



HUD's Proposal to End Assistance to Mixed Status Families

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On May 10, 2019, the Department of Housing and Urban Development (HUD) released a proposed rule to end eligibility for “mixed status” families in its major rental assistance programs ([public housing](#), [Section 8 Housing Choice Vouchers](#), [Section 8 project-based rental assistance](#)). “Mixed status” families comprise both citizens (or eligible noncitizens) and ineligible noncitizens. As [reported in the press](#) and reflected in analysis by both CRS and HUD, the rule would likely result in the displacement from HUD-assisted housing of over 25,000 families, including 55,000 children. Additionally, the rule would establish new documentation requirements for citizens. The proposed rule received over 30,000 comments. Some commentators raised concerns about administrative burdens and impacts on families, as well as the possibility of legal challenges under the [Fair Housing Act](#) and the [Administrative Procedures Act](#).

Treatment of Mixed Status Families

Current law—[Section 214 of the Housing and Community Development Act of 1980, as amended](#)—prohibits the provision of certain housing assistance benefits to ineligible noncitizens (generally, persons in the country illegally or persons legally present but in a temporary status, such as tourists or students). The law does not directly address how the prohibition should be applied in the case of mixed status families. [It took HUD more than a decade to finalize its interpretation and implementation of this law](#), in part due to a series of statutory changes related to the categories of eligible and ineligible noncitizens, as well as congressional directives suspending HUD’s implementation of various proposed rules. [The final regulations implementing Section 214 address the issue of mixed status families by requiring the proration](#)—or proportional reduction—of assistance provided to these families. Other social programs that provide benefits to families and households—Temporary Assistance for Needy Families (TANF) and the Supplemental Nutrition Assistance Program (SNAP)—also pay reduced benefits to mixed status families.

Under HUD’s 2019 proposed rule, mixed status families would be ineligible for assistance. The only exception would be for certain households that were receiving assistance on the date the existing regulations took effect (June 19, 1995). All other mixed status households currently being served would either have to remove ineligible household members to continue to receive assistance (an unavailable option for families with eligible children but no eligible adults) or to move to unassisted housing, either voluntarily or by formal eviction. Program administrators could continue assistance for mixed status

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families for six to 18 months while families seek new housing. No future mixed status families would be eligible for assistance. HUD contends that this policy change is consistent with various executive orders promulgated by President Trump.

Data

According to 2017 HUD data (as published in the [economic analysis accompanying the rule](#) and analyzed by CRS) the affected programs served more than 25,000 mixed status families consisting of more than 108,000 people. More than three-quarters of these households were families with children, primarily households containing eligible children and ineligible adult members. This includes roughly 55,000 children who are U.S. citizens or have eligible immigration status.

Mixed status families make up a relatively small share of the overall assistance caseload nationally, accounting for approximately 0.5% of all assisted households. However, mixed status families make up a more significant caseload share for some Public Housing Authorities (PHAs) administering public housing and/or Housing Choice Vouchers. Based on CRS analysis of HUD data, mixed status families account for 10% or more of the caseload for approximately 40 PHAs, in some cases accounting for more than one-third of all families served by a PHA. Geographically, the largest numbers of mixed status families are in California, Texas, and New York.

HUD's economic analysis found that the proposed rule would increase subsidy costs by roughly \$200 million annually, as mixed status families receiving a reduced benefit would be replaced by families receiving full benefits. However, in a limited funding environment, this would likely result in fewer families being served overall or a decrease in the quality of the housing provided. Additionally, turnover in housing programs can be costly for program administrators. These costs can include the court-related expenses related to formal evictions, cleaning and repairs to prepare a unit for new occupants, and/or the costs of processing new applicants for assistance. HUD notes that these costs may be sizeable. HUD estimated that displaced mixed status families would bear moving costs of approximately \$500 each and further noted that some families may face homelessness as a result of the rule change. The agency did not quantify that impact but noted that researchers estimate that the costs of homelessness borne by society can exceed \$20,000 per homeless person annually.

Documentation Requirements for Citizens

Under current HUD regulations, each member of a family receiving housing assistance must provide (1) a declaration of citizenship, signed under penalty of perjury; (2) a declaration of eligible immigration status, signed under penalty of perjury, along with appropriate verification documentation; or (3) an election not to contend to have eligible immigration status, thus making the family a mixed status family. The proposed rule would make changes to the first option by creating a federal requirement for documentation of citizenship. Currently, program administrators may, but are not required to, request citizenship documentation of applicants. Under the proposed rule, all current and future citizen beneficiaries will have to provide proof of citizenship, such as a birth certificate, passport, or other documentation deemed acceptable by HUD, as established in future guidance. The vast majority of the roughly 9.6 million people receiving assistance under the Section 214-covered programs are citizens who would be subject to this requirement.

[A 2007 Government Accountability Office report assessed the implications of citizenship documentation requirements added to the Medicaid program](#) and found that such requirements appeared to increase administrative costs of the program and served as a barrier to program enrollment or result in loss of benefits for otherwise eligible citizens. The potential administrative or other program costs of the new documentation requirement are not contemplated in HUD's economic analysis of the proposed rule.

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