because HUD has determined that the proposed rule will lead to the same outcome.⁸⁶ Prohibiting mixed status families from living together in HUD-subsidized housing will reduce affordable housing units for everyone, including citizens, at a time when communities across the country need more housing assistance, not less.

Currently, because mixed status families receive prorated rental assistance only for the eligible household members, they receive a smaller subsidy than other families and pay more in rent to cover the remaining household members. Public housing authorities and other HUD housing providers are able to serve more families because mixed status families receive a smaller subsidy. They can also use the higher rental payments to help pay the costs of providing affordable housing for other eligible families, many of which include citizens.

If mixed status families are prohibited from living in HUD-subsidized housing, the fully eligible families who replace them will require higher subsidies to cover all household members. Moreover, the income of fully eligible households tends to be lower than that of mixed status families.⁸⁷ Since rent in HUD-assisted housing is calculated at 30% of income, fully eligible families will pay less in rent and therefore require a higher subsidy from HUD to make up for the difference between rent and operating costs. According to HUD’s calculations, the difference between the average per-person subsidy for mixed

⁸⁴ HUD, Regulatory Impact Analysis, *supra* note 1 at p. 23. HUD explains: “A 2003 GAO study on Medicaid citizenship requirement found that it increased the administrative cost of the program, generated confusion among applicants and beneficiaries, and created further administrative costs for states. It also added burden to local administrators in terms of time spent on applicants, appeals, and redeterminations of eligibility.”

⁸⁵ HUD, Regulatory Impact Analysis, *supra* note 2 at p. 3 (Apr. 15, 2019), <https://www.regulations.gov/document/HUD-2019-0044-0002>

⁸⁶ HUD, Regulatory Impact Analysis, *supra* note 1 at p. 19.

⁸⁷ *Ibid* at p. 17.

status families (\$2700 annually) and the average per-person subsidy for fully eligible families (\$7700 annually) is \$5,000 per person per year.⁸⁸

Practically, this means that, absent supplemental funding, PHAs and owners will be able to serve fewer fully eligible families than the number of mixed status families they have replaced. According to HUD, “[t]he decline in the number of households occurs automatically because HUD would no longer pro-rate assistance and so cannot spread resources as thinly across families.”⁸⁹ HUD estimates that to maintain the same number of fully eligible families as the mixed status families they replaced, HUD would need **an additional \$311-\$385 million in supplemental funding**,⁹⁰ which the current Congress is unlikely to authorize. HUD spells out the practical consequences of replacing mixed status families with fully eligible families that require higher subsidies for each of the major HUD housing programs:

- **In the Housing Choice Voucher program**, “[w]ith less revenue from tenants, a PHA may have to respond simply by offering fewer vouchers or delaying issuing vouchers, [... or] lowering its payment standard or using any financial reserves.”⁹¹
- **In public housing**, where a PHA lacks the option of eliminating or downsizing units, HUD says that the PHA could “reduce overall project expenses, such as housing maintenance, protective services, management and leasing services, and/or self-sufficiency programs for tenants.”⁹² Practically speaking, reducing maintenance costs and management services could mean that proper maintenance is not performed, management is not responsive to concerns, and tenants are left to live in unpleasant or even hazardous conditions caused by issues such as leaks, mold, broken appliances, or a lack of proper climate control in states such as Texas that regularly experience both extreme heat and winter freezes. HUD also recognizes that PHAs may decide to “leave some units vacant” to “defer the costs of turnover and operation.”⁹³ Allowing units to sit vacant fails to help either the mixed status families forced to vacate these units or the fully eligible households that HUD is purportedly trying to house. HUD also suggests that PHAs could eliminate waiting list preferences “that provide an implicit priority to families who have lower incomes on average,” such as a preference for homeless families.⁹⁴ This will mean that less affordable housing is available to the Texas families who are most in need of support.
- **For PBRA housing**, owners could opt out of the PBRA program at contract renewal, which would result in a permanent loss of affordable housing.⁹⁵ Again, this will leave an increased number of Texas families at risk of homelessness in the communities where these affordable units are eliminated.

⁸⁸ HUD, Regulatory Impact Analysis, *supra* note 1 at p. 17.

⁸⁹ *Ibid.*

⁹⁰ *Ibid* at p. 19.

⁹¹ *Ibid* at pp. 17-18.

⁹² *Ibid* at p. 18.

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

Making matters worse, HUD acknowledges that it will not be able to offer timely financial support to these housing providers as they experience this revenue drop. HUD acknowledges that since “subsidies to PHAs are based on projections from historic data, at least one year would elapse before the additional expenses are partially compensated for by a funding/budget allocation.”⁹⁶ Moreover, this budget shortfall comes at a time when Congress recently decreased public housing funding.

No matter which HUD program is impacted, the consequence is the same. To accommodate the drop in revenue and the hike in expenses from the proposed rule, PHAs and PBRA owners will have to offer HUD residents less: fewer vouchers, fewer units with habitable conditions, fewer units altogether. These assessments from HUD directly contradict Secretary Turner’s misleading statement implying that evicting mixed status families will create more housing for Americans.⁹⁷ The reality, as HUD lays out in its own regulatory impact analysis, is that the proposed rule will ultimately mean less affordable housing for *everyone*, citizens and immigrants alike.

V. With fewer units and more displaced families, the proposed rule will contribute to high rates of homelessness, hurting families and communities.

The proposed rule will increase the number of displaced immigrant families, decrease the number of affordable HUD-assisted units for everyone, and jeopardize assistance for many non-immigrant families. This will lead to an increase in the number of people experiencing homelessness. The burden of this change will fall most heavily on immigrant families, formerly homeless families, and families experiencing homelessness, as well as the local governments helping them.

In its regulatory impact analysis, HUD sidesteps any meaningful discussion of the costs of homelessness for families. HUD focuses instead on homelessness in the aggregate and concludes that “[t]he net effect on homelessness is ambiguous.”⁹⁸ HUD supports this conclusion with the barest of explanations:

“The mixed status families have higher household incomes on average and so may be more able to withstand the withdrawal of assistance. At the same time, mixed families may have a harder time negotiating the private market compared to fully eligible households.”⁹⁹

HUD does not bother to elaborate on the barriers immigrant families face on the private market that would likely increase their chances of homelessness, even though these barriers are well-documented.¹⁰⁰ Compared to U.S. citizens, immigrant families are more likely to have higher housing costs, face housing cost burdens, and report difficulty

⁹⁶ HUD, Regulatory Impact Analysis, *supra* note 1 at p. 19.

⁹⁷ HUD, Press Release, HUD Moves to Close “Mixed Status Households” Roommate Loophole (Feb. 20, 2026), <https://www.hud.gov/news/hud-no-26-015>.

⁹⁸ HUD, Regulatory Impact Analysis, *supra* note 1 at p. 35.

⁹⁹ *Ibid.*

¹⁰⁰ See, e.g., ROBERT WOOD JOHNSON FOUND., LIVING IN AMERICA (Katherine E. Garrett ed., 2006), [HTTPS://POLICYARCHIVE.ORG/HANDLE/10207/21623](https://policyarchive.org/handle/10207/21623).

paying for housing.¹⁰¹ Many of these additional burdens are attributable to the fact that immigrants disproportionately live in states with high housing costs.¹⁰² For example, California—the state with the largest immigrant population¹⁰³—has eight of the ten highest rental cost metropolitan counties in the country.¹⁰⁴ In addition, immigrants encounter language and education barriers, prejudice and discrimination, and cultural differences that limit their housing options.¹⁰⁵

The discriminatory barriers immigrants face in seeking housing are certain to grow in the wake of cuts to HUD's staffing and funding for fair housing enforcement, HUD's rescission of key guidance documents to ensure language access and to prevent discrimination against immigrants, and the agency's campaign to curtail the enforcement work funded through its Fair Housing Initiative Program and Fair Housing Assistance Program. Furthermore, aggressive operations carried out by Immigration and Customs Enforcement (ICE) and Customs and Border Protection using highly visible means of violence and intimidation—particularly against Latino immigrants, Black immigrants, and other immigrants of color—have emboldened others to discriminate against immigrants and weaponize threats to call ICE as a means of control. The private rental market has not been immune to these shifts of the past year. In this environment of heightened discrimination and intimidation of immigrants, mixed status families who are evicted from HUD housing under the proposed rule will be at significantly higher risk of being pushed into homelessness.

When children experience homelessness, this impacts all areas of their life. Their daily routines, education, and relationships with peers, teachers, and other caring adults are disrupted. Children may have to frequently change schools and may struggle to focus during class due to stress and poor sleep. They may lose access to their primary healthcare provider, and they may miss out on regular medical care overall. Parents' inability to meet their children's basic needs while the family is experiencing homelessness could result in children being removed from their families of origin and placed in the child welfare system, where they are at risk of experiencing neglect and abuse.

As for families who are currently homeless, even if they make it to the top of the waiting list for HUD-assisted housing, many may encounter barriers accessing this housing because of the proposed citizenship verification process, which in certain cases will

¹⁰¹ Eileen Diza McConnell, *Who Has Housing Affordability Problems? Disparities in Housing Cost Burden by Race, Nativity and Legal Status in Los Angeles*, 5 RACE & SOCIAL PROBLEMS 173, 178 (2013), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3784340/pdf/nihms440365.pdf>.

¹⁰² See Levin, Matt. "Fleeing War-Torn Homes for Crippling Rents—California Housing Costs Creating Harsh Reality for Refugees." *CALMATTERS* (July 19, 2018), <https://calmatters.org/articles/refugees-housing-costs-california/>.

¹⁰³ Krogstad, Jens Manuel Krogstad and Keegan, Michael. "15 States with the Highest Share of Immigrants in Their Population." PEW RESEARCH CTR.: FACTTANK (May 14, 2014), <http://www.pewresearch.org/fact-tank/2014/05/14/15-states-with-the-highest-share-of-immigrants-in-their-population/>.

¹⁰⁴ Aurand, Andrew et al. "Out of Reach: The High Cost of Housing." *National Low Income Housing Coalition* at p. 14 (2018), https://nlihc.org/sites/default/files/oor/OOR_2018.pdf.

¹⁰⁵ Ballard, Jaimie et al. "A Place to Call Home: Housing Challenges Among Immigrant Families." National Council on Family Relations Report (June 24, 2020), <https://www.ncfr.org/ncfr-report/summer-2020/place-call-home-housing-challenges-among-immigrant-families>; see also ROBERT WOOD JOHNSON FOUND., *LIVING IN AMERICA* (Katherine E. Garrett ed., 2006), [HTTPS://POLICYARCHIVE.ORG/HANDLE/10207/21623](https://policyarchive.org/handle/10207/21623).

require the submission of official citizenship documents that these families may not have in their possession. These families will also be vying for a smaller pool of HUD housing assistance than currently exists.¹⁰⁶

When families experience homelessness, the impacts ripple out into their surrounding community. For example, funding for Texas schools is directly tied to per-pupil attendance, so when housing instability interrupts children's school attendance, high truancy rates can have devastating impacts on entire school districts, impacting access to quality education for all children in a local community. Last year, El Paso schools reportedly lost \$25.9 million in state funding due to a high rate of unexcused student absences during the 2024-2025 school year.¹⁰⁷

VI. The proposed rule will harm the children of mixed status families, many of whom are U.S. citizens.

The proposed rule threatens the health of children, and it will effectively evict nearly 37,000 children who are eligible for the covered housing programs. The changes proposed are specifically designed to force families to make choices that will harm their child's health. Mixed status families will have to make the excruciating decision to either face eviction to stay together or separate as a family to retain housing stability. Both options will have lasting impacts on child and family health. Research shows that families who are evicted are more likely to experience homelessness, move into substandard or overcrowded housing, and face a sequence of adverse physical and mental health outcomes.¹⁰⁸ The alternative, family separation, is a stressful and traumatizing experience that can alter the architecture of a child's developing brain and have lifelong consequences.¹⁰⁹

Nationwide, approximately 18.4 million children live in a family with at least one immigrant parent,¹¹⁰ an estimated 5.1 million U.S. citizen children live with an undocumented family member,¹¹¹ and an estimated 4.6 million children who are U.S. citizens live in homes with at least one undocumented parent.¹¹² Texas is home to more than one million U.S. citizen

¹⁰⁶ See section above about the reduction of the quality and quantity of HUD-assisted housing that would result from the proposed rule.

¹⁰⁷ Spencer, Julia. "El Paso schools lose out on \$25.9 million in funding due to truancy rates." *KFOX14* (Aug. 8, 2025). <https://kfoxtv.com/news/local/el-paso-schools-lose-out-on-259-million-in-funding-due-to-truancy-rates-texas-tx-independent-school-district-episd-isd>.

¹⁰⁸ Bovell-Ammon A & Sandel M. "The Hidden Health Crisis of Eviction." *Bos. U. SCH. OF PUB. HEALTH* (2018), <http://www.bu.edu/sph/2018/10/05/the-hidden-health-crisis-of-eviction/>; Desmond M. & Tolbert Kimbro R., *Evictions Fallout: Housing, Hardship, and Health*, 94 *SOCIAL FORCES* 295 (2015).

¹⁰⁹ Simha S. "The Impact of Family Separation on Immigrant and Refugee Families." 80 *N C MED J.* 95, 96 (2019). <https://ncmedicaljournal.com/article/55143-the-impact-of-family-separation-on-immigrant-and-refugee-families>.

¹¹⁰ Haley, Jennifer et al. "Children of Immigrants in 2022-23: State and National Trends" (May 2025), https://www.urban.org/sites/default/files/2025-05/Children_of_Immigrants_in_2022-23_National_and_State_Patterns.pdf.

¹¹¹ American Immigration Council. "Mass Deportation: Devastating Costs to America, Its Budget and Economy." Oct. 2024, p. 3, www.americanimmigrationcouncil.org/research/mass-deportation. Accessed 25 Nov. 2025.

¹¹² Pew Research Center. "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023" at p. 14 (Aug. 2025),

children live with an undocumented family member.¹¹³ 11.4% of the U.S. citizen children in our state live with at least one undocumented parent,¹¹⁴ and 34% of all children in Texas have at least one foreign-born parent (including parents who are refugees, Lawful Permanent Residents, and naturalized U.S. citizens).¹¹⁵ While the majority of children in these households are citizens, the fact that they have at least one member of their household who has limited or no eligibility for public assistance based on their immigration status means that children in immigrant families have higher rates of poverty than children whose parents are born in the U.S.¹¹⁶

Access to housing assistance is already limited for families; less than one in four families who are eligible for rental assistance in the U.S. receive it.¹¹⁷ 66% of Texas households currently receiving rental assistance include children, and during the 2021-2022 school year, “[a]n estimated 97,280 Texas school children lived shelters, on the street, doubled up with other families, or in hotels or motels.”¹¹⁸ Research shows that rental assistance for households with children results in significant positive effects for future child outcomes and family economic security. Housing assistance lifts children out of poverty¹¹⁹ and can improve a child’s chances for long-term economic mobility; one study finds that children in households receiving Housing Choice vouchers have higher adult earnings and a lower chance of incarceration.¹²⁰

Housing assistance also improves child health: children of families receiving housing assistance had a 35% higher chance of being labeled a “well child,” a 28% lower risk of being seriously underweight, and a 19% lower risk of food insecurity.¹²¹ Access to affordable housing provides stability for families and frees up income for other necessities. Conversely, low-income households with children that pay more than half of their monthly income on rent spend considerably less on other basic necessities and are “forced to make difficult spending trade-offs between crucial needs” such as food and

https://www.pewresearch.org/wp-content/uploads/sites/20/2025/08/RE_2025.08.21_Unauthorized-Immigrants_REPORT.pdf

¹¹³ American Immigration Council. “Map the Impact: Immigrants in Texas.” 2025. [map.americanimmigrationcouncil.org/locations/texas/](https://www.americanimmigrationcouncil.org/locations/texas/). Accessed Nov. 25, 2025.

¹¹⁴ *Ibid.*

¹¹⁵ Migration Policy Institute. “Children in U.S. Immigrant Families (By Age Group and State, 1990 versus 2023),” based on data from U.S. Census Bureau, 2023 American Community Survey (ACS) and 1990 Decennial Census. <https://www.migrationpolicy.org/programs/data-hub/charts/children-immigrant-families?width=1000&height=850&iframe=true>. Accessed 11 Dec. 2025.

¹¹⁶ Capps, Randy et al. “A profile of U.S. Children with Unauthorized Immigrant Parents.” Migration Policy Institute (Jan. 2016), www.migrationpolicy.org/research/profile-us-children-unauthorized-immigrant-parents.

¹¹⁷ Gartland, Erik. “Funding imitations Create Widespread Unmet Need for Rental Assistance.” Center on Budget and Policy Priorities (Feb. 2022). <https://www.cbpp.org/research/housing/funding-limitations-create-widespread-unmet-need-for-rental-assistance>.

¹¹⁸ Center for Budget Policy & Priorities, Texas Federal Rental Assistance Fact Sheet 1 (Jan. 2025), <https://www.cbpp.org/research/housing/federal-rental-assistance-fact-sheets#TX>.

¹¹⁹ Liana Fox, “The Supplemental Poverty Measure: 2017.” (Sept. 2018), <https://www.census.gov/library/publications/2018/demo/p60-265.html>.

¹²⁰ Andersson, Fredrik et. al. “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>.

¹²¹ March, Elizabeth. “Rx for Hunger: Affordable Housing.” *Children’s Health-Watch; Medical-Legal Partnership* (Dec. 2009), <https://childrenshealthwatch.org/rx-for-hunger-affordable-housing/>.

healthcare.¹²² The proposed rule would worsen health outcomes for children in low-income families by further limiting their access to housing assistance. HUD estimates that 36,000 children will be displaced and at risk of homelessness as a result of implementing this rule, while the Center for Budget and Policy Priorities estimates that nearly 37,000 children could be impacted.¹²³

Child and youth homelessness continues to skyrocket in the United States—the U.S. Department of Education identified over 1.3 million homeless children in the 2022-23 school year.¹²⁴ The proposed rule will only serve to further increase child homelessness, with detrimental effects on child well-being and our economy. Homelessness, even for a brief time, is extremely detrimental to a child’s healthy development. The younger and longer a child experiences homelessness, the greater the cumulative toll of negative health outcomes.¹²⁵ Homelessness is also associated with a greater likelihood of a child or youth dropping out of school.¹²⁶

A recent landmark study from the National Academy of Sciences finds that child poverty and homelessness cost our society over \$1 trillion each year.¹²⁷ This same study finds that making housing vouchers available for 70% of the families who are currently eligible would reduce child poverty by 3 percentage points.

We need policies that ensure all children have opportunities to be healthy and reach their highest potential. This requires expanding, not reducing, access to stable homes for families with children. The proposed rule moves our country in the opposite direction by taking away housing assistance from thousands of children and families, ignoring research from leading experts regarding what is best for the well-being of the nation’s children and families. Evicting families or forcing them to separate will harm children’s health today and well into the future, impacting our communities, our economy, and our society for generations to come.

VII. The Proposed Rule Will Deny Housing Opportunities to Members of Communities Protected by the Fair Housing Act.

Adoption of HUD’s proposed rule directly violates the agency’s statutory obligation to affirmatively further fair housing. The federal Fair Housing Act (FHA) mandates that the

¹²² “The State of the Nation’s Housing 2025.” Joint Center for Housing Studies of Harvard University (2025), https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_The_State_of_the_Nations_Housing_2025.pdf

¹²³ HUD, Regulatory Impact Analysis, *supra* note 1 at p. 13; Gartland, Erik and Acosta, Sonya, *supra* note 7 at p. 10.

¹²⁴ National Center for Homeless Education. “Student Homelessness in America: School Years 2020-21 and 2022-23” at p. 1 (2024), https://nche.ed.gov/wp-content/uploads/2026/01/NCHE_Student_Homelessness_in_America_SY_2020-21_2022-23.pdf

¹²⁵ Sandel, Megan et al. “Compounding Stress: The Timing and Duration Effects of Homelessness on Children’s Health.” Insights from Housing Policy Research (Washington, DC: Center for Housing Policy; Boston: Children’s HealthWatch, 2015), <https://www.issuelab.org/resources/21731/21731.pdf>.

¹²⁶ Ingram, Erin S. et al. “Hidden in Plain Sight: Homeless Students in America’s Public Schools.” (Washington, DC: Civic Enterprises and Hart Research Associates, 2016), <https://files.eric.ed.gov/fulltext/ED572753.pdf>.

¹²⁷ National Academies of Sciences, Engineering, and Medicine 2019. *A Roadmap to Reducing Child Poverty*, The National Academies Press, 2019, <https://doi.org/10.17226/25246>.

HUD Secretary shall “administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of” the FHA.¹²⁸

The proposed rule does nothing to advance fair housing aims, or compliance with other civil rights laws. Instead, it seeks to do the exact opposite by denying housing opportunities to thousands of immigrant families, using eligible immigration status as a pretext for discriminating against individuals based on their race and national origin. Furthermore, according to HUD’s own analysis, minor children comprise the vast majority of eligible occupants in mixed status households who will be negatively impacted by this rule.¹²⁹ Therefore, the proposed rule would also have a disproportionate and devastating impact on families with children. This clearly discriminatory policy is wholly inconsistent with HUD’s obligation to combat housing discrimination and segregation.

Conclusion

Current immigration policy is already preventing many Texas children from accessing the resources they need to thrive. The proposed rule will only compound these harms, preventing millions of U.S. citizen children, in Texas and across the country, from accessing the affordable housing they need to ensure their well-being.

The Department fails to provide a justification for why the current policy should be eliminated. CDF-TX strongly urges HUD to withdraw its current proposal and dedicate its efforts to implementing policies that advance—rather than undermine—the goal of ensuring that all children have access to the safe, stable housing other vital resources they need to grow up healthy, reach their full potential, and be able to provide for themselves and their families in the future. If we want children to thrive, then their families must be able to stay together and access the resources and support they need to remain healthy and economically stable.

Further, we ask that our comment, including all articles, studies, and other supporting materials that we have included in our comment as an active link in the text, be included as part of the formal administrative record for the proposed rule for the purposes of the federal Administrative Procedure Act. Please let us know if HUD is unable for any reason to meet our request and include our linked materials, so we will have the chance to otherwise submit copies of the supporting documents into the record.

Thank you for the opportunity to comment on this important matter. If you have any questions about anything in the comment or the linked materials, please contact Trudy Taylor Smith, senior administrator of Policy and Advocacy, CDF-TX, by email at ttaylorsmith@childrensdefense.org or by phone at 512.333.4961.

Sincerely,

Trudy Taylor Smith, Esq.

¹²⁸ 42 U.S.C. § 3608(e)(5).

¹²⁹ HUD, Regulatory Impact Analysis, *supra* note 1 at p. 8.