

**Comments by the Boston Housing Authority Resident Advisory Board (BHA RAB) on HUD’s Proposed Rule under Section 214 of the Housing and Community Development Act of 1980, Docket No. FR-6524-P-01 (RIN 2501-AE16), as published at 91 Federal Register (FR) 8151, Feb. 20, 2026**

We, the Boston Housing Authority Resident Advisory Board (BHA RAB), are writing to ask that HUD withdraw the proposed rule. Instead, HUD should keep its current regulations allowing mixed-status households to live in federal public housing and housing subsidized through the Housing Choice Voucher (HCV or Section 8) program and pay prorated rent.

The RAB, Its History & Role

The BHA RAB was first created in 1999 after Congress passed the Quality Housing and Work Responsibility Act of 1998 (“QHWRA”), which required housing authorities to prepare annual and 5-year Public Housing Agency Plans (PHA Plans) describing their federal public housing and Section 8 policies and how capital funds would be spent. QHWRA required that housing authorities establish resident advisory boards (RABs) fairly representing their public housing and Section 8 tenants, review their PHA Plans with the RABs, and give serious consideration to any resident concerns raised. The BHA RAB decided to establish bylaws for the regular election of public housing and Section 8 representatives. The current BHA RAB is the 8th one elected since 1999. It holds monthly meetings with the BHA which review various BHA policies and has regularly been engaged with the BHA on policy development. Through support provided by the BHA, RAB members have been able to participate in regional and national conferences where they have shared their experiences and those of other resident leaders.

**1. This proposal will hurt all tenants in these HUD housing programs because they will reduce the funding that is available for BHA.**

In its Regulatory Impact Analysis (RIA) for the proposed rule, HUD is up front that “the primary regulatory effect would be to reduce the number of households and family members receiving assistance.” This is because the current system, where mixed-status families pay prorated rent, allows HUD to stretch its budget farther to cover more households. The RIA states that housing authorities might have to reduce their payment standards to cover the funding gap, or take other steps like reducing the amount they spend on maintenance, security, staffing costs for management and leasing officers, or offering self-sufficiency programs. All of these would have negative impacts on our households and our communities.

In Boston, many public housing buildings are old and haven’t had adequate maintenance for some time, mostly because Congress and HUD don’t provide enough funding support. If BHA has less money for maintenance because of this change, our residents will have to live with worse conditions like pest infestations, leaks, and insufficient heat in New England winters.

These issues also make the buildings deteriorate faster, so that the cost to keep them up gets higher over time. We object to any regulatory change that would make this situation worse.

BHA also already has a hard time keeping up with the staffing needs for their programs. We and our constituents have experienced problems like delays in getting our rent recalculated due to household income changes, which can cause extreme financial hardship and stress for families, and can sometimes lead to a risk of wrongful eviction. For families with mobile HCV vouchers, there can be big delays in the lease-up process because of insufficient staff to do all the inspections and paperwork for the move. Many families wind up losing out on apartments because landlords are not willing to wait. If BHA's budget is stretched even more because of this regulation change, these problems will get worse – especially if BHA must reduce payment standards on the vouchers, which would make it harder for voucher-holders to find an apartment. These problems will also be compounded if BHA staff must use its time processing people's verifications instead of providing the program support our constituents need.

We also think HUD is severely underestimating the amount of money and time that will be needed to carry out evictions and subsidy terminations. In Massachusetts, just the cost to start an eviction case in court is over \$200. Then BHA has to pay its lawyers for the court case, plus the costs for the constable to levy on the eviction. By state law (Mass. Gen. Law Ch. 239 § 4), this includes paying the cost to move everything into a storage facility. Then it takes BHA an average of 34 days for unit turnover, and 89 days for lease-up (see FY27 BHA Annual Plan). And even HUD's own Grade A standard is 20 days. This is much more than the 3-5 days cited in HUD's RIA. These costs will make it even harder for BHA to provide an adequate level of service for our constituents. It is both cruel and nonsensical to make BHA use its resources to carry out unnecessary evictions instead of providing high-quality housing services to all the households in its HCV and public housing programs. These evictions would also cause needless disruption to our communities.

## **2. It will be hard for many U.S. citizens to provide proof of citizenship.**

The proposed rule will require many U.S. citizens to provide proof of citizenship. This can be expensive and difficult and sometimes might be impossible. We object to this regulatory change because it would cause financial and logistical burdens for our constituents and could put some of them at risk of losing their housing and becoming homeless, even if they are U.S. citizens.

It could be a major challenge, and maybe impossible, for many of our constituents to get their birth certificates to prove their citizenship. This is especially true for elders and for people who have experienced homelessness. Some of our elderly constituents do not have internet access or proficiency to be able to order a birth certificate online, and some of our residents do not have a state-issued ID in order to be able to order a birth certificate – in fact, there is a catch-22 here, because it is hard to get a state-issued ID without a birth certificate, and hard to get a birth certificate without a state-issued ID. Also, many of our constituents do not have credit cards or bank accounts, which can make it difficult or impossible to pay birth certificate fees online – so

people will need to use mail or travel in person to order birth certificates, which can take a long time, and there is a risk that this time delay will cause people to lose their housing. And many of our constituents have extremely low incomes, with some of them having no cash income at all, so they would not be able to afford the fees for birth certificates. For people who have changed their names – especially women who changed their last names when they got married – a birth certificate might not be considered proof of citizenship, since it will show a different last name.

### **3. The proposed rule would increase homelessness for families, for no good reason.**

Many of our constituents who live in mixed-status families consist of families with U.S. citizen children. The adults in these families are almost all working in good jobs – otherwise, they wouldn't be able to pay the pro-rated rent. These are families who are contributing to our communities and following all the program rules. Their children need stability for their mental health. Forcing these families into homelessness, or forcing them to break up, will have huge negative impacts on these children. This kind of childhood trauma makes it harder for children to grow up healthy and to achieve their educational and career goals.

In Boston, we have some of the highest market-rate rents in the country. For example, the 2026 HUD-calculated Fair Market Rent for a 2-bedroom apartment in Boston is \$2,941, but a full-time salary at minimum wage is just \$2,598 (\$15 per hour, times 40 hours per week, times 4.33 weeks per month). These jobs are necessary for our city's economy, but they still aren't enough to cover rent without housing assistance. These are people who are working legally because they have legal immigration status but might not have one of the statuses that qualifies for these HUD housing programs. The proposed rule will cause homelessness for many of these families and will also have a huge negative impact on our region's economy if these families have to move far away and leave these jobs unfilled. For families who stay in the region and are homeless, there will be severe impacts on the families, and also negative impacts on our communities – an increase in homelessness causes more disruption and will strain the budgets of our city, our school system, and our medical system because homelessness significantly increases costs to these systems. This will harm us, our constituents, and our neighborhoods.

### **Conclusion**

BHA RAB members represent tens of thousands of residents living in BHA housing. We care about the mixed-status families in our communities, and we don't want them to be broken up or to face homelessness. We are also worried about the impacts for all households in HUD-subsidized housing. All of us, including U.S. citizens, will have to deal with expensive and difficult verifications of our citizenship status, maintenance problems and other problems due to loss of rent money from pro-rated families, more homelessness in our communities, and less funding for our resident councils. We don't see any benefit to the proposed rule, and there are enormous negative impacts for all households in these HUD programs, as well as people who are waiting on waitlists to get into these programs. As leaders working to improve our housing and our community, we ask HUD to withdraw this proposed rule.