



Congress of the United States
House of Representatives
Washington, DC 20515

February 27, 2026

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

Dear Secretary Turner:

We write to express our opposition to the Department of Housing and Urban Development's (HUD) proposed rule, "*Housing and Community Development Act of 1980: Verification of Eligible Status.*"¹ This proposal would end a decades-long policy that allows families with mixed immigration status to receive prorated rental assistance on behalf of eligible household members. In doing so, it would strip housing assistance from tens of thousands of U.S. citizens and eligible immigrants, increase homelessness, and undermine housing stability nationwide.

President Trump has repeatedly promised to improve affordability for working families, yet this proposal would have the opposite effect. By eliminating the current proration policy, HUD would make entire households ineligible for assistance solely because one member lacks an eligible immigration status, even though that individual already receives no benefit under existing rules. People without a documented immigration status have never been eligible for HUD rental assistance. The proration policy ensures that ineligible individuals are excluded while allowing eligible family members, often U.S. citizen children, to receive the partial assistance for which they qualify.

Under Section 214 of the *Housing and Community Development Act of 1980* and current HUD regulations, U.S.-born and naturalized citizens, lawful permanent residents, asylees, and certain other eligible immigrants may receive housing assistance through programs such as the Housing Choice Voucher program, public housing, and project-based rental assistance.² In mixed-status families, the subsidy is prorated based solely on the number of eligible members.³ For example, in a family of four where three members are eligible, the household receives three-quarters of the

¹ <https://www.federalregister.gov/documents/2026/02/20/2026-03405/housing-and-community-development-act-of-1980-verification-of-eligible-status>

² <https://www.law.cornell.edu/uscode/text/42/1436a>

³ <https://www.ecfr.gov/current/title-24/subtitle-A/part-5/subpart-E/section-5.520>

assistance it would otherwise qualify for. This longstanding approach aligns with how other federal benefit programs, including SNAP, ensure that only eligible individuals receive assistance.

The proposed rule would dismantle this balanced system and force families into an impossible choice: separate their households or lose the assistance that keeps a roof over their heads. Up to 20,000 families, and as many as 80,000 people, could lose assistance if this rule is finalized. Nearly 37,000 of those affected would be children, almost all of whom are U.S. citizens.⁴

The typical mixed-status household affected by this rule is a family of four with two adults and two young children, three of whom are eligible for assistance.⁵ These families already receive reduced, prorated subsidies and therefore pay higher rents than fully eligible households. Eliminating assistance altogether would sharply increase their housing costs overnight, placing many at immediate risk of eviction and homelessness. Such instability carries serious consequences, particularly for children, who are most vulnerable to the health challenges, educational disruptions, and long-term setbacks that often follow housing loss.

The proposed documentation requirements would also impose significant new red tape on millions of U.S. citizens. The rule would require all applicants and current recipients to have their citizenship verified using the Department of Homeland Security's SAVE system. This system was created to check immigration status, and the Administration's attempts to expand the purpose have resulted in significant error rates and administrative burdens.⁶

If citizenship cannot be verified using SAVE, the proposal would require individuals to provide documentary proof of citizenship, such as a passport or birth certificate. Given the issues with using SAVE to substantiate citizenship, many individuals could have to go through this additional step. Yet an estimated 3.8 million adult citizens lack any documentation proving their citizenship, and another 17.5 million cannot readily access such documents.⁷ Obtaining replacement documents can cost between \$30 and \$80 and may require navigating complex bureaucratic processes, barriers that disproportionately affect low-income households, seniors, people who have experienced homelessness, women who have changed their names, and transgender individuals whose documents may not reflect their current name or gender identity.⁸

⁴ <https://www.cbpp.org/research/housing/administration-plan-targeting-immigrants-would-take-away-rental-assistance-create>

⁵ <https://www.cbpp.org/research/housing/administration-plan-targeting-immigrants-would-take-away-rental-assistance-create>

⁶ <https://www.cbpp.org/blog/trump-administrations-legally-dubious-misuse-of-social-security-data-risks-disenfranchising>; <https://www.propublica.org/article/dhs-social-security-data-voter-citizenship-trump>; <https://www.texastribune.org/2026/02/13/save-voter-citizenship-tool-mistakes-confusion/>; <https://www.cbpp.org/research/federal-budget/executive-action-watch?item=30255>

⁷ <https://cdce.umd.edu/sites/cdce.umd.edu/files/Who%20Lacks%20Documentary%20Proof%20of%20Citizenship%20March%202025.pdf>; <https://www.cbpp.org/research/housing/administration-plan-targeting-immigrants-would-take-away-rental-assistance-create>

⁸ <https://www.cbpp.org/research/housing/administration-plan-targeting-immigrants-would-take-away-rental-assistance-create>

At a time when more Americans than ever are paying more than half their income on rent, we should be cutting red tape and expanding rental assistance, not erecting new barriers that will disqualify eligible families. Waiting lists for rental assistance are already years long due to chronic underfunding. Households that lose assistance under this rule would have little realistic chance of regaining it.

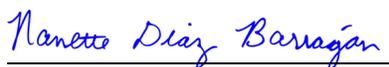
Beyond the devastating effects on families, this proposal would also create administrative burdens for public housing authorities and property owners, diverting them from their core mission of providing housing assistance and effectively drawing them into immigration enforcement. Fear generated by HUD's involvement in immigration verification may also prompt families to leave assisted housing preemptively, destabilizing communities and local housing markets.

No one, regardless of occupation, income, or tenure in this country, should be forced to choose between their housing and their family. The current proration policy ensures that ineligible individuals receive no benefit while protecting eligible household members, including U.S. citizen children. Eliminating that policy will not improve affordability or efficiency. It will simply make it harder for vulnerable families to keep a roof over their heads.

For these reasons, we urge HUD to withdraw the proposed rule and maintain the longstanding proration framework that protects eligible families while upholding existing eligibility requirements.

Thank you for your consideration.

Sincerely,



Nanette Diaz Barragán
Member of Congress



Eleanor Holmes Norton
Member of Congress



J. Luis Correa
Member of Congress



Timothy M. Kennedy
Member of Congress



Rashida Tlaib
Member of Congress



Judy Chu
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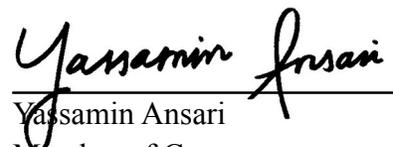
Adenta S. Grijalva
Member of Congress



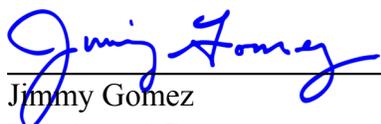
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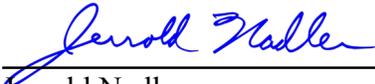
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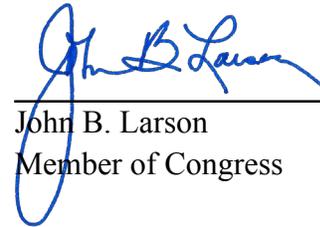
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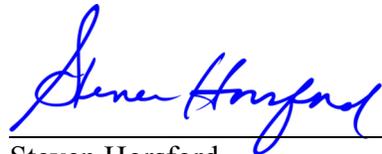
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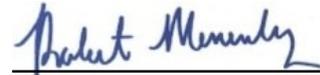
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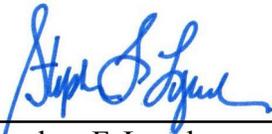
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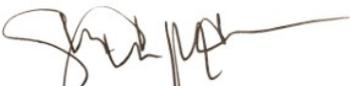
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