On November 12, 2026, HUD issued a final rule to ban mixed status families from public housing, Section 8, and other HUD housing programs. The final rule is scheduled to go into effect on Monday, December 14, 2026.

Advocates are working hard to stop this rule. It is possible the rule could be delayed or stopped altogether. Until the rule goes into effect, the law stays the same.

## Key Takeaways for Mixed Status Families in HUD-Assisted Housing

Because the law has not changed, here is what mixed status families need to know:

- **Mixed status families have the right to live together in HUD-assisted housing** as along as one family member is a U.S. citizen or has eligible immigration status**.** Family members do not have to leave, no matter what their citizenship or immigration status is.
- **If a family member does not receive HUD assistance, that family member has the right to keep their immigration status private.** Family members who do not receive assistance should not share their immigration status with HUD, the public housing authority, or the project owner.

Families should consult a lawyer before deciding whether to stay or whether to share information about a family member's immigration status. To find a lawyer, go to www.lawhelp.org.

## Who are Mixed Status Families in HUD Housing?

In HUD housing, like public housing or section 8, mixed status families include at least one family member who is ***eligible*** for HUD rental assistance and at least one member who is not eligible. A family member is eligible if they are:

- a U.S. citizen; or
- a noncitizen with one of the following eligible immigration statuses:
    - Lawful permanent residents (also called green card holders or LPRs); or
    - Asylees and refugees*
        - **Includes members of certain groups who have the same rights to public benefits as refugees*; or
    - Survivors of human trafficking; or
    - Violence Against Women Act (VAWA) self-petitioners; or

- Persons granted withholding of removal; or
- Parolees; or
- Citizens of the Freely Associated States of the Marshall Islands, Micronesia, and Palau (COFA citizens) ; OR
- Immigrants admitted for lawful temporary residence under the Immigration Reform and Control Act of 1986

If a family member's status is not included in this list, they are **ineligible** for HUD rental assistance. U-visa holders, Deferred Action for Childhood Arrivals (DACA) recipients, Temporary Protected Status (TPS) holders, and undocumented immigrants are examples of people with ineligible immigration status.

Mixed status families receive rental assistance that is prorated, or reduced, to cover only eligible family members. They also pay higher rent to cover the other family members. ***Because ineligible family members do not receive assistance, these family members are not required to share their immigration status with HUD or their public housing authority or project owner.***

**What federal housing programs does the HUD Mixed Status Families Rule apply to?**

- Public Housing
- Section 8 Housing Choice Vouchers
- Section 8 Project-Based Housing
- Section 236 Rental Assistance Program
- The Rent Supplement Program
- Housing Development Grant Programs (low-income units only)

It does not apply to Section 202 or 811 housing. It also doesn't apply to USDA housing.

This fact sheet is updated as of November 12, 2026, and is not intended to provide legal advice. You should consult an attorney for advice about your specific case. To find your local legal organization, go to lawhelp.org.