To: Housing Justice Network

From: National Housing Law Project

Date: February 3, 2026

Re: **HUD Directive to Public Housing Authorities to Re-Verify Citizenship and Immigration Status**

On January 22, 2026, HUD's Office of Public and Indian Housing sent an undated letter to public housing authorities (PHAs), instructing them to re-verify the citizenship and immigration status of a subset of HUD residents within 30 days. HUD also announced a new report – EIV-SAVE Tenant Matching Report – that flags HUD residents with "possible discrepancies" between the status reported in HUD records (specifically, HUD's Inventory Management System/PIH Information Center)[1] and the results reported by Systematic Alien Verification for Entitlement (SAVE). SAVE is the automated system for verifying immigrant eligibility for public benefits housed at the Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS).

The directive to re-verify does not apply to all HUD residents. Rather, it is limited to residents flagged in the EIV-SAVE Tenant Matching Report,[2] which includes citizens and noncitizen family members with eligible immigration status. The letter suggests that the report does not include anyone the PHA has already determined to be an "ineligible noncitizen."[3] The letter also stresses that "[i]nclusion on this report does not automatically mean that an individual is ineligible for HUD assistance."[4]

There has been significant confusion about the letter, which can contribute to a chilling effect among immigrant families receiving HUD assistance, including mixed status families. Such fears

[1] Public housing authorities submit information to HUD through HUD's Inventory Management System/PIH Information Center, *i.e.*, IMS/PIC.

[2] HUD providers typically use the Earned Income Verification (EIV) System to verify income and wages. HUD created the EIV-SAVE Tenant Matching Report specifically for the purposes of its directive to re-verify citizenship and immigration status. In the letter to PHAs, HUD provided user instructions to PHAs regarding the new report and included a sample report: https://content.govdelivery.com/attachments/USHUDPIH/2026/01/22/file_attachments/3530128/EIV-SAVE%20Tenant%20Matching%20Report%20-%20User%20Instructions.pdf

[3] Letter from Benjamin R. Hobbs, Principal Deputy Assistant Secretary, Office of Public and Indian Housing, U.S. Dep't of Housing & Urban Development, to Executive Directors of Public Housing Authorities, 1 (undated), https://www.hud.gov/sites/default/files/PIH/documents/PHA-Letter-on-EIV-Report.pdf [hereinafter HUD EIV-SAVE Letter].

[4] *Id.*

are also fueled by the incendiary rhetoric of HUD's accompanying press release.[5] This memorandum seeks to provide a legal analysis to help tenant advocates mitigate this chilling effect and defend HUD residents, both citizens and noncitizens, from unlawful actions arising from HUD's re-verification directive.[6]

I. HUD's January 2026 letter does not change the law governing housing assistance for immigrants and mixed status families.

The laws governing immigrant eligibility for HUD housing remain the same,[7] and mixed status families continue to have the same rights.[8]

Mixed status families have the right to stay in HUD-assisted housing as long as one family member is a U.S. citizen or has eligible immigration status.[9] These families will continue to receive prorated rental assistance that covers only eligible family members.[10]

Other family members have the right not to contend eligibility.[11] These family members should not share their immigration status with their HUD housing provider, and they have no legal obligation to do so. For more information, see NHLP's know-your-rights resource for tenants about sharing immigration status in HUD housing, available in English and Spanish.

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[5] Press Release, U.S. Dep't of Housing & Urban Dev., "Cleaning Housing": HUD Orders Immediate Citizenship Verification for All Tenants in HUD-Funding Housing Nationwide (Jan. 23, 2026), https://www.hud.gov/news/hud-no-26-008 (last viewed Feb. 2, 2026). HUD's press release refers to an audit but provides no support for the statistics contained in the press release.

[6] HUD directed the EIV-SAVE Letter to public housing authorities that administer public housing and Section 8 programs, but not to owners in HUD's Multifamily programs. HUD's Office of Multifamily reportedly will send a similar letter, but until this happens, multifamily owners and agents have no obligation to re-verify. LeadingAge, HUD to Issue Additional Instructions in Immigration Eligibility Verification Directive (Jan. 27, 2026), https://leadingage.org/hud-to-issue-additional-instructions-on-immigration-eligibility-verification-directive/ (last visited Feb. 2, 2026).

[7] For a discussion on immigrant eligibility requirements under Section 214 of the Housing and Community Development Act of 1980, see NHLP, Immigration Requirements: Assistance Programs for Housing and Homelessness, Energy, Disaster, and Water 4 (ESG, CoC, CDBG, HOME, FEMA, RUSH, LIHEAP), https://www.nhlp.org/wp-content/uploads/Immigration-Restrictions_Other-Programs.pdf.

[8] HUD has said that it expects to publish a proposed rule on mixed status families in the first quarter of 2026. Letter from C. Lamar Seats, Deputy Assistant Secretary, Office of Multifamily Housing, U.S. Dep't of Housing & Urban Development to Owners/Agents 1 fn. 2 (Jan. 12, 2026), https://www.hud.gov/sites/dfiles/Housing/documents/Owner-Agent-Letter-Citizenship-Immigration-Status-Verification-Jan-2026.docx.pdf.

[9] 42 U.S.C. §1436a(b)(2); 24 CFR § 5.508(a).

[10] 42 U.S.C. §1436a(b)(2); 24 CFR § 5.520(a).

[11] 42 U.S.C. §1436a(b)(2); 24 CFR § 5.508(a).

II. HUD's push for re-verification may infringe on the rights of HUD residents.

The directive raises significant concerns. **First, the directive wrongly assumes that HUD and PHAs have broad authority to access verification documents and DHS records.** This authority is narrow under federal law. Notably, federal law does not require citizens and older noncitizens (62+) to submit documents proving their citizenship or immigration status to PHAs.[12] Moreover, neither group is required to sign a verification consent form allowing the PHA to release information about their status to HUD or DHS/USCIS.[13] Although HUD plans to introduce a proposal to add verification requirements for citizens,[14] it cannot impose these new requirements before it completes the rulemaking process. Therefore, if a PHA asks for verification documents from a citizen or a noncitizen 62 or older, the PHA likely lacks legal authority for this request under HUD regulations.

HUD Requirements for Verification of Citizenship and Immigration Status			
	Signed declaration required?	***Documents to prove status required?***	***Signed verification consent form required?***
U.S. Citizens & Nationals 24 CFR 5.508(b)(1)	Yes. A signed declaration of citizenship is required.	No, unless the PHA plan contains a policy to require documents to prove citizenship (*e.g.*, birth certificate)	No.
Noncitizens 62+ 24 CFR 5.508(b)(2)	Yes. A signed declaration of eligible immigration status is required.	No, but a document to prove *age* is required.	No.
All other noncitizens 24 CFR 5.508(b)(3)	Yes. A signed declaration of eligible immigration status is required.	Yes.	Yes.

[12] See 24 CFR 5.508(b)(1)-(2). Public housing authorities may choose to require documents as proof of citizenship (e.g., birth certificate, passport), 24 CFR 5.508(b)(1), but the PHA must include this policy in the PHA Plan to be effective. HUD, Public Housing Occupancy Guidebook, Eligibility Determination and Denial of Assistance 8 (June 2022), https://www.hud.gov/sites/dfiles/PIH/documents/PHOG_Eligibility_Det_Denial_Assistance.pdf ("If the PHAs' policy is to require verification of citizenship, the PHAs plan must clearly state this policy."). This option does not apply to noncitizens who are 62 years or older.

[13] See 24 CFR 5.508(b)(1)-(2). Note that HUD Form 9886 only authorizes data needed to verify salary and wages from current and previous employers to certain state and federal agencies.

[14] Jesse Coburn, MILLIONS COULD LOSE HOUSING AID UNDER TRUMP PLAN, PROPUBLICA (Sept. 29, 2025), https://www.propublica.org/article/trump-housing-reforms-aid-hud-immigration-homelessness.

Second, the directive relies on a re-verification process that carries high risks of error. To flag residents, HUD is comparing its records with records in SAVE. Although HUD states that "the SAVE system provides the applicant's […] naturalized, acquired, or U.S.-born United States citizenship information,"[15] this function is relatively new, unreliable, and currently the subject of litigation.[16] Highly prone to inaccurate results, this process is likely to jeopardize the housing of U.S. citizens receiving HUD assistance.

Even if SAVE produces the correct result, there remains a high risk of human error, particularly for immigrants. PHA staff are not experts in the dozens of immigration statuses that a person may have, and yet they will be expected to decipher SAVE responses and determine whether these responses indicate an eligible status under Section 214.[17] HUD also noted that SAVE responses may not be enough on its own and recommend that PHAs also consider Class of Admissions codes,[18] another unfamiliar piece of technical information for PHA staff.

Lastly, the directive sets an unrealistic 30-day deadline for compliance. The verification process includes due process protections that, in some cases, will require a longer timeline. For HUD residents flagged by the EIV-SAVE Tenant Matching Report, HUD states that PHAs should seek secondary (i.e., additional) verification from SAVE.[19] Secondary verification requires the PHA to forward photocopies of the original required documents to USCIS, but as discussed above, PHAs may not have these documents for citizens, and they do not have the right to these documents for older noncitizens (62+).[20] For all other noncitizens, PHAs may forward the documents they already have. If this secondary verification process still does not confirm the noncitizen's eligible immigration status, the PHA must notify the family of this result.[21] Within 30 days of the notice, the family has the right to request an appeal with USCIS;[22] and within 30 days of the request, USCIS will render its decision to the family and forward a

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[15] HUD EIV-SAVE Letter, supra note 3, at 1.

[16] Historically, HUD and other benefits agencies could not use SAVE to verify the status of U.S.-born citizens. However, in spring 2025, USCIS overhauled SAVE to allow agencies to verify citizenship status using Social Security numbers. According to USCIS, with this change came the "risk that [it] may share inaccurate information [about citizenship] with registered agencies [such as HUD], which could in turn impact [the] agency's eligibility determination for an individual." First Amended ad Supplemental Complaint, *League of Women Voters v. U.S. Dep't. of Homeland Security*, Case No. 25-cv-3501-SLS, 33 ¶ 112 (Jan. 21, 2026) https://www.citizensforethics.org/wp-content/uploads/2026/01/LWV-v.-DHS-Amended-Complaint-ECF-61_R.pdf.

[17] See Letter from Benjamin R. Hobbs, Principal Deputy Assistant Secretary, Office of Public and Indian Housing, U.S. Dep't of Housing & Urban Dev. to Executive Directors of Public Housing Authorities 7 app. A "Crosswalk of SAVE System Responses and Section 214 Eligibility for HUD Assistance" (undated), https://www.hud.gov/sites/dfiles/PIH/documents/PHA-Letter-on-Citizenship-and-Immigration-Status-Verification.pdf [hereinafter HUD PHA Letter on Citizenship and Immigration Status Verification].

[18] Id. at 7 fn. 2.

[19] HUD EIV-SAVE Letter, *supra* note 3, at 1.

[20] See text accompanying *supra* note 13.

[21] 24 C.F.R. 5.515(e)(1).

[22] *Id.*

copy to the PHA.[23] Even if they tried to, few PHAs will be able to comply with HUD's 30-day deadline without infringing on residents' rights under HUD regulations.

In summary, HUD's re-verification directive raises significant concerns about the legal authority of HUD and PHAs to request and access verification documents, the high error risks of SAVE, and the unrealistic 30-day compliance deadline. **HUD residents who receive a request for verification of their citizenship or immigration status should consult an attorney before responding.**

III. Frequently Asked Questions

NHLP will monitor implementation of this directive and invites HJN members to reach out with questions. NHLP will update this section with new questions and answers as needed.

Do PHAs need to re-verify citizenship or immigration status for all HUD residents?

No, PHAs only need to re-verify citizenship or immigration status for any HUD resident who has been flagged for "possible discrepancies" between the status reported in HUD records and the results reported by Systematic Alien Verification for Entitlement (SAVE). SAVE is the automated system for verifying immigrant eligibility for public benefits housed at the Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS). These residents will appear in HUD's new EIV-SAVE Tenant Matching Report.

Is this directive limited to mixed status families? To immigrant families?

No. This directive also impacts citizens and noncitizens with eligible immigration status. As long as a person's status in HUD records is inconsistent with their status in DHS records, they may be subject to this re-verification requirement.

Does this directive impact mixed status families and their right to receive HUD assistance?

No. As of the date of this memo, HUD has not yet published the mixed status proposal. This means that mixed status families have the same rights as they have for decades, namely:

- **Mixed status families have the right to stay in HUD-assisted housing** as long as one family member is a U.S. citizen or has eligible immigration status. These families will continue to receive prorated rental assistance that covers only eligible family members.
- **Other family members have the right not to contend eligibility.** These family members should not share their immigration status with their HUD housing provider, and they have no legal obligation to do so. You can find more information in NHLP's know-your-rights resource for tenants about sharing immigration status in HUD housing (English and Spanish).

[23] 24 C.F.R. 5.515(e)(3).

Does this directive also apply to multifamily owners?

No. HUD directed the EIV-SAVE Letter to public housing authorities that administer public housing and Section 8 programs, but not to owners in HUD's Multifamily programs. HUD's Office of Multifamily reportedly will send a similar letter in the future, but until this happens, multifamily owners and agents have no obligation to re-verify.

What participant data is being shared between HUD and DHS?

NHLP does not know at this time. We are investigating what data was shared between the two agencies and how it might be used.