April 21, 2026

Regulations Division
Office of General Counsel
U.S. 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:

On behalf of MidPen Housing, we write to oppose the proposed rule "Housing and Community Development Act of 1980: Verification of Eligible Status" (FR-6524) and urge HUD to withdraw it. Founded in 1970, MidPen Housing is one of the nation's leading nonprofit developers, owners, and managers of high-quality, affordable housing and onsite resident services. We have developed 140 communities and over 10,400 homes for low-income families, seniors and those with supportive housing needs throughout Northern California.

California would be adversely affected by the proposed rule as it will account for the largest share of the rule's impact of any state. In addition to harming families and eligible residents, the proposed rule would also impose significant new administrative and financial burdens on housing providers without advancing statutory compliance, create housing portfolio instability and increase homelessness in communities already facing severe housing shortages. The consequences of this proposed rule are unacceptable.

The Proposed Rule Will Disproportionately Harm Californians and Exacerbate Housing Insecurity and Homelessness

The proposed rule seeks to end assistance to mixed-status families, which are families that include eligible and ineligible members based on immigration status. Under Section 214, housing assistance is already restricted to citizens and people with eligible immigration status; however, eligible recipients are allowed to live with family members who are not eligible, deeming them "mixed-status". Family members who "do not contend" eligibility do not receive assistance[1]. This is a long-standing precedent and interpretation of Section 214. Mixed-status families pay more in rent and use fewer federal resources than families who are deemed to be fully eligible.

California would bear a disproportionate share of this impact. Current data indicate that approximately 7,190 mixed-status households in California receive HUD-assisted housing, representing roughly 36 percent of all mixed status households nationwide. In a state already facing the highest homelessness levels in the country and among the most unaffordable housing

[1] 24 CFR § 5.508(e)

markets in the nation, destabilizing thousands of households will not expand housing opportunity — it will intensify displacement pressure in an already strained system.

The Rule Unduly Burdens Housing Providers and Imposes Immigration Enforcement Duties

The proposed rule would require housing providers to collect, verify, and potentially transmit sensitive immigration-related information, fundamentally altering the relationship between housing providers and residents. This shift undermines trust, chills participation by eligible families, and entangles PHAs in enforcement functions that Congress did not assign to them. At a time when federal housing programs are chronically underfunded, the rule also imposes significant new administrative burdens. HUD's own prior estimates have placed compliance costs at thousands of dollars per affected household, without any corresponding increase in administrative funding. Redirecting scarce agency resources toward enforcement restructuring detracts from the mission of housing stability.

Beyond the reporting mandate, the rule imposes substantial additional uncompensated burdens. Providers must revise all administrative policies (Admissions and Continued Occupancy Policies and their equivalents), retrain staff, update forms and notices, implement new SAVE consent workflows for U.S. citizens, and manage an unprecedented wave of tenant verification across their portfolios. For project-based owners with long-tenured mixed families, the rule may require eviction proceedings against lease-compliant, rent-paying residents solely due to a policy change. This will generate court costs, legal fees, unit turnover expenses, and extended vacancies, none of which is sufficiently addressed in HUD's cost estimates.

The Proposed Rule is Unsupported by Evidence That it Will Improve Housing Access

HUD's own analysis of the proposed rule concludes that the overall number of families, immigrant or not, who will receive assistance will decrease as a result of the rule, not increase or even stay at the same level. Replacing mixed-status families with those who are exclusively US citizens or otherwise eligible people would require new funding, because mixed-status families receive lower subsidies than similarly sized households made up entirely of eligible people. **This effectively means that fewer US citizens or eligible individuals would have access to HUD-assisted housing — reducing the impact and effectiveness of federal funding on housing stability rather than expanding it.**

HUD's stated justification of seeking to increase housing assistance for U.S. citizens is contradicted by the above and by the administration's own budget requests, which have proposed deep cuts for HUD programs. Budgetary actions taken by Congress and the administration clearly demonstrate that housing stability for low-income families is not a true priority. For example, while the final FY 2026 spending bill provided some funding to transition the 60,000 families nationwide who have an Emergency Housing Voucher (EHVs) into Tenant Protection Vouchers, this funding is not enough to keep all recipients stably housed. In California, there are roughly 15,000 EHV households who are at risk of being evicted beginning the end of this year, many of which have already received notices from Public Housing Authorities stating that their voucher is soon expiring.

Furthermore, HUD's Regulatory Impact Analysis further acknowledges that families may already be preemptively leaving assisted housing due to fear of immigration enforcement, independent of whether this rule is finalized.[1] Each vacancy created by this dynamic reduces revenue available to operators and erodes the financial stability of properties serving our region's lowest-income residents— at a time when state and federal affordable housing funding is already severely constrained.

Conclusion

The proposed rule does not advance HUD's mission to create strong, sustainable, inclusive communities. It does not expand housing supply or increase appropriations. Instead, it may result in significant unintended consequences for housing stability among eligible households, particularly children and seniors, during an ongoing affordable housing crisis. For these reasons, MidPen Housing respectfully urges HUD to withdraw this proposed rule.

Best Regards,

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President and CEO

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