



April 21, 2026

Submitted via Regulations.gov

Regulations Division

Office of General Counsel

U.S. Department of Housing and Urban Development 451

7th Street, SW

Washington, D.C. 20410

Re: Docket No. FR-6524-P-01, RIN 2501-AE16; Housing and Community Development Act of 1980: Verification of Eligible Status

We, the undersigned members of the Consortium for Constituents with Disabilities (CCD) Housing Task Force, are writing to express our strong opposition to the proposed rule from the Department of Housing and Urban Development (HUD), “Housing and Community Development Act of 1980: Verification of Eligible Status”. HUD’s proposed rule is contrary to Congressional intent to preserve households and would harm individuals with disabilities by forcing them to choose between housing and the supports that enable them to stay in the community.

CCD is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society. The CCD Housing Task Force focuses on ensuring accessible, affordable, and equitable housing is available for all people with disabilities in communities of their own choosing.

HUD’s proposed rule would deny housing assistance to eligible beneficiaries in mixed-status households despite the fact that these individuals are entitled to housing benefits under the law. Specifically, the proposed rule would:

- Eliminate individual household members’ right not to contend eligibility for HUD assistance

- Eliminate ongoing prorated benefits for households with mixed eligibility status
- Impose onerous and error-prone new verification requirements on all HUD tenants, irrespective of age or citizenship status

In effect, the proposed rule would seek to deny individuals housing assistance based on the status of non-beneficiary family members.

Under existing law and regulations, while housing assistance is available only to household members who can provide proof of satisfactory immigration status or attest under penalty of perjury that they are US citizens, this limitation on who can receive benefits is carefully balanced with the goal of family preservation. Existing law and regulations permit household members who are not seeking HUD assistance to decline to contest eligibility, an option explicitly countenanced in statute as written. If they do so, the household benefit is provided on the basis of only those household members with affirmatively eligible status, excluding household members presumed ineligible. Thus, households with mixed eligibility status effectively receive benefits on a “prorated” basis, with total benefit calculated only with regard to eligible household members.

The proposed rule would harm disabled individuals by forcing separation from family caregivers.

The proposed rule would be particularly harmful to individuals with disabilities and force many individuals with disabilities into homelessness or institutionalization, undermining HUD's obligations to support stable housing and community integration for disabled individuals. Many individuals with disabilities rely on household members for in-home caregiving activities and support; 63 million adults in America -nearly one in 4- provide support for a family member with a disability¹. The proposed rule would force individuals with disabilities to either forgo the housing support or the needed support from household members that enable them to continue to live in the community. In either case, this would force individuals to forgo necessary supports to remain housed within the community. Without these supports, many individuals with disabilities will face eviction, homelessness, and institutionalization.

While the rule's regulatory impact assesses costs of eviction and relocation, it likely underestimates these costs with regard to individuals with disabilities. Family separation enforced under this rule will render some remaining household members with disabilities unable to maintain independent living, resulting in additional evictions, relocation, and higher levels of additional service utilization even among disabled households that

¹ AARP and National Alliance for Caregiving. Caregiving in the US 2025. July 2025. <https://doi.org/10.26419/ppi.00373.001> available at https://www.caregivingintheus.org/report_categories/caregiving-in-the-us-report-2025/

remain eligible. HUD provides rental assistance to 1.8 million households with disabilities², approximately 42% of households served, so it is certain that a substantial number of separated households would be disabled households that will be harmed by this loss of support.

People with disabilities already face numerous housing barriers. The major lack of accessible, affordable housing makes it difficult for people with disabilities to move from segregated facilities into the community, and puts many at risk of unnecessary institutionalization or homelessness. People with disabilities remain among the country's lowest-income households and are twice as likely to live in poverty than non-disabled people.³ At the same time, people with disabilities all too often face discrimination when trying to secure or maintain housing. Each year, the majority of fair housing complaints involve discrimination based on disability.⁴

As individuals with disabilities face additional constraints due to receipt of other public benefits with varying asset and income rules, HUD's proposal underestimates the costs on these individuals if forced to relocate under this proposal. While the regulatory impact analysis estimates an average moving cost of \$900 per household, it fails to identify that asset limits for many benefits that disabled recipients of HUD assistance rely on, such as SSI, put such an emergency cost beyond the means of many households receiving HUD assistance. Household arrangements can also have an impact on various public benefits that disabled people need to maintain their independence.

The proposed rule employs procedures to verify the status of US citizens that are error-prone and administratively burdensome.

The rule proposes implementing a novel application of the Systematic Alien Verification for Entitlement (SAVE) system administered by U.S. Citizenship and Immigration Services at the U.S. Department of Homeland Security in order to verify citizenship of applicants for housing services. As its name implies, the SAVE system was developed for the purpose of verifying the eligibility of immigrants for public benefits, not to verify the affirmative citizenship of US citizen applicants. In 2025, DHS 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."⁵ This proposed novel use of SAVE is not discussed as part of the proposed rule's regulatory impact, nor is any assessment provided of the

² Government Accountability Office. (2023) HUD Rental Assistance: Serving Households with Disabilities (GAO Publication No. 23-106339) available at <https://www.gao.gov/products/gao-23-106339>

³ Urban Institute. Embedding Disability Equity into Efforts to Advance Upward Mobility. (Dec 6, 2024) <https://www.urban.org/urban-wire/embedding-disability-equity-efforts-advance-upward-mobility>.

⁴ National Low Income Housing Coalition. Federal Housing Protections for People with Disabilities. 2025. https://nlihc.org/sites/default/files/AG-2025/6-88_Federal-Housing-Protections-for-People-with-Disabilities.pdf.

⁵ 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>

reliability of SAVE for this new purpose of verifying citizenship status— instead, HUD relies on an estimate of SAVE reliability as of 2017, well before DHS’s forays into these expanded uses for citizenship verification.

HUD may have failed to provide information on SAVE’s reliability in verifying citizenship because DHS has never made that information publicly available.⁶ Nevertheless, public reporting indicates a very significant error rate, which calls into question the rule’s cursory analysis of the relevant administrative burdens; reports by users of a similar implementation of SAVE for citizenship verification for voters indicates an error rate of at least 14%.⁷ An error rate this high would substantially increase the burden of SAVE verification both on housing authorities and tenants and applicants, and expose tenants and applicants to an unjustifiable risk of loss or denial of benefits -and of housing- due to administrative errors.

In cases where SAVE verification fails, the proposed rule will also require verification of citizenship and immigration status. Individuals with disabilities, older adults, and homeless individuals are all less likely to have ready access to documentary proof of citizenship and face greater burdens in obtaining it, meaning these populations would be increasingly barred from receipt of housing assistance. For example, homeless people often lack the supporting documents necessary to obtain other identification due to a lack of secure shelter to maintain documents, as well as loss of documentation during evictions or encampment sweeps.⁸ Similarly, many individuals with disabilities face substantial barriers to obtaining relevant identification documents, often due to inaccessible government systems. One national survey, for example, found that 20% of individuals identifying as having a disability do not have a current driver’s license, compared with 6% of nondisabled adults.⁹ The proposed rule, while assessing the regulation’s impact on homelessness, further notes that approximately 10% of those receiving rental assistance are formerly homeless. However, while this analysis cites the number of homeless individuals on waiting lists to suggest that the “transfer” of housing assistance from eligible individuals in mixed status households to those on wait lists may have an ambiguous effect or even be net beneficial to those with the greatest housing need, it fails to meaningfully engage with the impact of this additional barrier to housing assistance that would fall disproportionately on those same greatest-need populations. Additionally, shifting the burden of millions of complex, error-prone citizenship verifications onto

⁶ 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.”)

⁷ Jen Fifield & Zach Despart, “*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>

⁸ Government Accountability Office. (2024) Homelessness: Barriers to Obtaining ID and Assistance Provided to Help Gain Access. (GAO Publication Number 24-105435 <https://www.gao.gov/products/gao-24-105435>

⁹ Center for Democracy and Civic Engagement, “Who lacks ID in America Today? An Exploration of Voter ID Access, Barriers, and Knowledge” (January 2024), available at <https://cdce.umd.edu/sites/cdce.umd.edu/files/pubs/Voter%20ID%202023%20survey%20Key%20Results%20Jan%202024%20%281%29.pdf>

Public Housing Authorities (PHAs) will create massive administrative bottlenecks. These backlogs will inevitably delay application processing and housing placements for everyone on the waitlist, directly harming the populations HUD claims this rule will assist¹⁰.

The proposed rule fails to adequately assess the costs of eviction, homelessness, and family dissolution.

As noted above, the proposed rule fails to adequately assess the impact that this regulation will have on the substantial proportion of HUD households with one or more individuals with disabilities, who will likely lose their ability to live independently, whether due to loss of assistance directly or loss of family support while seeking to maintain eligibility. The rule further fails to fully assess the costs to individuals who will face eviction and homelessness if this regulation is implemented. While it acknowledges that this rule will increase the number of homeless households and decrease the number of households and eligible individuals that HUD is able to support through housing assistance, it maintains that the overall impacts on homelessness are “ambiguous”. Absent from this analysis is a detailed accounting of the costs of eviction and displacement on the many HUD-eligible individuals who will experience eviction and homelessness under this rule. Eviction is known to have substantial, long-term, adverse socioeconomic and health effects. People who are evicted from their homes, or face the threat of eviction are more likely to experience health problems like depression, anxiety, and high blood pressure than people with stable housing.¹¹ They are more likely to become homeless and contend with long-term housing instability¹². Individuals who are unstably housed experience increased hospital visits, risk loss of employment, and face a dramatically increased risk of acute behavioral health conditions.

Children who experience unstable housing, such as the estimated 37,000 children living in mixed-status households who would be potentially displaced due to this rule, can experience lifelong adverse impacts that are similarly unaddressed in HUD’s analysis. Housing instability increases risk of mental health disability in

¹⁰ Housing policy organizations, including the Council of Large Public Housing Authorities (CLPHA) and the National Association of Housing and Redevelopment Officials (NAHRO), have consistently warned of the crippling administrative burdens caused by complex, novel verification systems. See also comprehensive housing analyses by the Center on Budget and Policy Priorities (CBPP). Available at: <https://www.cbpp.org/research/housing>

¹¹ 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/>

¹² 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

children,¹³ and leads to poorer life outcomes in adulthood¹⁴. It contributes to adverse education outcomes and disruption of education that itself leads to worse health outcomes throughout the lifespan. Recipients of HUD assistance are categorically low-income,, and a complete accounting of the impact of any rule that will intentionally cause mass evictions for tens of thousands of households must account for the long-term effects that eviction will have on individuals with pre-existing socioeconomic vulnerabilities.

The proposed rule is contrary to Congressional intent to preserve families.

Congress has consistently made it clear that it seeks to balance the need to ensure that federal housing assistance is provided only to eligible individuals with the need to preserve families and households. The legislative language plainly supports this purpose and plainly countenances proration of benefits for mixed-status households to support that aim. For example, 42 U.S.C. § 1436a(b)(2) states, “If the eligibility for financial assistance of at least one member of a family has been affirmatively established under this section, and the ineligibility of one or more family members has not been affirmatively established under this section, any financial assistance made available to that family by the applicable Secretary shall be prorated...”¹⁵. HUD asserts that the proposed rule barring mixed-status families from assistance brings it “into greater alignment with the wording and purpose of Section 214,” but in fact, it contradicts the clear meaning of this language, which directs HUD to prorate benefits to households whose ineligibility has not been affirmatively established, and does not include any textual basis for imposing time limits on this proration.

Members of the CCD Housing Task Force urge HUD to withdraw this proposed rule.

HUD’s proposed rule would endanger the ability of all 1.8 million individuals with disabilities served by HUD programs to continue to live independently in their communities. In addition to the thousands of individuals with disabilities who are directly threatened by loss of housing assistance or the vital caregiving of an immigrant family member, all individuals with disabilities seeking housing assistance will be exposed to new error-prone, burdensome verification processes that threaten the stability and accessibility of their housing supports. This proposal stands squarely against Congress’s clear intent to balance the preservation of families with limiting housing assistance to eligible individuals, and utterly fails both to account for the additional burden placed on eligible individuals with the greatest housing need, and to account for the totality of the downstream

¹³ 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-content/uploads/2023/08/ReducingChildPovertyintheUSCostsandImpactsofPoliciesProposedbytheChildrensDefenseF>

¹⁴ Heather Sandstrom and Sandra Huerta, 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>.

¹⁵ 42 U.S.C. § 1436a(i)(2)(A).

costs of eviction and homelessness this rule will impose on HUD-eligible individuals –many of whom are themselves US citizen children – purely on the basis of who their family members are. We reiterate our strong opposition and urge HUD to withdraw this proposed rule.

Signed,

Access Ready Inc.

American Association of People with Disabilities

Autistic Self Advocacy Network

Bazelon Center for Mental Health Law

Caring Across Generations

Disability Rights Education and Defense Fund

Justice in Aging

National Academy of Elder Law Attorneys (NAELA)

National Disability Rights Network (NDRN)

SPAN Parent Advocacy Network

TDIforAccess (TDI)

The Arc of the United States

The Kelsey