



Commonwealth of Massachusetts
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

April 21, 2026

The Honorable Eric Scott Turner
Secretary, U.S. Department of Housing and Urban Development
451 7th Street S.W.
Washington, DC 20410-0001

RE: Proposed Rule, "Verification of Eligible Status" | Docket No. FR-6524-P-01 | 24 CFR Part 5

Cc: Governor Maura Healey; Massachusetts Congressional Delegation

Dear Secretary Turner:

We write on behalf of our constituents to urge you to withdraw HUD's proposed rule that would end rental assistance for mixed-status families under Section 214 of the Housing and Community Development Act of 1980. Massachusetts is in the middle of a severe housing shortage, shelter systems here are operating well beyond capacity, and waitlists for subsidized housing in most cities and towns run for years. In this environment, a federal housing subsidy is not supplemental income for most families who hold one; it is what keeps them housed. This rule would take that away from thousands of households in our state without any sound policy justification.

Under existing law, HUD does not pay rent on behalf of family members who lack eligible immigration status. What Section 214 permits is for eligible residents to live alongside family members who do not qualify, with the subsidy reduced to cover only the eligible members. The family covers the rest out of pocket. This is a deliberate choice by Congress, meant to preserve program resources for qualifying individuals while not forcing eligible residents to choose between housing assistance and their own families. This rule eliminates that arrangement with no serious accounting for why Congress was wrong to create it.

In practice, the families this rule targets are long-term residents: parents who are U.S. citizens or lawful permanent residents, elderly residents who have been in public housing for years or

decades, households that have organized their finances around assistance they are legally entitled to receive. If the rule takes effect, those families would have to either separate from members who cannot establish eligible status or forfeit the subsidy entirely. The average two-bedroom Fair Market Rent in Massachusetts is \$2,387 a month. Affording that without a subsidy requires an hourly wage of \$45.90, more than three times the state minimum wage. A minimum-wage worker would need to work 122 hours a week just to cover rent.¹ For most families losing a federal housing subsidy, there is no realistic replacement.

HUD's own data puts approximately 20,000 mixed-status households at risk of losing assistance nationally, including 910 in Massachusetts,² with estimates that the rule would displace roughly 57,000 children.³ In Massachusetts, a significant share of the low-income children in our public schools have at least one immigrant parent, and most of those children are U.S. citizens with no status issue of their own.⁴ They stand to lose housing because of a documentation requirement their parent cannot satisfy, which is not an outcome Section 214 was designed to produce. This rule is also one of several pending HUD proposals bearing down on Massachusetts residents at the same time. A separate rule on work requirements and time limits, if finalized, would put an additional 115,000 people in our state at risk of losing rental assistance, including 51,100 children and 79,500 people in working families.⁵ The cumulative pressure these proposals place on the same population is not something HUD's individual regulatory impact analyses account for.

¹ National Low Income Housing Coalition, National Housing Law Project, and CLASP, Work Requirements and Time Limits in Rental Assistance Will Worsen Housing Instability in Massachusetts (2026), https://nlihc.org/sites/default/files/Benefits_Cuts_State_Factsheet_Combined.pdf.

² HUD, Regulatory Impact Analysis: Housing and Community Development Act of 1980: Verification of Eligibility Status (Washington, DC: HUD, September 30, 2025), 8, <https://www.regulations.gov/document/HUD-2026-0199-0006>.

³ National Immigration Law Center, HUD's Mixed-Status Rule Would Force Nearly 57,000 Children From Their Homes (2026), <https://www.nilc.org/articles/tell-hud-to-protect-housing-opportunities-for-immigrant-families/>; see also National Housing Law Project, Analysis of HUD's Proposed Rule on Mixed Status Families (February 24, 2026), <https://www.nhlp.org/mixed-status/>.

⁴ MIRA Coalition, Immigrant Children, Youth, and Families in Massachusetts (2021), available at miracoalition.org (children of immigrants comprise 31% of Massachusetts' population ages 0-18); Migration Policy Institute data showing 83% of children in immigrant-headed households nationally are U.S.-born.

⁵ National Low Income Housing Coalition, National Housing Law Project, and CLASP, Work Requirements and Time Limits in Rental Assistance Will Worsen Housing Instability in Massachusetts (2026), Massachusetts state profile, available at nlihc.org.

The verification mechanism this rule relies on creates additional problems. HUD proposes to use the Systematic Alien Verification for Entitlements system, known as SAVE, to verify citizenship, a function it was not designed for and has no reliable track record performing. In other contexts where this citizenship verification function has been deployed, it has produced documented errors, including flagging U.S. citizens as noncitizens and triggering their removal from voter rolls. The rule compounds this by imposing a 90-day deadline on mixed-status families to submit citizenship and immigration evidence from the rule's effective date, while other tenants have until their next annual recertification. That disparity has no basis in Section 214 and has the practical effect of accelerating the removal of these families from the program rather than serving any legitimate verification purpose.⁶ Extending that system to determine housing eligibility introduces a real risk that eligible residents get displaced based on bad data, with limited recourse.

The documentation burden on individual residents is significant separate from SAVE's reliability problems. Producing a U.S. passport costs \$165. Getting a copy of a birth certificate usually requires government-issued ID, and getting government-issued ID usually requires a birth certificate.⁷ For many low-income residents, there is no workable path through that loop regardless of their actual citizenship status. HUD's own regulatory impact analysis estimates compliance costs to tenants and applicants nationally would reach between \$16 million and \$27 million, and costs to public housing authorities and owners between \$807,000 and \$6 million.⁸

⁶ See, e.g., "States Are Using a Federal Database to Verify Citizenship. Errors Are Kicking Citizens Off Voter Rolls," NPR, September 20, 2024, <https://www.npr.org/2025/12/10/nx-s1-5588384/save-voting-data-us-citizens>; Letter from Ranking Member Maxine Waters et al. to Secretary Scott Turner, March 9, 2026, <https://democrats-financialservices.house.gov/news/documentsingle.aspx?DocumentID=415255>.

⁷ U.S. Department of State, Passport Fee Chart (Feb. 2026), available at travel.state.gov (first-time adult passport book: \$130 application fee + \$35 execution fee = \$165 total); Center on Budget and Policy Priorities, Administration Plan Targeting Immigrants Would Take Away Rental Assistance, Create New Barriers (Dec. 2025), available at [cbpp.org](https://www.cbpp.org) (noting that many low-income residents lack government-issued ID to obtain a birth certificate, and lack a birth certificate to obtain government-issued ID).

⁸ HUD, Regulatory Impact Analysis: Housing and Community Development Act of 1980: Verification of Eligibility Status (Washington, DC: HUD, September 30, 2025), 33, Table 9, available at [regulations.gov](https://www.regulations.gov) (HUD estimates PHA and owner compliance costs between \$807,000 and \$6 million, and costs to tenants and applicants between \$16 million and \$27 million).

These are not incidental costs; they fall on the people and institutions least positioned to absorb them, even as HUD has already reduced its own staffing and program resources.⁹

The rule's own budget analysis cuts against its stated rationale. Prorated subsidies already account only for eligible household members; the ineligible members' share comes from the family's own income, not HUD's budget. Eliminating prorated subsidies does not redirect money to other priorities; whatever is not paid out stays within the same program line item. HUD's own regulatory impact analysis makes this explicit: because replacement families require higher per-person subsidies than prorated mixed-status households, the rule would reduce the total number of people receiving assistance from approximately 55,100 eligible members to 24,100, a cut of more than half, without any increase in appropriations. The rule does not free up housing for families on waitlists; it shrinks the pool of people the same budget can serve. Against that, the rule generates real implementation costs: eviction proceedings, unit turnovers, the administrative work of processing replacement applicants, and increased pressure on shelter systems. HUD estimates eviction costs at \$1,000 per household and unit turnover at 30 days, figures that bear little relationship to what housing providers actually experience, and its estimates of staff time for documentation review are similarly compressed. Those assumptions are hard to square with what housing providers actually report.¹⁰

Housing authorities, developers, and private owners in Massachusetts have made long-term financing and operating commitments around a regulatory framework that has been stable for decades. Residents have made decisions about where to live and how to manage their households based on continued access to assistance they are legally entitled to receive. Reversing that without adequately accounting for the commitments that these institutions and residents have built around existing rules creates grounds for legal challenge under the Administrative Procedure Act and causes practical harm to people and institutions that planned in good faith.

⁹ National Low Income Housing Coalition, *Federal Government Shutdown and Mass Layoffs Risks Crippling HUD in the Long Term* (Oct. 2025), available at nlihc.org (reporting HUD's workforce decreased by approximately 23% since the start of 2025, with DOGE targeting up to 50% reductions).

¹⁰ HUD, *Regulatory Impact Analysis: Verification of Eligibility Status*, available at [regulations.gov](https://www.regulations.gov), 17, Table 3 (showing reduction from 55,100 to 24,100 eligible recipients under fixed-budget scenario); *id.* at 26–27 (estimating eviction costs at \$1,000 per household and acknowledging turnover and vacancy costs attendant to the rule's implementation).

We are not asking HUD to extend benefits beyond what the law authorizes. Section 214 already establishes who qualifies for assistance and who does not. The prorated subsidy system is the mechanism Congress chose to honor that limitation while allowing eligible residents to keep their families together. This proposed rule discards that mechanism, imposes costs HUD has already quantified and cannot justify, and would produce harms to Massachusetts families that have no reasonable connection to any problem Congress asked HUD to address. We urge you to withdraw this rule.

Sincerely,



Pavel M. Payano
State Senator, First Essex District



Patricia D. Jehlen
State Senator, Second Middlesex District



Robyn K. Kennedy
State Senator, First Worcester District



Paul W. Mark
State Senator, Berkshire, Hampden,
Franklin and Hampshire District



Liz Miranda
State Senator, Second Suffolk District



Michael F. Rush
State Senator, Norfolk and Suffolk District



Jason M. Lewis
State Senator, Fifth Middlesex District



John F. Keenan
State Senator, Norfolk and Plymouth
District



Joanne M. Comerford
State Senator, Hampshire, Franklin
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Rebecca L. Rausch
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