



April 17, 2026

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

RE: [Docket No. FR-6524-P-01] Housing and Community Development Act of 1980: Verification of Eligible Status

To Whom It May Concern:

Thank you for the opportunity to comment on the Department of Housing and Urban Development's (HUD) February 20 proposed rule titled "Housing and Community Development Act of 1980: Verification of Eligible Status." On behalf of our nationwide membership of affordable senior housing providers and the communities they serve, we urge the Department to withdraw the proposed rule in its entirety due to the significant burden, cost, and harm associated with the proposal.

### **About LeadingAge**

We represent more than 5,300 nonprofit and mission-driven aging services providers serving older adults and touching millions of lives every day. From our national headquarters in Washington, DC, and in collaboration with our state partners representing members active in 50 states, the District of Columbia, and Puerto Rico, we use advocacy, education, applied research, and community-building to make America a better place to grow old. Our membership encompasses the entire continuum of aging services, including skilled nursing, assisted living, memory care, affordable housing, retirement communities, adult day programs, hospice, Programs of All-Inclusive Care for the Elderly (PACE), and home-based care. We bring together the most inventive minds in the field to lead and innovate solutions that support older adults wherever they call home. For more information, visit [leadingage.org](https://www.leadingage.org).

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HUD's proposed rulemaking, similar to the agency's rule proposed from 2019<sup>1</sup>, seeks to change the way certain federally-assisted housing communities serve households of mixed immigration status, as well as the way in which HUD-assisted older adult residents verify their immigration-based eligibility for assistance. LeadingAge anticipates that both proposed changes would result in increased burden and costs for housing providers, as well as significant harm to HUD-assisted older adults and the workforce that serves them.

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<sup>1</sup> [Housing and Community Development Act of 1980: Verification of Eligible Status](#); May 10, 2019

**Current Approach to Verification of Eligible Status:** Currently, housing providers participating in programs subject to Section 214 of the Housing and Community Development Act of 1980 prorate HUD assistance to be proportional to the household members who contend eligible immigration status. This means that many federally-assisted housing communities, including those participating in programs like project-based Section 8, Section 202/8, and Public Housing, provide rental subsidy only to eligible individuals, while allowing occupancy but charging full market rent to the household members who do not contend eligible status. HUD also currently allows housing providers to accept self-certifications, under penalty of perjury, of eligible status from older adults (62 and over), who are more likely to lack access to the appropriate paperwork.

The current approach allows mixed status families, including family members with caregiving responsibilities, to remain living together and supporting each other. Specifically, this approach is an effective, non-burdensome approach to limiting federal rental assistance to eligible household members while accommodating the reality of mixed-status households who live together.

The current rules are also effective at preventing higher taxpayer-shouldered costs associated with housing instability and homelessness, and it is the least burdensome approach for housing providers to implement because it streamlines documentation verification for everyone involved. Finally, the current approach is also the most cost-effective, since it allows residents who are income earners without eligible status to remain housed without accepting federal rental subsidy.

**Proposed Rule Changes:** HUD's proposed rule would require housing providers to verify eligible immigration status for each household member as a condition of receiving rental assistance through the agency's programs that are subject to Section 214. The effect is that any prorated assistance – currently a permanent solution for family unification – would become a temporary condition (as little as 90 days) pending verification of eligible status of all family members. If one family member does not or cannot contend eligible status, the entire family is considered ineligible.

The proposed rule would also require all HUD-assisted individuals to produce documentation related to immigration-based eligibility for federal housing assistance, reversing the current exemption for residents and applicants aged 62 and older. Required documentation includes birth certificates and Social Security cards, to which many older adults lack access.

**Impacts of Temporary Rent Proration on Older Adults:** HUD's proposal, which is to disallow the indefinite rent proration in favor of a very temporary proration while each household member produces immigration-related eligibility documentation, creates a cruel choice for HUD-assisted families with mixed immigration status: split up, or stay together but lose stable, affordable housing.

Any change to the policy would particularly impact intergenerational households involving children or older adults; for example, a member of the household may not have access to documentation or may lack immigration-based eligibility for HUD-assistance, but is still an integral part of the family or may specifically rely on family caregiving.

HUD's Regulatory Impact Analysis<sup>2</sup> (RIA) states that as of December 2024, there were approximately 20,000 mixed families with at least one ineligible member. Among these mixed families, 70% of family members are eligible members and 30% are ineligible, with adults being most commonly ineligible and children being most commonly eligible.

While the overall percentages of older adults listed in the RIA is relatively low, the impacts of housing instability will extend to those serving older adults, including family caregivers and the broader aging services workforce. Lower wages make it difficult for the aging services workforce to support themselves and their families financially: A total of 35% of direct care workers are housing cost-burdened, and 46% rely on public assistance.<sup>3</sup> Increasing housing instability for the aging services workforce further jeopardizes older adults' ability to age in America.

If a family does choose to split up to remove the ineligible household members, older adults within the family would very likely lose informal family caregivers on whom they rely for daily help to remain independent in community-based settings. This can result in higher costs for everyone due to premature and unnecessary placements of older adults in costlier care settings.

America has proven solutions to address the housing and services needs of older adults and the aging services workforce, and they center on stable, flexible, and truly affordable housing enhanced with supportive services and service coordination. Evicting families from stable, affordable housing will only result in higher costs for everyone.

***Additional Cost and Burden on Housing Communities:*** In addition to the harm on HUD-assisted residents, the proposed rule would also significantly increase the burden on housing providers in assessing documentation – including for in-place residents – and managing unit turnover. HUD's own analysis predicts that the proposed rule will result in moveouts of mixed status households, as well as terminations or evictions of families due to non-payment of the full, unassisted rent. In addition, HUD estimates more than \$300 million in additional subsidy needed to serve the same number of people due to funding gaps when ineligible family members who are income earners move out of subsidized units.

Under the proposed rule, housing providers would need to notify residents within 30 days of the newly temporary nature of the proration requirements under the rule. This includes notification involving residents who had previously elected that they do not contend to have eligible status, creating new administrative requirements for housing communities. Residents who have not previously submitted documentation of eligible status would be required to do so within 90 days, again adding layers of verification and red tape for housing communities.

Additionally, HUD's proposal to require documentation from older adults (where previously self-certification was sufficient) will add tremendous burden on housing providers, residents, and applicants. Under the proposed new policy, housing providers would need to verify several pieces of documentation provided by each resident and applicant of HUD-assisted housing programs subject to Section 214, likely

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<sup>2</sup> [6524-P-01 RIA Verification 1-28-26 \(1\)](#)

<sup>3</sup> [Advancing States: Direct Care Workers in America](#)

resulting in hundreds of thousands of hours of additional administrative work for housing providers and HUD staff.

In order to meet the new requirements, older adults may spend hours working with other federal agencies to produce paperwork that has been lost or never existed, resulting in countless hours of additional administrative burden at agencies like the Social Security Administration. Overall, as supported by the proposed rule's impact analysis, "a significant share" of the aggregate costs to verify eligibility under the proposed rule will fall on U.S. citizens and nationals.

***Request for Public Comment:*** In the proposed rule, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives. However, the entire proposal will result in costly, burdensome, and harmful policy change impacting hundreds of thousands of housing communities nationwide. We also disagree with HUD's "Tabulation of One-Time Reporting Burden for Existing Residents," which fails to account for the burden of assessing status documentation for all in-place older adults who previously submitted self-certifications.

Due to the high burden and harm associated with the proposed changes, we urge HUD to immediately withdraw the proposed rule in its entirety and revert back to the least burdensome and least harmful practice of indefinite rent proration for mixed-status households receiving federal housing assistance, as well as the streamlined verification practices for older adults.

Please direct any questions to [Juliana Bilowich](#), LeadingAge's Vice President of Housing Policy.

Juliana Bilowich  
LeadingAge