

April 20, 2026

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**

Dear Secretary Turner and HUD Officials:

I am writing on behalf of Housing Opportunities Made Equal of Virginia (HOME of Virginia) in response to the Department of Housing and Urban Development's proposed rule to express our strong opposition to the changes regarding "verification of eligible status," published in the Federal Register on February 20, 2026 (RIN 2501-AE16; HUD Docket No. FR-6524-P-01).

This cruel and counterproductive rule would force thousands of mixed-immigration-status families in Virginia and across the country to either separate or lose their HUD housing assistance altogether — a result that would deepen the housing crisis that HUD is charged with addressing. 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.

Our organization is the only statewide fair housing nonprofit in Virginia. Since 1971, we have worked to eliminate unlawful housing discrimination through investigation, enforcement, education, outreach, and policy solutions. For decades, we have worked directly with low-income families, immigrants, seniors, people with disabilities, and other vulnerable communities whose housing stability depends in part on HUD-assisted programs — including many recipients of Housing Choice Vouchers. We have seen firsthand how access to stable, affordable housing is foundational to the health, wellbeing, and economic mobility of families and communities.

We also note that we opposed a similar proposed rule in 2019. HUD ultimately withdrew that proposal. The current rule is no different in its destructive purpose and effects, and it should meet the same fate.

I. 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.¹ If finalized, the proposed rule would specifically:

- **Eliminate a family member's right not to contend eligibility.** Currently, mixed-status families can live in HUD-assisted housing if at least one family member is a U.S. citizen or has eligible immigration status.² The typical mixed-status family includes two children

¹ 42 U.S.C. §1436a(a).

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

and two parents — three of whom are U.S. citizens.³ The remaining family members have the right not to contend eligibility, meaning they do not receive housing assistance and are not required to share their immigration status.⁴ The proposed rule would require each household member to be a U.S. citizen, U.S. national, or have eligible immigration status⁵ — forcing many mixed-status families to choose between separating or losing their HUD housing assistance.

- **Eliminate ongoing prorated assistance for mixed-status families.** Currently, mixed-status families receive prorated rental assistance that covers only eligible family members, paying higher rent to cover other members.⁶ The proposed rule would essentially eliminate prorated assistance for mixed-status families except during the brief period when final verification of citizenship or immigration status is pending.⁷
- **Impose new verification requirements on all HUD tenants, regardless of age.** Currently, U.S. citizens need only provide a declaration signed under penalty of perjury.⁸ The proposed rule would overhaul this process, requiring verification through the Systematic Alien Verification for Entitlement (SAVE) system administered by DHS⁹, and in certain cases require documentary proof of citizenship such as a birth certificate.¹⁰ Special provisions that currently exempt noncitizens age 62 and older from full documentation requirements¹¹ would also be eliminated. The elimination of this provision will disproportionately affect elderly Black U.S. citizens, especially those born in the Jim Crow South whose mothers may not have had access to a hospital for delivery.¹² Elderly Black Virginia residents HOME serves are likely to have experienced such discrimination in their lifetimes. “There was a time in this country, if your skin was Black, you could not be admitted to a hospital, even if you were bleeding and in active labor,” Dr. Vanessa Gamble, a professor of medical humanities at George Washington University, explained to a reporter in 2020.¹³ Other groups of U.S. Citizens who are more likely to lack a birth certificate include rural residents, residents of the South and

³ Erik Gartland and Sonya Acosta, Ctr on Budget & Pol. 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>.

⁴ 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”).

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

⁶ 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.”).

⁷ 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)).

⁸ 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.*

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

¹⁰ *Id.* at 8158-59, 8167 (proposed 24 CFR § 5.512(d)(2)(ii)-(iii)).

¹¹ 24 CFR § 5.508 (b)(2).

¹² Robert Greenstein, Leighton Ku & Stacy Dean, Ctr. on Budget & Pol. Priorities, “Survey Indicates House Bill Could Deny Voting Rights to Millions of U.S. Citizens” (Sept. 22, 2006), <https://www.cbpp.org/research/survey-indicates-house-bill-could-deny-voting-rights-to-millions-of-us-citizens>.

¹³ Ben Paviour, “In 1918 Pandemic, Black Richmond Faced New Virus and Old Racism,” VPM News (May 11, 2020), <https://www.vpm.org/news/2020-05-11/in-1918-pandemic-black-richmond-faced-new-virus-and-old-racism>.

Midwest, and low-income residents¹⁴ — the very people the program was designed to assist.

II. Instead of Scapegoating Immigrants, Focus on Fixing the Affordable Housing Crisis

It is deeply irresponsible for HUD, whose mission is to “create strong, sustainable, inclusive communities and quality affordable homes for all,”¹⁵ to propose a rule that by its own estimate would reduce the supply of HUD-assisted housing.¹⁶ Nationwide, there is a shortage of 7.1 million affordable rental units. Three out of four extremely low-income renters are severely rent burdened, spending more than half of their income on rent and utilities.¹⁷ This housing crisis is felt acutely in Virginia, where rapidly rising rents in the Richmond metro area and across Northern Virginia, Hampton Roads, and the Shenandoah Valley have strained families of all backgrounds.

Contrary to Secretary Turner’s claims that this rule will increase housing for U.S. citizens, HUD’s own regulatory impact analysis concludes that the overall number of families who will receive assistance will decrease — not increase — due to the rule.¹⁸ Furthermore, HUD’s stated rationale of helping U.S. citizens is directly contradicted by the administration’s own budget proposals, which call for deep cuts to HUD programs.¹⁹ The Trump administration should withdraw this proposed rule and instead work with Congress to make meaningful investments in federal housing programs so that every family, regardless of immigration status, has access to a safe place to call home.

III. The Proposed Rule Will Inflict Serious Harm on Families, Including U.S. Citizens

If finalized, this rule would force approximately 80,000 individuals in 20,000 mixed-status families to face eviction from public housing, Section 8, and other covered programs. Nearly 37,000 of those individuals are children. Fifty-six percent are women and girls. Two-thirds are U.S. citizens. The overwhelming majority — 86 percent — are Latine. Roughly 3,000 are older adults and 5,000 have disabilities.²⁰ The harms faced by these already vulnerable groups include:

- **Harm to U.S. Citizen Children.** The proposed rule would effectively bar U.S. citizen children from receiving housing assistance for which they are legally eligible, simply because their parents or other adult caregivers do not have eligible immigration status.

¹⁴ Robert E. Petres, “The ‘Desegregation’ of MCV Hospitals, 1968 to 1971” (2024), Publ’ns & Reps. from the Office of the Senior Vice President for Health Sciences, Va. Commonwealth Univ., https://scholarscompass.vcu.edu/healthsciences_pubs/2/.

¹⁵ HUD, HUD Partners, Multifamily Residents (last visited March 3, 2026), <https://www.hud.gov/hud-partners/multifamily-residents>.

¹⁶ 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>.

¹⁷ Nat’l Low Income Housing Coalition, The Gap: A Shortage of Affordable Homes 2 (Mar. 2025), https://nlihc.org/sites/default/files/gap/2025/gap-report_2025_english.pdf.

¹⁸ HUD, Press Release, HUD Moves to Close “Mixed Status Households” Roommate Loophole (Feb. 20, 2026), <https://www.hud.gov/news/hud-no-26-015>.

¹⁹ 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>.

²⁰ Erik Gartland & Sonya Acosta, Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers 1 (Dec. 12, 2025), <https://www.cbpp.org/sites/default/files/12-12-25housing.pdf>.

HUD's own statistics show that 73 percent of mixed-status families are composed of eligible children and ineligible parents.²¹ Since children cannot sign leases, the ineligible adults must do so on their behalf — but the proposed rule would prohibit those adults from living in the subsidized unit, making it impossible for U.S. citizen children to access the assistance they are entitled to receive.

- **Harm to Elderly Black U.S. Citizens and rural residents.** The proposed rule would disproportionately affect elderly Black U.S. citizens who may never have had a birth certificate, due to Jim Crow policies barring their laboring mothers from accessing hospitals, and other health and bureaucratic barriers. Rural residents likewise are less likely than those in metropolitan areas to have access to birth certificates.
- **Harm from Forced Family Separation.** HUD acknowledges that the proposed rule may cause families to separate.²² The research is clear that even temporary family separation causes toxic stress, trauma, and attachment issues in children, with lasting effects on health and educational outcomes.²³ This harm is compounded by the administration's aggressive immigration enforcement climate, which makes separated immigrant family members especially vulnerable.
- **Harm from Eviction and Displacement.** Because approximately 80 percent of mixed-status families in HUD housing include an ineligible parent, family separation is simply not a viable option for most.²⁴ In effect, these families will be evicted. The short- and long-term consequences are severe: increased risk of homelessness, depression, anxiety²⁵, chronic health problems, visits to emergency rooms²⁶, unemployment, and relapse of addiction in adults.²⁷ Among children, housing instability is associated with negative behavioral outcomes, cognitive delays, and lower educational attainment²⁸ — with ripple effects lasting into adulthood.²⁹

IV. The Proposed Rule's Verification Requirements Will Harm All HUD Residents

The proposed rule's new verification requirements threaten not only immigrant families, but the 8.5 million U.S. citizens currently receiving HUD assistance.

²¹ Regulatory Impact Analysis: Housing and Community Development Act of 1980, at 46 (Sept. 30, 2025).

²² Regulatory Impact Analysis: Housing and Community Development Act of 1980, at 48 (Sept. 30, 2025).

²³ 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/>.

²⁴ Regulatory Impact Analysis: Housing and Community Development Act of 1980, at 13 (Sept. 30, 2025).

²⁵ 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/>;

²⁶ 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.

²⁷ Pratt Ctr. for Cmty. Dev., *Confronting the Housing Squeeze: Challenges Facing Immigrant Tenants, and What New York Can Do* (2018), <https://prattcenter.net/research/confronting-housing-squeeze-challenges-facing-immigrant-tenants-and-what-new-york-can-do>.

²⁸ *Housing Instability is Linked to Adverse Childhood Behavior*, How Housing Matters (May 9, 2019), <https://howhousingmatters.org/articles/housing-instability-linked-adverse-childhood-behavior/>.

²⁹ Heather Sandstrom & 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>.

HUD proposes to verify citizenship status using the SAVE system³⁰ — a system designed to verify immigration status, not citizenship. Meanwhile, its rapid modification for citizenship checks has raised profound concerns over accuracy. State election officials have reported that SAVE has incorrectly flagged U.S. citizens as noncitizens.³¹ Public housing authorities have reported that the new EIV-SAVE matching tool appears both inaccurate and inconsistent, with some agencies noting that most flagged individuals were clearly U.S. citizens or eligible immigrants with proper documentation.³² Organizations representing PHAs have formally requested rescission of the directive to use this system.³³ HUD’s own regulatory impact analysis does not address the error rate of SAVE’s citizenship verification function, possibly because DHS has not made that information publicly available.³⁴ Yet reports suggest error rates of at least 14 percent.³⁵

The consequences of these errors will fall on HUD residents who will be required to submit documentary proof of citizenship — such as a birth certificate, passport, or naturalization certificate — during secondary verification. More than nine percent of adult U.S. citizens cannot readily access such documents.³⁶ Low-income individuals, who constitute the HUD-assisted population, face even greater barriers, including the costs of obtaining records, the time required to visit government offices, inability to take time off work, lack of internet access, and in some cases having never received a birth certificate.³⁷ For formerly homeless individuals, loss of identity documents is a common barrier to obtaining housing in the first place. These new requirements will re-create the very barriers that HUD-assisted housing is intended to overcome.

³⁰ 91 Fed.Reg. at 8155, 8169 (proposed 24 CFR § 5.508(b)(1)).

³¹ 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>.

³² 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. 4 (Feb. 13, 2026), <https://www.nahro.org/wp-content/uploads/2026/02/EIV-SAVE-Letter-to-HUD-2-13-2026-final.pdf>.

³³ Ibid.

³⁴ 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.

³⁵ 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>.

³⁶ 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.

³⁷ 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.

The use of SAVE also raises serious privacy concerns. Information provided by HUD residents will be shared with DHS, potentially exposing families to immigration enforcement. By requiring housing providers to use SAVE for citizenship verification, HUD is effectively conscripting PHAs into immigration enforcement — a role that is inconsistent with their mission and that will deter eligible families from applying for or remaining in assisted housing.

The proposed rule also eliminates the special documentation exception for seniors aged 62 and older³⁸, now requiring them to submit three documents to verify their immigration status. Many older people, including both immigrants and citizens, face barriers in producing this documentation, given the prevalence of mobility and cognitive impairments, language barriers, limited familiarity with technology, and the simple fact that documents may have been lost, never issued, or otherwise inaccessible.

V. The Proposed Rule Will Decrease the Quantity and Quality of Affordable Housing

Under the current system, mixed-status families receive prorated assistance covering only eligible household members and pay a higher share of rent themselves. This arrangement allows PHAs to serve more families and use the additional rent revenue to maintain units for everyone. If mixed-status families are prohibited from living in HUD-subsidized housing, fully eligible families who replace them will require significantly higher subsidies³⁹ — an average of \$7,700 per person annually compared to \$2,700 for mixed-status family members.⁴⁰ This difference of \$5,000 per person per year means PHAs will be able to serve fewer families overall.⁴¹

HUD's own analysis estimates that maintaining the same number of fully eligible families would require \$311 million to \$354 million in supplemental federal funding⁴² — funding that Congress is extremely unlikely to appropriate, particularly given current budget proposals to cut HUD programs deeply. Without that funding, the practical consequences include:

- fewer Housing Choice Vouchers issued or delayed issuance⁴³;
- public housing units left vacant or allowed to deteriorate⁴⁴;
- and Project-Based Rental Assistance owners opting out of the program at contract renewal, resulting in a permanent loss of affordable units.⁴⁵

These outcomes directly contradict HUD's mission. They also hurt the Virginia communities HOME of Virginia serves, where demand for HUD-assisted housing already far outstrips supply.

VI. The Proposed Rule Will Increase Homelessness and Burden States and Localities

Evicting thousands of mixed-status families will increase homelessness. Immigrant families already face significant barriers in the private rental market — including higher housing cost

³⁸ Housing and Community Development Act of 1980: Verification of Eligible Status, 84 Fed. Reg. 20,589, 20,592 (proposed May 10, 2019) (to be codified at 24 C.F.R. part 5).

³⁹ Regulatory Impact Analysis: Housing and Community Development Act of 1980, at 17 (Sept. 30, 2025).

⁴⁰ Regulatory Impact Analysis: Housing and Community Development Act of 1980, at 19 (Sept. 30, 2025).

⁴¹ Regulatory Impact Analysis: Housing and Community Development Act of 1980, at 17 (Sept. 30, 2025).

⁴² Regulatory Impact Analysis: Housing and Community Development Act of 1980, at 19 (Sept. 30, 2025).

⁴³ Regulatory Impact Analysis: Housing and Community Development Act of 1980, at 17-18 (Sept. 30, 2025).

⁴⁴ Regulatory Impact Analysis: Housing and Community Development Act of 1980, at 18 (Sept. 30, 2025).

⁴⁵ Regulatory Impact Analysis: Housing and Community Development Act of 1980, at 18 (Sept. 30, 2025).

burdens, language barriers, discrimination, and the chilling effects of the current administration's immigration enforcement campaign. In Virginia, these dynamics are especially pronounced in communities with significant Latine and immigrant populations. Families pushed out of HUD housing by this rule will be at substantially elevated risk of homelessness.

HUD's own regulatory impact analysis acknowledges the homelessness risk but dismisses it with minimal analysis, claiming that the "net effect on homelessness is ambiguous."⁴⁶ HUD even goes so far as to suggest that costs to local governments "would decrease if any of the displaced families were displaced from the United States"⁴⁷ — an argument that is both callous and factually wrong, given that more than 70 percent of members of mixed-status families are U.S. citizens or noncitizens with eligible immigration status.⁴⁸

The costs to local governments and Continuums of Care will be real and significant. Increased shelter utilization, emergency room visits, child welfare system involvement, and the administrative burden of responding to higher homelessness rates will fall on Virginia's cities and counties — without any corresponding federal support. This is an unfunded mandate masquerading as an immigration enforcement measure.

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

As a fair housing organization, HOME of Virginia is particularly alarmed by the civil rights implications of this proposed rule. HUD is legally obligated under the Fair Housing Act to administer its programs in a manner that affirmatively furthers fair housing. This rule does the exact opposite. If this rule takes effect, those experiencing violations of their fair housing rights would include, at a minimum:

- **Latine and Hispanic Communities.** Eighty-six percent of mixed-status families receiving HUD rental assistance identify as Latine.⁴⁹ By eliminating their right to prorated assistance and housing together, this rule will have a profound and disproportionate impact on Latine families in Virginia, who already face housing cost burdens, income barriers, language barriers, and discrimination in the private rental market.
- **Black Immigrant Communities.** Approximately eight percent of affected mixed-status families are Black.⁵⁰ Black immigrants face among the highest eviction rates of any immigrant group and confront significant barriers in the private rental market.⁵¹ This

⁴⁶ Regulatory Impact Analysis: Housing and Community Development Act of 1980, at 35 (Sept. 30, 2025).

⁴⁷ Regulatory Impact Analysis: Housing and Community Development Act of 1980, at 35-36 (Sept. 30, 2025).

⁴⁸ Regulatory Impact Analysis: Housing and Community Development Act of 1980, at 8 (Sept. 30, 2025).

⁴⁹ Center on Budget and Policy Priorities, "Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers" (December 2025), available at <https://www.cbpp.org/research/housing/administration-plan-targeting-immigrants-would-take-away-rental-assistance-create>.

⁵⁰ Center on Budget and Policy Priorities, "Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers" (December 2025), available at <https://www.cbpp.org/research/housing/administration-plan-targeting-immigrants-would-take-away-rental-assistance-create>.

⁵¹ Rebecca Tesfai, The Hidden Housing Crisis of Eviction in Immigrant Neighborhoods 4 (Mar. 20, 2023), <https://scholarshare.temple.edu/server/api/core/bitstreams/e64aeb03-1bf0-40d5-8ef8-ed233e9a1a71/content>.

proposed rule compounds these inequities at a moment when this administration has enacted policies, including visa bans targeting African nations, that signal open hostility to Black immigrant communities.

- **People with Disabilities.** Approximately 5,400 people with disabilities in mixed-status households would lose housing under this rule, and over two million disabled citizens would face burdensome new documentation requirements.⁵² People with disabilities already face among the highest rates of housing discrimination — reports of this type are the most common we receive — and the proposed rule would dramatically worsen their housing insecurity.
- **Survivors of Gender-Based Violence.** Immigrant survivors of domestic violence, human trafficking, and sexual assault depend on HUD-assisted housing as a lifeline that enables them to escape dangerous situations. Many have had immigration documents destroyed or withheld by their abusers as a tool of control. This rule’s documentation requirements will re-victimize these survivors, and the loss of prorated housing assistance for mixed-status households will force some survivors to choose between homelessness and returning to dangerous living situations. Sex and gender is a protected class under the Fair Housing Act; and this rule would interfere with the Virginia Fair Housing Law, which additionally includes gender identity under the protected class of sex.
- **LGBTQ+ Individuals.** Approximately 1.3 million LGBTQ+ immigrants live in the United States, many in bi-national households.⁵³ LGBTQ+ individuals are 2.5 times more likely to receive public housing assistance than their non-LGBTQ peers, and the proposed rule’s impact on mixed-status households will fall disproportionately on this already vulnerable population. Again, this rule would interfere with full enforcement of the Virginia Fair Housing Law, which covers sexual orientation under the protected class of sex.
- **Older Adults and Children.** The proposed rule would displace nearly 3,000 older adults from HUD housing and subject approximately 1.8 million older adult citizens to burdensome new documentation requirements — at a time when older adults are the fastest-growing segment of the homeless population. It would also effectively evict nearly 37,000 children, many of them U.S. citizens, whose healthy development and long-term outcomes depend on stable housing.⁵⁴ While elderliness is not a protected class under federal fair housing laws, the Virginia Fair Housing Law extends protections to those aged 55 and up. This rule would interfere with Virginia’s enforcement of that law.

⁵² Center on Budget and Policy Priorities, “Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers” (December 2025), available at <https://www.cbpp.org/research/housing/administration-plan-targeting-immigrants-would-take-away-rental-assistance-create>.

⁵³ Kulkarni, S, Notario, H. “Trapped in housing insecurity : socioecological barriers to housing access experienced by intimate partner violence survivors from marginalized communities” available at <https://ninercommons.charlotte.edu/record/3946?ln=en&v=pdf>.

⁵⁴ Center on Budget and Policy Priorities, “Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers” (December 2025), available at <https://www.cbpp.org/research/housing/administration-plan-targeting-immigrants-would-take-away-rental-assistance-create>.

VIII. Conclusion

HOME of Virginia urges HUD in the strongest possible terms to withdraw this proposed rule in its entirety. The proposed rule is cruel, counterproductive, legally dubious, and antithetical to HUD's mission. It will harm tens of thousands of families in Virginia and across the country — most of them U.S. citizens — reduce the supply of affordable housing for everyone, increase homelessness, and impose discriminatory burdens on communities that the Fair Housing Act is intended to protect.

Rather than targeting immigrant families, HUD should dedicate its efforts to advancing policies that strengthen the federal housing safety net, expand access to affordable housing, and fulfill the agency's legal obligation to affirmatively further fair housing for all people in this country.

If HUD proceeds with this rulemaking, HOME of Virginia reserves the right to challenge the final rule through all available legal and advocacy channels.

We request that this comment be made part of the official public record.

Respectfully submitted,

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Housing Opportunities Made Equal of Virginia (HOME of Virginia)

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