

# HUD's Mixed-Status Rule

On May 10, 2019, the Department of Housing and Urban Development (HUD) proposed a rule that would significantly change the agency's eligibility requirements for federal housing assistance based on immigration status. If finalized, the proposed rule will effectively

- **evict 25,000 immigrant families from their homes, including over 55,000 children who are U.S. citizens or green card holders and**
- **jeopardize the housing subsidies of millions of U.S. citizens and elderly immigrants who cannot provide proof of citizenship or immigration status.**

The proposed rule would prohibit "mixed-status" families from living in public housing and Section 8 units. Mixed-status families are families that include household members who are both eligible and ineligible for housing assistance based on their immigration status. The rule would also impose new documentation requirements for U.S. citizens and immigrants who are 62 years old or older.

**Existing law already prohibits HUD funds from supporting the housing of ineligible immigrants.** HUD claims that the rule is necessary to prevent undocumented immigrants from benefiting from federal housing assistance. However, existing law already does this. Right now, a family's rent subsidy is decreased (or prorated) to account for household members who are ineligible for the assistance based on immigration status.

- Importantly, being **"ineligible" for assistance is not the same as being an undocumented immigrant.** There are many immigrants with legal status, such as individuals with employment and work visas, who are not eligible for HUD assistance.
- For example, under current law, for a mom with a student visa and her U.S. citizen child living in a public housing apartment, their subsidy would be set to assist only the citizen child. The mother would be allowed to live in the apartment with her child, but she would not receive assistance to cover her portion of the rent.

**Families will be forced to break up or forgo their assistance.** The new proposal would force families to make the impossible decision of either splitting up to ensure that eligible members can continue to get housing assistance, or leaving the housing program so that the families can stay together.

**The proposed rule affects U.S. citizens too.** Over nine million citizens and 120,000 elderly immigrants currently receiving assistance will be required to provide proof of citizenship or immigration status for the first time, or risk losing their subsidies and facing homelessness. Many of these tenants, who are elderly or have disabilities, face tremendous obstacles in accessing this kind of documentation.

**There is no sound public policy reason for this proposal.** It is a blatantly cruel attempt to push over 100,000 people, including more than 55,000 children who are eligible for the assistance, out of their homes and leave them at risk of homelessness.

**The rule will reduce the number of subsidies provided to families.** HUD claims that the new policy is necessary to address the public housing waiting list crisis. However, by getting rid of mixed-status families, HUD would need approximately \$200 million of new dollars to assist families with all-eligible members. To pay for the higher costs, HUD admits that the agency could be forced to reduce the quality and quantity of assisted housing, including "fewer households served under the housing choice vouchers program."

## What you need to know:

1. This is only a proposed rule. The final rule is not likely to go into effect for many months. Affordable housing is essential for families to thrive. If you have questions about your situation or whether you should remain in your housing, consult a housing attorney.
2. You can submit comments to HUD explaining why this rule would have a catastrophic impact on you, your family, friends, neighbors, tenants, and clients. The deadline to submit comments is **July 9, 2019**. Visit <https://www.keep-families-together.org/> for additional resources, including a comment portal that will allow you to submit your comment to HUD.

For more information, please contact Sarah Mickelson, NLIHC Senior Director of Public Policy, at [smickelson@nlihc.org](mailto:smickelson@nlihc.org), or Karlo Ng, NHLP Supervising Attorney, at [kng@nhlp.org](mailto:kng@nhlp.org).