Disability Rights Education & Defense Fund DREDF

April 06, 2026

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

Submitted via www.regulations.gov

Re: HUD Docket No. FR-6124-P-01; RIN 2501-AE16 — Comments in Opposition to Proposed Rulemaking: Verification of Eligible Status

To Whom It May Concern:

The Disability Rights Education and Defense Fund (DREDF) submits these comments in strong opposition to the Department of Housing and Urban Development's (HUD) proposed rule entitled "Verification of Eligible Status," published in the Federal Register on February 20, 2026. (RIN 2501-AE16; HUD Docket No. FR-6124-P-01). DREDF urges HUD to withdraw the proposed rule in its entirety and to allow its long-standing regulations governing mixed-status families and verification of status to remain in effect.

DREDF is a leading national law and policy center dedicated to advancing the human and legal rights of disabled people. For more than four decades, DREDF has worked to ensure equal access to housing, community living, and the supports necessary for disabled people to live independently. Access to stable, affordable housing is foundational to these goals. The proposed rule would significantly undermine that access for disabled people and their families.

I. Overview of the Proposed Rule

The proposed rule would fundamentally alter long-standing HUD policy by eliminating critical protections for mixed-status families residing in HUD-assisted housing. Specifically, the rule would:

- Require that all members of a household have eligible immigration status in order for the household to receive housing assistance, thereby eliminating the current ability of mixed-status families to reside together in assisted housing;
- Effectively eliminate ongoing prorated assistance for mixed-status families, which currently allows eligible members to receive partial subsidies; and
- Impose new and burdensome citizenship and immigration verification requirements on all residents, including U.S. citizens, through expanded reliance on the Systematic Alien Verification for Entitlements (SAVE) system.

These changes would force thousands of families to choose between family unity and housing stability, while also subjecting millions of current and prospective HUD residents to unnecessary administrative burdens and risks.

Contrary to HUD's assertions, the rule will not expand access to housing. HUD's own regulatory impact analysis concludes that the overall number of families who will receive assistance will decrease as a result of the rule.[1] Because mixed-status families currently receive prorated assistance — a smaller subsidy than other families — replacing them with fully eligible households will increase per-unit subsidy costs and reduce the total number of assisted households absent significant new appropriations.

II. The Proposed Rule Will Cause Significant Harm to Disabled People

The proposed rule will have profound and wide-ranging impacts on disabled people. HUD housing assistance plays a critical role in expanding access to integrated community living for disabled people. The proposed rule would directly threaten the housing of an estimated 5,400 people with disabilities of all ages — including both citizens and non-citizens — in mixed-status HUD-assisted households. It would also put at risk over 2 million disabled citizens of all ages who would be subject to new verification requirements and could lose their housing due to administrative red tape.[2]

Disabled people already face severe housing barriers. The shortage of accessible, affordable housing makes it difficult for disabled people to transition from segregated facilities into integrated community settings and puts many at acute risk of unnecessary institutionalization or homelessness.[3] Disabled people remain among the country's lowest-income households and are twice as likely to live in poverty as non-disabled people.[4] Disabled people also 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.[5] The proposed rule would layer additional harm onto this already-precarious landscape.

A. Disruption of Essential Caregiving Relationships

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[1] Center on Budget and Policy Priorities, *Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers* (Dec. 2025), https://www.cbpp.org/research/housing/administration-plan-targeting-immigrants-would-take-away-rental-assistance-create

[2] Center on Budget and Policy Priorities, *Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers* (Dec. 2025).

[3] See Michelle Uzeta, *Disability Rights Strategies for Unhoused Residents*, in *National Low Income Housing Coalition, Advocates' Guide 2026*, ch. 6 (2026), https://nlihc.org/sites/default/files/AG-2026/CH6/17_Disability_Rights_Strategies_for_Unhoused_Residents_Chapter_6.pdf (summarizing housing barriers experienced by disabled people).

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

[5] National Fair Housing Alliance, *2025 Fair Housing Trends Report* (Nov. 4, 2025), https://nationalfairhousing.org/resource/2025-fair-housing-trends-report/ (reporting that disability related discrimination accounted for the largest share of complaints at 54.6%)

A substantial number of disabled people rely on family members or close household members for essential caregiving and support services. These supports are often not replaceable through formal systems due to workforce shortages, cost barriers, and systemic gaps in service delivery.

This concern is particularly acute in California. According to the Public Policy Institute of California, approximately 47 percent of direct care workers in California are immigrants — nearly double the national average of 28 percent.[6] Immigrant caregivers — many of whom are members of mixed-status families — play a critical role in enabling disabled people to perform activities of daily living, manage chronic conditions, and avoid unnecessary institutionalization.

Immigrant status is also linked to a higher likelihood of multigenerational living, and caregiving is often a central reason for multigenerational households.[7] The proposed rule would make it impossible for many of these families to continue living together, destroying caregiving arrangements that cannot easily be replicated through formal service systems. By forcing mixed-status households to separate or lose housing assistance, the proposed rule would disrupt these caregiving relationships. The resulting loss of support could lead to devastating outcomes including:

- Deterioration in health and functional status;
- Increased reliance on emergency services and hospitalization;
- Premature or unnecessary institutionalization in nursing facilities or other congregate settings; and
- Heightened risk of homelessness.

HUD's analysis fails to meaningfully account for these disability-specific harms.

B. Increased Risk of Housing Instability and Homelessness

Stable housing is a prerequisite for effective management of disability-related needs. Termination of assistance under the proposed rule would leave disabled people at risk of becoming homeless, entering institutions, or living in unstable and unsafe living arrangements. Housing instability can lead to increased hospital visits and loss of employment. It can also increase the likelihood of mental health problems in children and exacerbate behavioral health conditions, such as substance use disorder, in adults.[8] Safe and stable housing is crucial for enabling disabled people to maintain their health, employment, and independence.

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[6] Shannon McConville et al., *California's Care Workforce: An Overview of Needs, Opportunities, and Challenges* (Pub. Pol'y Inst. of Cal. Apr. 2024), https://www.ppic.org/publication/californias-care-workforce/; Priya Chidambaram & Drishti Pillai, *What Role Do Immigrants Play in the Direct Long-Term Care Workforce?* (KFF Apr. 2, 2025), https://www.kff.org/medicaid/issue-brief/what-role-do-immigrants-play-in-the-direct-long-term-care-workforce/

[7] National Housing Law Project, *HUD Mixed-Status Families Proposed Rule Comment Template* (Mar. 2026).

[8] The Network for Public Health Law, *The Public Health Implications of Housing Instability, Eviction, and Homelessness*(2025), https://www.networkforphl.org/wp-content/uploads/2025/01/The-Public-Health-Implications-of-Housing-Instability-Eviction-and-Homelessness.pdf.

The proposed rule would significantly increase housing instability among disabled people by:

- Forcing mixed-status families — including those with disabled members — to relinquish assistance or face eviction;
- Reducing the overall number of households that can be served by HUD programs, as HUD's own analysis acknowledges; and
- Introducing new administrative barriers that may result in wrongful termination of assistance.

Disabled people are already over-represented among low-income renters and individuals experiencing homelessness. Displacing households that include disabled people will exacerbate these disparities and place additional strain on already-overburdened state and local systems. Once homeless, disabled people generally face more barriers to regaining stable housing due to chronic health conditions, limited employment opportunities, and the inaccessibility of emergency shelter systems.

C. Harmful Effects of Family Separation

The proposed rule's implicit endorsement of family separation is particularly harmful for individuals with disabilities, who often depend on familial networks for both emotional and practical support. Separation from caregivers or family members can result in:

- Loss of assistance with daily living activities;
- Increased isolation and mental health impacts;
- Disruption of medical care coordination; and
- Long-term adverse health outcomes.

HUD's analysis fails to meaningfully account for these disability-specific harms to family integrity.

III. The Proposed Rule Imposes Unjustified and Burdensome Verification Requirements with Disproportionate Impacts on Disabled People

The proposed rule would overhaul existing verification processes by requiring all residents — including U.S. citizens — to undergo verification through the SAVE system and, in some cases, provide documentary proof of citizenship. These changes impose significant burdens on disabled people.

A. Barriers to Documentation

The new red tape from the proposed rule would impose significant burdens on disabled people, who often already face heightened barriers to accessing proof of citizenship and identity. For example, some disabled people do not drive and are less likely to possess state-issued identification. In one national survey, 20 percent of adults who identified as having a disability

did not have a current driver's license, compared to only 6 percent of non-disabled adults.[9] Obtaining documentation such as birth certificates or passports can involve:

- Financial costs;
- Time away from work or caregiving responsibilities; and
- Logistical challenges, particularly for individuals with mobility or cognitive impairments, including difficulty physically visiting government offices and navigating administrative procedures.

These barriers significantly increase the risk that eligible individuals with disabilities will lose assistance — not because they are ineligible, but because they cannot navigate the administrative hurdles the rule imposes.

B. Reliability and Accuracy Concerns

The expansion of SAVE to verify citizenship status raises serious concerns regarding accuracy and reliability. Reported error rates and inconsistencies in related contexts suggest a meaningful risk that eligible individuals will be incorrectly flagged. For disabled people — who may already face challenges communicating with and navigating government agencies — erroneous determinations could result in wrongful denial or termination of housing assistance, with severe consequences for health, safety, and community integration.

C. Privacy Concerns

The use of SAVE also raises concerns regarding the collection, storage, and potential misuse of sensitive personal information. These risks are heightened for disabled people, who may rely on others to navigate administrative processes and may be less able to identify or contest erroneous data. The accumulation of sensitive citizenship and immigration data in federal systems poses particular risks for vulnerable populations in the current enforcement environment.

IV. Disproportionate Impacts on California and National Systems

As a California-based organization, DREDF is particularly concerned about the rule's impact in a state with the largest number of mixed-status families in federally assisted housing and one of the most severe housing affordability crises in the nation. The proposed rule would:

- Displace thousands of Californians, including disabled people and their caregivers;
- Undermine significant state and local investments in homelessness prevention and housing stability; and
- Increase demand on healthcare systems, homeless services, and social supports.

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[9] Center for Democracy and Civic Engagement, *Who Lacks ID in America Today? An Exploration of Voter ID Access, Barriers, and Knowledge* (Jan. 2024), https://cdce.umd.edu/sites/cdce.umd.edu/files/pubs/Voter%20ID%202023%20survey%20Key%20Results%20Jan%202024%20%281%29.pdf.

These impacts will reverberate nationally, placing additional strain on public systems and increasing overall public costs. Studies show that once homeless, older and disabled adults face particularly severe health consequences; those who become homeless at age 50 or later face mortality risks 60 percent higher than those who became homeless at younger ages.[10]

V. The Proposed Rule Is Contrary to Law and Sound Policy

The proposed rule is inconsistent with the statutory framework of Section 214 of the Housing and Community Development Act of 1980, which contemplates the continued provision of prorated assistance to mixed-status families. It is also contrary to longstanding federal policies promoting family unity, housing stability, and community integration for disabled people. Rather than advancing these goals, the proposed rule undermines them.

VI. Conclusion

For the foregoing reasons, DREDF strongly urges HUD to withdraw the proposed rule. The rule would inflict substantial harm on disabled people, destabilize families, increase homelessness, and reduce access to affordable housing, all while imposing unnecessary administrative burdens and failing to achieve its stated objectives.

HUD should instead focus on expanding access to affordable housing and strengthening supports that enable individuals and families — including those with disabilities — to remain safely housed in their communities.

Respectfully submitted,



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[10] National Housing Law Project, *HUD Mixed-Status Families Proposed Rule Comment Template* (Mar. 2026).