

Mixed-Status Rule

HUD proposed a new rule on February 20, 2026, titled “Housing and Community Development Act of 1980: Verification of Eligible Status.” The rule can be found [here](#).

It is important to remember that these are only **proposed** regulations. There has been no change in current regulations, nor the law. Comments are due April 21, 2026. We will be reaching out to discuss concerns.

Overview

Generally speaking, this proposed rule would require that entities who currently operate and administer federal rental assistance programs must impose stricter requirements on families that are composed of people who have documentation of citizen and eligible immigration status and people who lack documentation (“mixed-status families/households”).

Applicability

The proposed rule applies to federal rental assistance programs that are covered by section 214 of the Housing and Community Development Act of 1980. These programs include:

- Public housing
- Section 8 programs (HCV, PBRA, etc...)
- Housing Development Grant programs (only in respect to low-income units).

Under this proposed rule, the “responsible entity” is that entity administering the assistance or administering the restrictions. That may be a housing agency, an owner, or another entity (program type dependent).

General Requirements Under the Proposed Rule

There would be much stricter requirements set on mixed-status households under this proposed rule. Generally, a new family would not be eligible to receive assistance – even at a prorated amount – unless every member of the family in the unit has eligible status. This means every member of the family must have documentation of being a citizen, being a U.S. national, or an eligible immigrant.

This is a significant shift away from current regulations that allow for prorated assistance. The rule notes that this change is because it is HUD’s belief that an individual without verified eligible status living in a mixed household receiving long-term prorated assistance is benefiting from HUD financial assistance in way prohibited by section 214.

If a family is found to be ineligible for assistance, they may be eligible for temporary deferral of termination of assistance at a prorated amount. Furthermore, a family with at least one eligible family member may receive prorated assistance pending the verification of other family members. Under the proposed rule, housing agencies, unlike other entities, may choose provide assistance before one eligible family member has been verified.

In some cases, a family that was receiving assistance on June 19, 1995 may be eligible for continued assistance.

Documentation

Under the proposed rule, there is a list of documentation that would be required to verify a person's eligible status.

- For U.S. Citizens this documentation is a signed declaration and a signed verification consent form.
- For non citizens this documentation includes a signed declaration of eligible immigration status; acceptable documentation of eligible immigration status; and a signed verification consent form.

Declarations are signed under the pains and penalties of perjury, for each person, irrespective of age. For children, the form is signed by an adult responsible for the child. The verification form would need to be signed by each family member, again with children having responsible adults sign for them.

The verification form would need to state that evidence of citizenship will be reviewed by the responsible entity, and such evidence may be released to HUD or to the Department of Homeland Security (DHS) to verify status. The proposed rule states that evidence of eligible status must only be released for purposes of verifying the individual.

This is a significant shift, as current regulations do not require verification of citizenship for persons declaring to be U.S. citizens. Instead, responsible entities may request additional documentation but are under no requirement to do so. HUD is proposing, in this rule, that responsible entities will verify US citizenship and/or immigration status through the submission of biographic information (first name, last name, date of birth) and an approved government-issued numeric identifier, including a Social Security Number, to SAVE.

Additionally, current regulations require responsible entities to verify the eligible immigration status of all noncitizen recipients under the age of 62. The proposed rule requires *all* citizens, regardless of age, to submit evidence of citizenship or eligible status.

Acceptable Documentation

The proposed rule sets out acceptable documentation for secondary verification.

For citizenship acceptable documentation includes:

- United States Birth Certificate
- Naturalization Certificate
- Consular Report of Birth (FS-240)
- Valid, Unexpired Passport
- Certificate of Citizenship
- Other Documentation as Specified in HUD Guidance

Regarding eligible immigration status, acceptable documentation of eligible immigration status is a document that is designated by DHS as acceptable evidence of immigration status of the categories set forth in section 214 for the specific immigration status claimed by the individual. The responsible entity must view the original or certified copies of the documents and must retain copies of such documents while returning the originals to the family.

Verification Process

Pursuant to the proposed rule, housing agencies may elect to provide assistance before verification is completed. Primarily, the Systematic Alien Verification for Entitlements (SAVE) system will be used for verification. If SAVE cannot verify eligible status, the responsible entity must provide the individual with notice of opportunity to provide additional information for a secondary verification, through a defined process. If secondary verification fails, the responsible entity must notify the family of the right to a hearing.

Timeline for Evidence Submission

The proposed rule sets out when evidence of eligible status must be submitted. Applicants must submit evidence of eligible status not later than the responsible entity anticipates or has knowledge of other aspects of eligibility.

For current tenants the timeline on evidence submission will vary based on whether the family is a mixed-status household (made up of people who do not currently contend their status, for example), or not. In the case of mixed-status households, families would need to submit required evidence within ninety (90) days of the effective date. Households that are not mixed status, and/or individuals who have previously self-certified their eligibility, but have not submitted evidence of eligible status (for example a citizen who was not required to do under previous rules), would need to submit documentation at their next annual examination or interim reexamination.

Additionally, if a household adds a family member, evidence must be submitted not later than the responsible entity anticipates or has knowledge of aspects of eligibility. Likewise, changing programs requires the submission of evidence – unless the family has already provided such evidence.

The proposed regulation notes that tenants would need to only do this once, but would also be required to inform the responsible entity of any changes in status.

Delay, Denial, Reduction, or Termination of Assistance

There proposed rule sets out several examples when assistance to a family must, or may not, be delayed, denied, reduced, or otherwise terminated. As an example, assistance may not be delayed, denied, reduced, or terminated where a family member who has been determined ineligible has moved from the unit. More examples are set forth under the proposed text of the rule.

Additionally, mixed status households may be eligible for temporary deferral of termination of assistance, if necessary, to permit the family additional time for the transition of family members who have ineligible status to other forms of housing. Initially, the deferral period may not exceed six (6) months, and the aggregate deferral period may not exceed eighteen (18) months.

Notification of Requirements

Under the proposed rule, there are certain requirements for the notification of documentation requirements. Applicants must be given notice at the time of the application. Tenants would need notification of the requirements with thirty (30) days of the effective date of the final rule.

The proposed rule goes into greater detail regarding the form and content of the notice.

Extensions

There are certain times that extensions must be given, additionally there are certain times an extension may be granted. Notably, an extension must be given when a family members signs a required declaration and verification consent form and certifies that evidence to support eligible status is temporarily unavailable, that additional time is needed, and that prompt and diligent efforts to obtain the evidence. A failure to submit evidence within the extension time period must result in the denial of assistance, the termination of assistance, continuing assistance (in limited circumstances), or temporarily deferring termination.

Extensions may not exceed thirty (30) days, and grants or denials must be in writing.