April 27, 2026

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U.S. Department of Housing and Urban Development
Office of General Counsel, Regulations Division
451 7th Street SW, Room 10276
Washington, DC 20410-0500

RE: Establishing Flexibility for Implementation of Work Requirements and Term Limits (FR-6520-P-01)

Thank you for the opportunity to provide feedback on the Department of Housing and Urban Development's Proposed Rule.[1] The following comments are submitted on behalf of the National Housing Law Project (NHLP). NHLP's mission is to advance housing justice for people living in poverty and their communities. NHLP achieves this by strengthening and enforcing the rights of tenants and increasing housing opportunities for underserved communities. Our organization also provides technical assistance and policy support on a range of housing issues to legal services and other advocates nationwide. NHLP hosts the national Housing Justice Network, a vast field network of over 2,600 community-level housing advocates and tenant leaders. Housing Justice Network member organizations are committed to protecting affordable housing and tenants' rights for low-income families across the country.

NHLP opposes this proposed rule and requests that HUD withdraw the rule for all the reasons set forth in these comments. HUD lacks the legal authority to impose these new substantive requirements which would allow housing providers to implement work requirements and time limits. This can only be done by Congress, and Congress has consistently rejected similar proposals to impose work requirements and time limits on federally assisted tenants. Further, there is little, if any, evidence to suggest that work requirements and time limits help increase self-sufficiency. HUD proposes implementation of these policies without any oversight or funding. Implementing a patchwork of different work requirements and time limits would create chaos and confusion for tenants, housing providers, and their communities. The substantive drafting errors in the text of the proposed rule also necessitate withdrawal. Rather than allow for harsh and cruel new requirements on those who live in federally subsidized housing, HUD should withdraw this proposed rule and work with Congress to make significant new investments in the federal housing programs to ensure that every family has a safe place to call home.

[1] Establishing Flexibility for Implementation of Work Requirements and Term Limits, 91 Fed. Reg. 10021 (Mar. 2, 2026) (to be codified at 24 C.F.R. pts. 5, 960, 982, and 983). HUD should take this embedded hyperlink, and all other embedded hyperlinks in this comment, into consideration in its review of these comments. All hyperlinks were last visited on April 27, 2026.

Should this rule be finalized, an estimated 3.7 million families will be at risk of losing their HUD housing subsidy, including 1.9 million children and 2.1 million working families.[2] An increase in housing instability and homelessness will strain state and local government resources, including shelters, schools, and hospital systems; and will have a detrimental impact on public health. The proposed rule will move us further from HUD's statutory goal of "a decent home and a suitable living environment" for every family.

1. Background on Congressionally authorized HUD housing programs.

The proposed rule covers HUD's four core housing programs: public housing, housing choice vouchers, project-based vouchers, and project-based rental assistance. These programs exist in nearly every community in the country to provide safe, stable, and affordable housing to nearly 8.7 million people.[3] There are several key federal housing statutes which govern these federal housing programs including the National Housing Act of 1934, the United States Housing Act of 1937, and the Housing and Urban Development Act of 1965. The Quality Housing and Work Responsibility Act of 1998 (QHWRA) made overarching changes to several of these housing statutes.[4] In 1996, Congress further authorized the Moving to Work Demonstration program, allowing regulatory and statutory flexibilities to a select group of local Public Housing Agencies PHAs.[5] These statutes broadly cover the administration of the major federal housing programs covered by the proposed rule (i.e. traditional public housing, tenant-based rental assistance (vouchers), and project-based rental assistance). There is significant difference in the design of, and the laws which govern, these four programs. The proposed rule must therefore be carefully analyzed with respect to each specific program, as it will have varying implications for the tenants, landlords, and communities these programs serve.

Public housing. Government owned and operated public housing is HUD's oldest housing program, established by United States Housing Act of 1937.[6] Today, there are thousands of local PHAs which own and operate almost 850,000 public housing units which 1.5 million people call home.[7]

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[2] Erik Gartland, *Nearly 3.7 Million People at Risk of Losing Needed Rental Assistance to Harsh Time Limit and Work Requirement Proposal*, Center for Budget and Policy Priorities (Apr. 24, 2026); *Work Requirements and Time Limits in Rental Assistance Programs Will Worsen Housing Instability*, The National Housing Law Project, the Center for Law and Social Policy, Justice in Aging, the National Low Income Housing Coalition, and Southern Poverty Law Center, (Jan. 2026).

[3] HUD's 2025 Assisted Housing: National and Local datasets (2025).

[4] Quality Housing and Work Responsibility Act of 1998 (QHWRA), Pub. L. No. 105-276, 112 Stat. 2461 (Oct. 21, 1998), codified at 42 U.S.C. § 1437c-1.

[5] Omnibus Consolidated Rescissions and Appropriations Act of 1996, Pub. L. No. 104-134, § 204(a), 110 Stat. 1321 (Apr. 26, 1996) (expanded by Consolidated Appropriations Act, 2016, Pub. L. No. 114-113, § 239, 129 Stat 2242 (Dec. 18, 2015))

[6] United States Housing Act of 1937, Pub. L. No. 75-896, 50 Stat. 888 (Sept. 1, 1937) (formerly codified at 42 U.S.C. §§ 1401-1430). The 1937 Act was revised and readopted in 1974, recodified at 42 U.S.C. § 1437, then substantially revised by the Quality Housing and Work Responsibility Act of 1998, Pub. L. No. 105-276, Title V, 112 Stat. 2461 (Oct. 21, 1998), but still codified at 42 U.S.C. § 1437.

[7] HUD's 2025 Assisted Housing: National and Local datasets (2025).

Project Based Rental Assistance. In 1974, Congress enacted Section 8 of the United States Housing Act as the primary vehicle for the federal government's efforts to provide an adequate supply of low-income housing.[8] Section 8 authorized numerous project-based programs.[9] Private landlords typically own and operate Project-Based Rental Assistance (PBRA) housing with direct HUD subsidies. PHAs are not typically involved in PBRA housing. Thousands of PBRA Owners operate 1.3 million units which house just over 2 million people.[10]

Housing Choice Vouchers. In 1983 Congress authorized the demonstration Voucher Program.[11] Congress revised the program in 1988 and 1990.[12] The Housing Choice Voucher (HCV) Program, as revised and reauthorized in 1998, replaced the former Section 8 Certificate program and all outstanding Certificates were converted to Vouchers.[13] Like public housing, thousands of local PHAs administer HCV for their communities. PHAs issue vouchers to residents, who use them to subsidize housing. The vast majority of landlords who accept vouchers from PHAs are private owners. The Housing Choice (formerly known as "Section 8") Voucher Program is the largest HUD housing program, serving 4.4 million people in 2.3 million homes.[14]

Project-Based Vouchers. A variation on the Housing Choice Voucher program is the Project-Based Voucher (PBV) program, which Congress created in 1998.[15] Under the PBV program, the local PHA attaches voucher assistance to particular units through contracts with private landlords. These contracts last for 15-20 years but can be extended and renewed for 20 more years. Approximately 660,000 people live in 420,000 units owned by thousands of landlords participating in the PBV program.[16]

2. The proposed rule continues a racist history of imposing work requirements on recipients of public benefits.

[8] 42 U.S.C. § 1437f. "Section 8" refers to Section 8 of the revised United States Housing Act of 1937.

[9] 24 C.F.R. §§ 982, 880, 881, 882, 886 (subpt. A), and 886 (subpt. C).

[10] HUD's 2025 Assisted Housing: National and Local datasets (2025).

[11] An Act Making Supplemental Appropriations for the Fiscal Year Ending September 30, 1984, and for Other Purposes, Pub. L. No. 98-181, § 207, 97 Stat 1153 (Nov. 30, 1983).

[12] An Act to Amend and Extend Certain Laws Relating to Housing, Community and Neighborhood Development and Preservation, and Related Programs, and for Other Purposes, Pub. L. No. 100-242, § 143, 101 Stat. 1815 (Feb. 8, 1988); Cranston-Gonzalez National Affordable Housing Act, Pub. L. No. 101-625, § 541, 104 Stat. 4079 (Nov. 28, 1990).

[13] Quality Housing and Work Responsibility Act of 1998 (QHWRA), Pub. L. No. 105-276, § 514, 112 Stat. 2461 (Oct. 21, 1998) (rewriting 42 U.S.C. §§ 1437d(c)(4)(A)(I), f(d)(1)(A)). A Section 8 certificate program continues to exist as homeownership and project-based certificate programs.

[14] HUD's 2025 Assisted Housing: National and Local datasets (2025).

[15] Departments of Veterans Affairs and Housing and Urban Development - Appropriations Act, Pub. L. No. 106-377, § 232, 114 Stat 1441 (Oct. 27, 2000) (revising 42 U.S.C. §1437f(o)(13)). The PBV program started earlier as a certificate program. 24 C.F.R. pt. 983, originally added at 60 Fed. Reg. 34717 (July 3, 1995), and revised by 66 Fed. Reg. 3605 (Jan. 16, 2001), pursuant to Pub. L. No. 106-377, (Oct. 27, 2000).

[16] HUD's 2025 Assisted Housing: National and Local datasets (2025).

The proposed rule allows housing providers to impose broad and harsh work requirements on millions of families in federally subsidized housing.[17] Imposing work requirements on people who receive public benefits is not a new concept. Work requirements have a long history dating back to the "vagrancy" codes enacted following the Civil War, which forced formerly enslaved Black people to work.[18] From the work requirements in the Aid to Dependent Children (ADC) program during the Great Depression, to the Aid to Families with Dependent Children (AFDC) program of the 1960s, and well into this century, work requirements are rooted in racist ideologies.[19] Government-mandated work requirements have been implemented more recently for housing benefits, the Temporary Assistance to Needy Families (TANF) program, the Supplemental Nutritional Assistance Program (SNAP), and Medicaid.[20] Decades of research on these work requirements demonstrate they do not increase self-sufficiency and have a negligible impact on the economy.[21] In spite of this research, governments continue to impose work requirements on poor people, suggesting a potentially discriminatory motive.

HUD has already withdrawn much of its fair housing guidance and stepped away from its affirmative duty to enforce fair housing laws.[22] The proposed rule does not discuss, much less engage with, this history and the racist roots of work requirements. It also does not discuss or engage with the fact that the rule is likely to disproportionately cause termination of Black program participants, who routinely face discrimination in the job market and often face cost burdens which put them at greater risks of housing instability.[23] The lack of engagement with this important history and the present reality of employment discrimination undercuts HUD's justifications for the proposed rule and suggests a potentially discriminatory motive for proposing harsh work requirements.

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[17] Erik Gartland, *Nearly 3.7 Million People at Risk of Losing Needed Rental Assistance to Harsh Time Limit and Work Requirement Proposal*, Center for Budget and Policy Priorities (Apr. 24, 2026).

[18] *Acts of the General Assembly of the State of Virginia*, passed in 1865-66, 91-93.

[19] Elisa Minoff, *The Racist Roots of Work Requirements*, Center for the Study of Social Policy (Feb. 2020); Teon Hayes & Akeisha Latch, *Rooted in Racism: The Origins of Work Requirements in Public Benefits*, The Center for Law, and Social Policy (Jan. 8, 2025).

[20] Robert A. Moffitt, *Welfare Reform: The U.S. Experience*, Institute for Labor Market Policy Evaluation Working Paper Series (Feb. 2008); Cong. Rsch. Serv., R48531, *Work Requirements: Existing Policies in Medicaid, SNAP, Housing Assistance, and TANF*, (June 25, 2025).

[21] Claudia Aiken and Ellie Lochhead, *Policy at a Crossroads: What We Know About Work Requirements and Time Limits in Federal Housing Assistance*, Local Housing Solutions (Sep. 5, 2025).

[22] Affirmatively Furthering Fair Housing Revisions, 90 Fed. Reg. 11020 (Mar. 3, 2025); Rescission of Affirmative Fair Housing Marketing Regulations, 90 Fed. Reg. 23491 (June 3, 2025); HUD's Implementation of the Fair Housing Act's Disparate Impact Standard, 91 Fed. Reg. 1475 (Jan. 14, 2026); Notification of Withdrawal of Fair Housing and Equal Opportunity Guidance Documents, 91 Fed. Reg. 17291 (Apr. 6, 2026); *The Trump Administration's Actions That Are Worsening the Fair and Affordable Housing Crisis*, National Fair Housing Alliance (Feb. of 2026).

[23] Christian E. Weller, *African Americans Face Systematic Obstacles to Getting Good Jobs*, The Center for American Progress, (Dec. 5, 2019); Matthew M. Brooks, *Persistent Disparities in Affordable Rental Housing Among America's Ethnoracial Groups*, Social Science Research, Vol. 113, 102828 (July 2023)

3. HUD's proposed rule violates the will of Congress.

a. Congress has consistently rejected prior attempts to impose expansive work requirements and time limits on federally assisted tenants.

Quality Housing and Work Responsibility Act. Congress repeatedly considered, and subsequently rejected, adding work requirements and time limits to the public housing and housing voucher programs. First, in passing QHWRA, Congress imposed only a limited "community service" requirement of eight hours per month on non-employed (or otherwise non-exempt) adults in public housing, requiring them to perform community service or engage in activity to promote self-sufficiency.[24] Congress rejected the House's original proposal to enact an explicit "work requirement" and mandate that families enter into a "self-sufficiency agreement" with a target date for transitioning out of housing assistance.[25] Congress also rejected the House's proposed application of the requirement to the voucher program, leaving it only in place for public housing. Thus, the legislative history of QHWRA demonstrates Congress's intent to foreclose broadly applicable work requirements and self-sufficiency-related time limits.

Because Congress established community service and economic self-sufficiency requirements for public housing in § 1437j(c), instituting an additional work requirement would exceed HUD's authority.[26] Such a requirement would actually contradict § 1437j(c), which expressly allows for participation in community service and self-sufficiency projects in place of work activities.[27] While § 1437j(g) provides that the HUD Secretary can designate services qualifying as an "economic self-sufficiency program," a traditional work requirement program is incongruous with the examples of qualifying activities.[28]

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[24] Departments of Veterans Affairs and Housing and Urban Development - Appropriations Act, Pub. L. No. 105-276, § 512, 112 Stat. 2461 (Oct. 21, 1998); 42 U.S.C. § 1437j(c).

[25] The Housing Opportunity and Responsibility Act of 1997, H.R. 2, § 105(b)(2)-(3) (as introduced to House, Jan. 7, 1997); H.R. 2, § 105(a)(2) (as passed by House, May 15, 1997).

[26] HUD cannot waive statutes unless specifically authorized to do so by Congress, as in the Moving to Work program.

[27] 42 U.S.C. § 1437j(c)(1)(A)-(B) (imposing a requirement of 8 hours of "community service" per month or participation in an "economic self-sufficiency program"); 42 U.S.C. § 1437j(c)(2)(C) (exempting individuals who are "engaged in a work activity" from the community service and economic self-sufficiency requirements); 24 C.F.R. § 960.601(b) ("Community service is not employment[.]").

[28] 42 U.S.C.§ 1437j(g) (defining an economic self-sufficiency program as "any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare, financial or household management, apprenticeship, or other activities as the Secretary may provide") (emphasis added); *Yates v. United States*, 574 U.S. 528, 529 (2015) ("Where general words follow specific words in a statutory enumeration, the general words are usually construed to embrace only objects similar in nature to those objects enumerated by the preceding specific words.") (quotation omitted) (cleaned up). Congress also set out conditions for continued public housing occupancy that do not include a reference to work. Except in the situation of failure to comply with the community service and economic self-sufficiency requirement in § 1437j(c), public housing leases "shall be automatically renewed." 42 U.S.C. § 1437d(l)(1). PHAs may terminate tenancy for "serious or repeated violation of a lease condition or other good cause," 42 U.S.C. § 1437d(l)(5). The statute in turn identifies specific "causes" which identify much more serious concerns than failure to work. 42 U.S.C. § 1437j(c)(3)(C) (non-compliance with community service and economic self-sufficiency requirement); 42 U.S.C. § 1437d(l)(6) (criminal activity); 42 U.S.C. § 1437d(l)(7) (furnishing false information); 42 U.S.C. § 1437n(a)(5) (over-income status).

Trump Administrations. More recently, Congress again rejected attempts to impose work requirements and time limits on federally assisted tenants. Both the current and previous Trump administrations tried, and failed, to impose restrictions on who can access housing benefits and for how long. In 2018, the first Trump Administration submitted legislation to Congress which would have "allow[ed] PHAs or Owners to impose work requirements on families and individuals."[29] Congress took no action on the proposal. Last year, the President's 2026 Budget called for two-year time limits on rental assistance for most adults.[30] Once again, both houses of Congress rejected this proposal, and it did not appear in either the House or Senate appropriations bills.

President's Budget for Fiscal Year 2027. This year, the President's 2027 Budget proposes a mandatory 20-hour per week work requirement and a five-year time limit for most non-elderly, non-disabled adults.[31] Importantly, the President's proposal eliminates the existing eight-hour per month community service requirement, implicitly recognizing that the current statutory language is incompatible with HUD's proposed rule allowing work requirements and time limits. While Congress has yet to consider or take up this most recent proposal, Congressional action is clearly required before HUD can implement work requirements or time limits. Congress has clearly, consistently, and repeatedly rejected the idea that work requirements or time limits should be permitted across all federal housing programs.

b. Congress has only authorized HUD to create specific programs to test and study work requirements and time limits.

Instead of authorizing broad work requirements and time limits across most federal housing programs, Congress has only authorized, and later expanded, programs which provide limited flexibilities to housing providers to implement policies that promote self-sufficiency.

Moving to Work. In 1996, Congress established the Moving to Work (MTW) program to allow enrolled PHAs to experiment with waivers of statutory requirements as a means of increasing economic self-sufficiency.[32] HUD enrolled 39 PHAs under this initial authorization. For those original 39 MTW agencies, work requirements and time limits are two of the permissible statutory waivers. The goal of MTW is to test and study innovative policies which, if successful, could be replicated on a broader scale. Participating programs are explicitly required to apply for

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[29] Department of Housing and Urban Development, *Administration Legislative Proposal Section-by-Section: Making Affordable Housing Work Act of 2018* (2018), p. 3.

[30] *Technical Supplement to the 2026 Budget: Appendix* (May 30, 2025), pp. 461-462.

[31] *Technical Supplement to the 2027 Budget: Appendix* (Apr. 3, 2026), pp. 605-606. These proposals, which were published after the publication of HUD's proposed rule, are substantively different than this proposed rule. The President's 2027 Budget proposes replacing the existing community service requirement for some public housing tenants and mandating work requirements and time limits which have: 1) a different number of hours for work requirements; 2) a different length of time for time limits; 3) different categorical exemptions; 4) no supportive services requirement; and 5) no hardship exemptions.

[32] Omnibus Consolidated Rescissions and Appropriations Act of 1996, Pub. L. No. 104-134, § 204(a), 110 Stat. 1321 (Apr. 26, 1996) (expanded by Consolidated Appropriations Act, 2016, Pub. L. No. 114-113, § 239, 129 Stat 2242 (Dec. 15, 2015)); Office of Policy Development and Research, Department of Housing and Urban Development, *A Review of Work Requirement Policies in HUD-Funded Assisted Housing: Final Research Report*, (June 10, 2022), p. ii.

statutory and regulatory waivers from HUD to implement work requirement or time limit policies currently unauthorized by HUD and Congress. A 2025 HUD review of MTW found that nine MTW agencies had at some point instituted a work requirement policy and seven remained in place with little documented success. [33]

In 2016, Congress expanded MTW by an additional 100 PHAs.[34] PHAs wishing to participate in the MTW expansion applied to be part of a specific cohort, and each cohort was tasked with evaluating the impact of targeted policy innovations. Initially a cohort was established to implement work requirements and study the efficacy and impact of such policies.[35] However, in 2021, HUD pulled the work requirement cohort from the MTW expansion citing conflict with current economic realities and needs of low-income families.[36] As a result, HUD has never had the opportunity to adequately study the impact of work requirements in the MTW program.

No matter what cohort a PHA is involved in, there are certain waivers available to all MTW expansion PHAs including work requirements and time limits.[37] However, in issuing HUD's Operations notice for the MTW program, importantly, HUD added "safe harbors" for the waivers that were most likely to harm tenants, like work requirement and time limit waivers. "Safe harbors" require, for example, a PHA to do an annual impact analysis of the proposed policy and to adopt a hardship policy. HUD determined that both work requirement and time limit waivers run the risk of harming HUD residents; therefore, in order to implement both policies, MTW expansion PHAs must also adopt safe harbors per the MTW expansion Operations Notice, including the requirement to undergo an annual impact analysis and the adoption of a hardship policy.[38]

The impact analysis for purposes of work requirements and time limits includes a "written analysis of the various impacts of the MTW activity" and must be completed prior to adoption of the policy and on an annual basis. It also must be completed if the PHA seeks a waiver from the safe harbor policy from HUD and when the MTW activity is closed out. The analysis must consider several factors including the policy's cost, impact on the waiting list, impact on family termination rates, and more. The requirements regarding a PHA's hardship policy are equally robust and both must be in writing and included in the PHA's MTW Supplement to the Annual

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[33] Cong. Rsch. Serv., R48531, *Work Requirements: Existing Policies in Medicaid, SNAP, Housing Assistance, and TANF*, (June 25, 2025), pp. 31-33.

[34] *Id.*

[35] Department of Housing and Urban Development PIH 2021-02, *Request for Applications under the Moving to Work Demonstration Program for Fiscal Year 2021: COHORT #3 – Work Requirements* (Jan. 7, 2021).

[36] *Fostering Local Innovations Through HUD's Moving to Work Program*, Bipartisan Policy Center (Oct. 17, 2023); Department of Housing and Urban Development PIH 2021-18, *RESCINDING of Request for Applications under the Moving to Work Demonstration Program – Work Requirements Cohort* (June 21, 2021).

[37] Operations Notice for the Expansion of the Moving to Work Demonstration Program, 85 Fed. Reg. 53444, 53468 (Aug. 28, 2020). Note there are some exceptions to the ability of MTW expansion PHAs to apply all waivers listed in the Operations Notice.

[38] 85 Fed. Reg. 53444.

PHA Plan.[39]

Additional safe harbors for work requirements include that HUD capped the work requirement at 15 hours per week per individual or 30 hours per week per household. Similarly, HUD laid out additional safe harbors for PHAs wishing to implement time limits including that the term of assistance must not be shorter than four years and that services must be offered to the family prior to termination for reaching a time limit.

In expanding the MTW program, HUD expressly acknowledged that implementation of work requirements requires waivers of certain statutory provisions, namely "[c]ertain provisions of sections 6(l)(1) and 6(l)(5) of the 1937 Act."[40] These provisions include the requirement that the lease be automatically renewed except for noncompliance with the statutory community service requirements for public housing in 42 U.S.C. § 1437j, and the requirement that the PHA not terminate a tenant's assistance "except for serious or repeated violation of the terms or conditions of the lease or for other good cause."[41] Thus, HUD recognized in establishing its work requirement MTW cohort that work requirements were incompatible with the U.S. Housing Act and required a statutory authorization and waiver. Further, HUD acknowledged that work requirements and time limits come with significant risks for HUD participants such that they should only be applied in a very limited way, including with robust safeguards to avoid termination and eviction and a formal mechanism to track the policy's outcomes.

Congress is currently considering a further expansion of MTW.[42] The most recently amended version of the 21st Century ROAD to Housing Act would expand MTW flexibilities to an additional 25 PHAs, but work requirements and time limits are expressly not included among the permissible waivers for this proposed new MTW expansion.[43] The Act also requires a study of MTW agencies which have previously implemented work requirements to "consider the short-, medium-, and long-term benefits and challenges of work requirements on public housing agencies…and on program participants who are subject to such requirements, including the effects work requirements have on homelessness rates, poverty rates, asset building, earnings growth, job attainment and retention, and public housing agencies' administrative capacity."[44] The study would need to include interviews with program participants and resident councils.[45]

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[39] *Id.*

[40] 85 Fed. Reg. 53444, 53468.

[41] 42 U.S.C. §§ 1437d(l)(1) and 1437d(l)(5).

[42] Renewing Opportunity in the American Dream (ROAD) to Housing Act, S. 5027, 118th Cong. (2024); Renewing Opportunity in the American Dream (ROAD) to Housing Act, H.R. 9990, 118th Cong. (2024); 21st Century ROAD to Housing Act, S.Amdt. 4308 to H.R.6644, 119th Congress (2026).

[43] 21st Century ROAD to Housing Act, S.Amdt. 4308 to H.R.6644, 119th Congress (2026), Sec. 504(c)(3)(A); cross-reference with 85 Fed. Reg. 53465, 53468 (prohibited waiver 7 relates to term-limited assistance; prohibited waiver 12 relates to work requirements).

[44] 21st Century ROAD to Housing Act, S.Amdt. 4308 to H.R.6644, 119th Congress (2026), Sec. 803.

[45] *Id*.

The history of Congress's deliberate and slow expansion of MTW and its currently pending legislation make clear that Congress recognized the potentially harmful implications of instituting broad or harsh work requirements and time limits on tenants in federally subsidized housing. Congress has only sparingly granted HUD this authority. Congress has also recognized the need to study the actual impacts and results of the work requirement and time limit policies the original MTW cohort implemented before expanding any authority to implement such policies more broadly. The proposed rule steamrolls Congress's intent to carefully limit the ability of HUD to waive statutory provisions for PHAs; a cautious approach that protects both federally subsided tenants and the integrity of HUD's programs.

Family Self-Sufficiency Program. In 1990, Congress authorized the Family Self-Sufficiency (FSS) program with the goal of promoting increased earnings and savings among families receiving public housing assistance.[46] Under the program, eligible families execute an FSS contract under which the PHA or Owner establishes an escrow account for the family. As the family's income and rent increase, the difference between the family's initial rent and its increased rent is deposited in the escrow account. A family can then access the account after successfully graduating from the program.[47] Originally, the statute permitted termination of a family's subsidy if the family failed to comply with their FSS contract, and also required that a family exit the program before collecting their escrowed funds.[48] In 1992 this termination provision was relaxed, and the program exit requirement was removed to make the FSS program "more equitable and more meaningful in helping the residents to public housing reach economical self-sufficiency."[49] Then in 1998, Congress added language which remains in effect today, stating that "[h]ousing assistance may not be terminated as a consequence of either successful completion of the contract of participation or failure to complete such contract."[50] In legislating the FSS Program, Congress has explicitly rejected punitive measures which punish tenants for failing to complete self-sufficiency requirements or for successfully completing them.

While FSS was originally only available to PHAs which administer public housing and vouchers, Congress authorized an expansion in 2014 to PBRA Owners. The program has been successful in promoting employment and savings for federally subsidized tenants. Instead of implementing harsh work requirements, HUD could expand evidence-based programs like FSS which support resident self-sufficiency. Indeed, the President's Fiscal Year 2027 budget proposes to completely eliminate and defund the FSS Program, despite its proven success.[51]

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[46] 24 C.F.R. § 984.101(d).

[47] 42 U.S.C. § 1437u; Department of Housing and Urban Development, *Fact Sheet: Family Self-Sufficiency (FSS) Program* (July, 2023).

[48] Cranston-Gonzalez National Affordable Housing Act, Pub. L. No. 101-625, 104 Stat. 4079 (Nov. 28, 1990).

[49] Housing and Community Development Act of 1992, Pub. L. No. 102-550, 106 Stat. 3672 (Oct. 28, 1992).

[50] Economic Growth, Regulatory Relief, and Consumer Protection Act, Pub. L. No. 115-174, 132 Stat. 1296 (May 24, 2018).

[51] *Technical Supplement to the 2027 Budget: Appendix* (Apr. 3, 2026), p. 567.

c. Work requirements conflict with Congressionally established eligibility and income-targeting requirements for the HUD subsidy programs.

Congress established income-related eligibility requirements for the HUD subsidy programs which do not include or permit work requirements.[52] These eligibility requirements reflect a balance between two Congressional priorities: the desire to target limited housing assistance at the lowest income families, and the desire to have HUD-subsidized properties include families with a mix of incomes. The statutory language Congress has passed to implement these policies is incompatible with HUD's proposed rule.

Congress imposed income-targeting requirements which require PHAs and PBRA Owners to ensure that a percentage of units get rented to the poorest families each year. For example, 40 percent of a PHA's public housing annual admissions,[53] and 75 percent of annual tenant-based voucher program admissions, must be extremely low-income ("ELI") families below 30 percent of area median income.[54] In post-1981 PBRA properties, 85 percent of admissions must be extremely low-income families or very low-income ("VLI") families below 50 percent of area median income.[55] HUD's statement that these requirements do not conflict with the proposed rule because they relate to admissions rather than continued occupancy ignore the practical implications of implementing work requirements in conjunction with the statutory targeting requirements.[56] Allowing PHAs to impose a work requirement of up to 40 hours per week circumvents Congressional intent to target assistance at the lowest income families, because most families with one or more adults working 40 hours per week will exceed the ELI threshold.

For example, in Texas, the median hourly wage is about $23 per hour.[57] If one adult in the household is required to work 40 hours per week at the average wage, they would make approximately $48,000 per year. This is well above the extremely low-income threshold for any size family, and also above the very low-income threshold for a three-person household. Even if the adult makes $10 less than the average wage, or $13 per hour, working 40 hours per week they would make $27,040 annually, which exceeds the extremely low-income threshold for a three-person household. This creates an untenable situation for applicants to federally assisted housing: in order to qualify for admission based on Congress's income-targeting requirements, they must not be working 40 hours per week. But then, as soon as they are admitted, they must immediately start working up to 40 hours per week or lose their assistance.

Congress clearly did not intend to allow PHAs and PBRA Owners to adopt the irrational and highly inefficient practice of targeting for admission the families which do not work enough hours to qualify for continued occupancy. Rather, Congress created the rational income targeting

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[52] 42 U.S.C. § 1437n(a) (public housing); 42 U.S.C. §§ 1437f(o)(4) and 1437n(b) (voucher program); 42 U.S.C. §§ 1437n(c) (PBRA).

[53] 42 U.S.C. § 1437n(a)(2)(A).

[54] 42 U.S.C. § 1437n(b)(1).

[55] 42 U.S.C. § 1437n(c)(2).

[56] 91 Fed. Reg. 10018, fn. 3.

[57] National Low Income Housing Coalition, *Out of Reach: The High Cost of Housing*, Texas (2025).

requirements to ensure that assistance reaches the lowest income families who need it the most, including those who are unemployed or underemployed.

Congress also balanced its income targeting requirements with mechanisms to provide for income mixing and a deconcentration of poverty. For example, Congress provided that PHAs may offer incentives for higher income families to occupy public housing units in projects "predominately occupied by eligible families having lower incomes," for the limited purpose of income mixing. Similarly, PHAs and Owners may adopt a preference for employed families in the Section 8 programs.[58] Authorizing incentives and preferences for higher income and working families is very different than authorizing PHAs and Owners to mandate that families work as a condition of ongoing occupancy. If Congress wanted to authorize PHAs and Owners to establish a requirement, rather than a preference, for working families, it would have spoken clearly. The proposed rule is incompatible with Congress's carefully negotiated statutory mandate to target assistance at the lowest income families while allowing, in some cases, local preferences to support income-mixing goals.

d. Congress established time limits only for two discrete categories of federally subsidized tenants and did not authorize HUD to add time limits in any other HUD housing programs.

Beyond the waiver authority granted the original 39 MTW agencies and the limited waiver authority granted to the 100 MTW expansion agencies, Congress expressly designated only two categories of federally subsidized tenants who are subject to time limits. HUD does not have authority to empower PHAs and Owners to implement time limits beyond these two categories and therefore HUD should rescind the proposed rule.

Time limits for over-income families. The QHWRA mandates that each PHA "shall utilize leases" with "a term of 12 months and shall be automatically renewed for all purposes" barring noncompliance with community service requirements.[59] Congress provided a single exception to this basic scheme by imposing time limits on a subset of over-income families pursuant to the Housing Opportunity Through Modernization Act of 2016 (HOTMA).[60] Under HOTMA, PHAs must terminate the tenancy of a family in public housing within six months of establishing that the family "exceeded the applicable income limitation" for "the most recent two consecutive years."[61] Congress did not authorize HUD to allow time limits for over-income families outside of the public housing program, or to allow time limits for non-over-income families.

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[58] 42 U.S.C. §§ 1437f(o)(6)(A)(i)-(ii) (PHAs "may establish a system…that provides preference for…assistance to eligible families having certain characteristics" based on "local needs and priorities" in the voucher programs); 1437n(c)(4) (providing that while Owners of project-based assistance are prohibited from selecting families from a waiting list based on income," they are not prevented from "establishing a preference for occupancy in such housing for families containing a member who is employed").

[59] 42 U.S.C. § 1437d(l)(1). As noted above, the President's FY 2027 Budget proposes eliminating the community service requirements.

[60] 42 U.S.C. § 1437n(a)(5)(A)(ii).

[61] *Id.*

Time limits in Family Unification Program. The Family Unification Program (FUP) is a program under which housing vouchers are provided to families for whom the lack of adequate housing is a primary factor in the separation, or the threat of imminent separation, of children from their families. FUP also provides vouchers directly to youths from ages 18 to 21 who exit foster care and lack adequate housing. Congress created FUP in the Cranston-Gonzalez Affordable Housing Act of 1990 as part of the Tenant Protection Fund.[62] Public welfare agencies certify the eligibility of both families and youth for FUP. A youth is FUP eligible if the youth is between the ages 18 and 21, left foster care at age 16 or older, does not have adequate housing, and has been determined by the PHA to be Voucher-eligible.

For former foster youth enrolled in FUP, Congress authorized time limits on assistance. Under statutory requirements, a FUP Voucher issued to such a youth may not be used to provide housing assistance for more than 18 months.[63] Though the 18-month time limit may not be waived, the statute allows a youth to transition to the regular HCV program at the expiration of the FUP Voucher term. To facilitate this process, PHAs may choose to create a preference in their regular HCV program for youth with expiring FUP Vouchers.

Thus, even in this limited example of Congressional authorization of a time limit in HUD programs, the housing provider has the option of transitioning the participant to another program to keep them stably housed. Congress did not grant authority to HUD to expand harsh time limits beyond these two discrete and limited categories of tenants with statutorily mandated time limits. Therefore, HUD should rescind the proposed rule.

e. Time limits violate the Congressional mandate that federally assisted tenants can only be evicted for good cause.

Time limits, in practice, permit a PHA or PBRA Owner to terminate an assisted tenant's lease at the end of the second or subsequent term without good cause. This directly conflicts with the statutory good cause requirements in the public housing and project-based assistance programs, and with leasing requirements in the voucher program.

Public Housing Termination for Good Cause. Under the governing statute, public housing leases "shall be automatically renewed" upon expiration except for noncompliance with community service requirements.[64] Further, PHAs may only terminate a tenancy for "serious or repeated violation of the terms or conditions of the lease or for other good cause."[65] Allowing PHAs to institute a generally applicable time limit would directly conflict with Congress's clearly expressed intent to allow individuals to continue to reside in public housing so long as they continue to meet their lease obligations and community service requirements. Any attempt by HUD to unilaterally allow the application of time limits would therefore exceed its statutory authority. It would also run contrary to the legislative history of the QHWRA, under which the

[62] Cranston-Gonzalez National Affordable Housing Act, Pub. L. No. 101-625, title V, § 553, 104 Stat. 4079 (Nov. 28, 1990).

[63] 42 U.S.C. § 1437f(x)(2).

[64] 42 U.S.C. § 1437d(l)(1).

[65] 42 U.S.C. § 1437d(l)(5).

House bill specifically ensured that evictions would not take place solely for a failure to comply with a target date for transitioning out of assistance. QHWRA only contemplates non-renewal on the basis of "self-sufficiency" where a recipient of public housing fails to engage in eight hours of community service or a comparable program, not where a tenant stays too long.

Project-Based Rental Assistance Termination. PBRA Owners also have a statutory requirement to renew assisted tenants' leases at the end of the first and each subsequent term unless there is good cause to not renew.[66] The statutory context makes clear that "good cause" occurs based on the tenant's conduct; not the passing of an arbitrary deadline. This provision appears within a statutory section designed to protect tenant organizing and prevent retaliation for organizing activities.[67] Congress extended the protections of this provision to PBRA tenants in QHWRA because eviction for "no cause" when a lease expires is a common retaliation tactic that impedes tenant organizing. Moreover, the "good cause" language in the statutes and regulations governing PBRA housing was borrowed from and codified court decisions recognizing that assisted tenants had a protected property interest in their ongoing assistance and were therefore entitled to due process before termination. Because the value of such process was to allow tenants to rebut charges related to their conduct, this context, too, makes clear that "good cause" relates to tenant conduct.

At the same time that "good cause" statutory protection was expanded to cover the PBRA programs via 12 U.S.C. § 1715z-1b, QHWRA amended the U.S. Housing Act to eliminate the "endless lease" provision for tenant-based subsidy programs.[68] This provision had previously required good cause for eviction after the initial or any subsequent lease term for tenants who used vouchers and other HUD subsidies on the private market. The revision limited the good cause protection to the initial lease term only, meaning that a private landlord could decide not to renew a lease—but the tenant would still take their subsidy to use in a different unit on the private market. This change allowed HUD to align the tenant-based program with the private rental market, in order to incentivize private landlord participation.[69] Critically, Congress considered limiting good cause protection to the lease term across all federally assisted housing programs, including PBRA, but it chose not to do so.[70] Congress therefore intended that PBRA tenants retain good cause protection from eviction at the end of the initial, or any subsequent lease term. A time limit, as a practical matter, would allow a PBRA Owner to terminate a tenancy at the end of the second, or later lease term without cause, and in violation of the statutory good cause protection.

Voucher terminations. Despite eliminating the "endless lease" provision for the tenant-based programs in the late 1990s, Congress retained the voucher program requirement that the

[66] 12 U.S.C. § 1715z-1b.

[67] Quality Housing and Work Responsibility Act of 1998 (QHWRA), Pub. Law 105-276, 112 Stat. 2461 (Oct. 21, 1998).

[68] 42 U.S.C. §§ 1437f(o)(7)(C) (voucher) and 1437f(d)(2)(B)(ii) (existing housing program, which included a tenant-based certificate program that was ultimately merged with the voucher program).

[69] 144 Cong. Rec. S11833-02, 144 Cong. Rec. S11833-02, S11844 (Oct. 8, 1998).

[70] Public Housing Reform and Responsibility Act of 1997, SB 462, § 303.

initial lease must be "for a term of not less than 1 year."[71] A PHA may approve a shorter term for an initial lease only "if the [PHA] determines that such shorter term would improve housing opportunities for the tenant and if such shorter term is considered to be a prevailing market practice."[72] The lease may only be terminated for good cause.[73] It would be difficult, if not impossible, for a PHA to impose a time limit policy and comply with these statutory requirements. For example, if a PHA imposes a two year time limit, and an HCV participant enters into a new lease one and a half years in, the PHA would have to allow them to enter into a six month lease or allow the Owner to terminate without good cause six months into the lease. It is unlikely that a private landlord who would agree to enter into a one year lease if the voucher contract is only for a period of six months, given that the tenant will lose their assistance after six months. Thus, as a practical matter, time limits are incompatible with the statutory requirements for leases in the voucher program.[74]

f. The proposed rule's stated legal authorities do not actually authorize HUD to implement work requirements or time limits.

HUD cites to only four sections of the U.S. Code as authority or justification for the proposed rule.[75] A closer examination of these statutes reveal that they do not provide HUD with the authority to impose work requirements and time limits.

42 U.S.C. § 1437(a)(1)(B). This section states that one of HUD's declared policies is addressing the nation's affordable housing crisis: "to assist States and political subdivisions of States to address the shortage of housing affordable to low-income families." While this statutory provision sets out guidance for how HUD should use its authorities otherwise authorized by law, it does not give HUD any standalone authority to override other statutory limits on how HUD can manage its housing programs. Regardless, HUD does not make clear how cutting benefits from existing program participants is an effective or sensible strategy to address the shortage of affordable housing. HUD's position just over one year ago was that "HUD acknowledges the concerns of waitlists; however, long waitlists throughout the country are a testament to the need for greater resources, and not an opportunity to forgo taking steps to protect the tenure of current residents."[76] HUD now takes the opposite position that long waitlists and high unmet need for subsidized housing justifies terminating the tenure of current residents. HUD provides no justification for its reversal.

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[71] 42 U.S.C. § 1437f(o)(7)(A).

[72] *Id.*

[73] 42 U.S.C. § 1437f(o)(7)(C).

[74] The HCV and PBV programs have incorporated good cause protection via regulation. 24 C.F.R. §§ 982.551; 982.552; 982.553; 983.257. The proposed rule does not explain how a PHA should reconcile a time limit policy with these regulatory provisions which expressly prohibit termination without good cause.

[75] 91 Fed Reg. 10017-10019.

[76] 30-Day Notification Requirement Prior To Termination of Lease for Nonpayment of Rent, 89 Fed. Reg. 101270, 101286 (Dec. 13, 2024).

42 U.S.C. § 1437(a)(1)(C). This section states that HUD's policy is to promote maximum flexibility for well-performing PHAs. Maximum flexibility is, however, contingent on consistency with both the objectives of the subchapter and other requirements in the statutes governing HUD. The proposed rule, which cuts benefits to families in need, is not consistent with HUD's statutory objectives. Notably the proposed policy does not promot[e] "the goal of providing decent and affordable housing for all citizens through the efforts and encouragement of Federal, State, and local governments, and by the independent and collective actions of private citizens, organizations, and the private sector."[77] Besides, HUD cannot rely on a general preference for "maximum flexibility" to grant PHAs authority in excess of what is allowed by more specific statutory provisions. Congress's codification of a broad policy goal does not give HUD license to ignore other statutory obligations or limits.

42 U.S.C. § 1437a(a)(2)(D). This section governs rental policies in traditional public housing, and it requires PHAs to develop "rental policies" that "shall encourage and reward employment and economic self-sufficiency."[78] The statutory context makes clear that the "rental policies" at issue concern only the amount a tenant is asked to pay and how it is calculated; not other requirements of a lease, such as compliance with work requirements or time limits. Moreover, this proposed rule would not in fact facilitate PHAs to encourage or reward employment and self-sufficiency, like the FSS program does by allowing tenants to build wealth through employment. Rather, work requirements punish tenants for unemployment rather than rewarding tenants who work. Time limits also do not reward self-sufficiency, because a strict deadline, particularly one as short as two years, is entirely disconnected from the steps a tenant might need to take to become self-sufficient, particularly given how difficult it is for tenants working full-time in the current economy to achieve self-sufficiency.[79] In addition, Congress has repeatedly indicated that self-sufficiency initiatives directed toward HUD families should not be used as a basis for program termination or exit. Beyond that, this section governs only PHAs in their operation of public housing and voucher programs, so it could not authorize any regulation with respect to PBRAs. In sum, this provision does not provide HUD with legal authority for either PHAs or PBRA Owners to implement either work requirements or time limits.

42 U.S.C. § 1437j(c)(1). This provision, the final one HUD's proposed rule cites as legal authority, provides that some adult public housing tenants shall (A) "contribute 8 hours per month of community service (not including political activities) within the community in which that adult resides; or (B) participate in an "economic self-sufficiency program," as defined by statute, for 8 hours per month.[80] The requirement applies only to public housing, so it provides no legal authority for new requirements in the voucher programs or PBRA housing. As for the

[77] 42 U.S.C. § 1437(a)(4).

[78] This language seems to have been added in 1998 by section 523 of the Veterans Affairs and HUD appropriations Act, PL 105-276 (October 21, 1998).

[79] National Low Income Housing Coalition, *Out of Reach: The High Cost of Housing* (2025).

[80] 42 U.S.C. § 1437j(c)(2).

public housing program, this provision does not authorize time limits or work requirements; neither of which qualify as either a community service or self-sufficiency program. Time limits, plainly, have nothing to do with a monthly hours' requirement for community service or self-sufficiency programming. The provision also does not provide legal authority for broad work requirements, as it is limited to only authorizing specific community service or other self-sufficiency programming mandates. Indeed, under the proposed rule a PHA could mandate non-exempt public housing residents to work 40 hours per week in addition to their existing community service requirements. Underscoring the irrelevance of the provision to the proposed rule, this community service requirement contains several exemptions that differ from those contained in the proposed rule. The President's recent budget proposal to eliminate this section in its entirety and replace it with mandatory work requirements and time limits, further undercuts HUD's reliance on this provision as legal authority for work requirements.[81]

4. HUD provides no reliable evidence that the proposed work requirements and time limits will increase long-term self-sufficiency for federally assisted tenants.

HUD's main justification for promulgating the proposed rule is to encourage self-sufficiency for tenants in federally subsidized housing.[82] The sparse "evidence" HUD cites to suggest that work requirements and time limits are effective does not support the broad flexibilities the proposed rule permits. The most reliable data on housing costs across the country demonstrate that "self-sufficiency" is impossible even with full-time work in most parts of the country.[83]

a. We are in an affordable housing crisis and most tenants cannot become "self-sufficient" through full time work in the current economy.

Government-imposed work requirements and time limits do nothing to target the root causes of the affordable housing crisis. The nation has a shortage of 7.2 million affordable and available rental homes, "resulting in only 35 affordable and available homes for every 100 extremely low-income renter households."[84] There are few places in America where a family whose adult members work 40 hours per week at the minimum wage, or even the higher average wage, can become "self-sufficient" in the current housing market. A minimum-wage worker "must work 116 hours per week — nearly three full-time jobs — to afford a modest two-bedroom rental home at Fair Market Rent. To afford a modest one-bedroom rental home, they would need to work 97 hours per week, or 2.4 full-time jobs."[85] A family with one adult working full time at the higher mean "renter wage" can afford a two-bedroom apartment in only one state: North

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[81] *Technical Supplement to the 2027 Budget: Appendix* (April 3, 2026), p. 605.

[82] 91 Fed Reg. 10017-10018.

[83] National Low Income Housing Coalition, *Out of Reach: The High Cost of Housing* (2025); National Low Income Housing Coalition, *The GAP: A Shortage of Affordable Housing* (Mar. 2026).

[84] National Low Income Housing Coalition, *The GAP: A Shortage of Affordable Housing* (Mar. 2026), p. 4. The NLIHC's GAP report also estimates there are eleven million extremely low-income renter households throughout the United States.

[85] National Low Income Housing Coalition, *Out of Reach: The High Cost of Housing* (2025), p. 13.

Dakota.[86] Thus, even many full-time workers still need a housing subsidy to afford housing in the current market. The idea that tenants can comfortably exit HUD's subsidized housing programs and afford private market housing through full-time work is a myth.

b. HUD presents no evidence that work requirements increase long-term employment or self-sufficiency.

HUD presents no reliable evidence demonstrating that work requirements increase employment and self-sufficiency in the long term. HUD's own research concluded that work requirements have "few, if any, beneficial outcomes and several negative outcomes for program participants."[87] As outlined in HUD's own 2022 report, there has been only one rigorous empirical study of work requirements in housing programs, focusing on INLIVIAN's MTW program in Charlotte, North Carolina.[88] In the proposed rule, HUD selectively cites to this study stating "employment increased significantly among the individuals subject to the work requirements."[89] But HUD fails mention that his study only tracked tenants in the program for one year, and demonstrated that, even over this limited timeframe, work requirements "did not increase average hours worked" and "newly-gained jobs were likely to be part time work." [90] HUD also fails to note that an important aspect of INLIVIAN's program was the regulatory and statutory flexibilities granted to MTW agencies, including fungibility, which means the PHA was not legally bound to use its federal funding for particular operating streams and could in fact use its funding for a range of activities like support services. Typically, PHAs are more limited in how they can use their funds. The success of an MTW agency's policy therefore cannot be used as evidence that the same policy will be effective at a non-MTW agency.

INLIVIAN has submitted detailed comments on the proposed rule, emphasizing that "we know that work requirement programs cannot succeed in isolation. They must be paired with real, accessible, supportive services that help families overcome barriers to employment and self-sufficiency, things like childcare, transportation, healthcare, and job training. Programs that impose requirements without these supports risk hurting the very households they are meant

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[86] *Id.* at 37-38.

[87] Office of Policy Development and Research, Department of Housing and Urban Development, *A Review of Work Requirement Policies in HUD-Funded Assisted Housing: Final Research Report* (June 10, 2022), p. ii.

[88] *Id.*, William M. Rohea, Michael D. Webba, & Kirstin Frescolna, *Work Requirements in Public Housing: Impacts on Tenant Employment and Evictions*, Center for Urban and Regional Studies (Dec. 10, 2015). The National Leased Housing Association has submitted comments which also point out the flaws in HUD's reliance on this limited research. "The rule's projected employment benefits (up to 59,000 additional employed individuals in the high adoption scenario) rest almost entirely on a single study of a single MTW agency (Rohe et al., 2016, Charlotte Housing Authority), conducted in a context of intensive, MTW-funded case management. That study measured employment rates, not earnings or hours, and its results cannot be reliably generalized to thousands of PHAs and owners in varied labor markets and without comparable resources. …HUD should not finalize term limit authority without a clearer evidentiary basis and provisions ensuring adequate transition time for approaching families." National Leased Housing Association, Comment ID HUD-2026-0298-0318 (Apr. 14, 2026).

[89] 91 Fed. Reg. 10020.

[90] William M. Rohea, Michael D. Webba, & Kirstin Frescolna, *Work Requirements in Public Housing: Impacts on Tenant Employment and Evictions*, Center for Urban and Regional Studies (Dec. 15, 2015), pp.19, 21.

to help."[91] The proposed rule does not provide direct funding to pay for these types of supports nor does it allow for MTW-type fungibility that would allow PHAs to use their existing funds in a more flexible way to pay for additional services.

HUD also cites work requirements imposed by the Housing Authority of Champaign County (HACC) as a success story, citing a University of Illinois study showing that, for the years 2012–2014, ''the Local Self Sufficiency (LSS) program increased the average earnings within a household by $2,283.''[92] However, HUD neglects to mention an important point it noted in its 2022 research study: the University of Illinois study was not an independent third party evaluation because the University consulted on development of the policy it was evaluating and the cited study results appear in HACC's annual self-reported MTW Annual Report.[93] And in HUD's previous review of the University of Illinois study, it noted that the study found that many program participants faced "major barriers to employment"—and thus compliance with the work requirement—including because they had a large number of children, had a felony conviction on their record, or had limited access to transportation and childcare.[94] HUD also cites to a 2019 study of the Chicago Housing Authority's work requirement program, but it neglects to mention the study raised serious questions "about the possibility of work requirements increasing the work effort and income among assisted households to a level that enables self-sufficiency and positive moves from housing assistance."[95] This research was not conclusive, and found that whether "mandatory services as part of increased enforcement leads to improved employment and self-sufficiency is yet to be known."[96] All of the other work requirement "success stories" cited by HUD are from self-reported information in PHA MTW Annual Reports and therefore do not constitute an objective or third party evaluation of these policies.[97]

The proposed rule ignores, and does not cite, HUD's own 2024 research on MTW work requirements, which reached similar conclusions. There, HUD found that work requirements had "no significant impacts on other measures of self-sufficiency" and noted a "lack of statistically significant impacts on self-sufficiency."[98] HUD's proposed rule also neglects to discuss research

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[91] INLIVIAN, Comment ID HUD-2026-0298-0116 (Mar. 23, 2026).

[92] 91 Fed. Reg. 10020.

[93] Office of Policy Development and Research, Department of Housing and Urban Development, *A Review of Work Requirement Policies in HUD-Funded Assisted Housing: Final Research Report* (June 10, 2022), p. 58.

[94] *Id.*, p. 64.

[95] 91 Fed. Reg. 10021; Diane K. Levy, Leiha Edmonds, Samantha Batko, & Marcus Gaddy, *Public Housing Work Requirements: Case Study on the Chicago Housing Authority*, Urban Institute (Apr. 2019), p. 22.

[96] *Id.*

[97] 91 Fed. Reg. 10020-10021.

[98] Office of Policy Development and Research, Department of Housing and Urban Development, *Evaluation of the Moving to Work Flexibility Cohort* (Sep. 24, 2024), pp. 45, 49. HUD's Office of Policy Development and Research highlighted this 2024 report in its newsletter just this month, emphasizing the need for future research: "The evaluation found no statistically significant impacts on cost effectiveness, self-sufficiency, or housing choice during the study period. However, some features of the study design potentially made isolating the impact of MTW difficult. Future studies can address the small sample size, short post-implementation period, and the heterogeneous effects of specific waiver activities to better isolate impacts." PD&R Edge Research & Data Spotlight, *Findings From the Evaluation of the Moving to Work Flexibility Cohort: Year 3 Report* (Apr. 16, 2026).

on other public benefit programs such as SNAP to see what impact work requirements have on the economy. This research has found work requirements have "little effect on labor supply" and "do not increase employment."[99] This research has also concluded there is no evidence that SNAP work requirements lead to increased self-sufficiency.[100] Other external analyses support the argument that work requirements are harmful and ineffectual and find that work requirements would fail to encourage work, push families into homelessness, cause employed tenants to lose benefits, and harm individuals with health conditions that prevent them from working.[101] HUD does not discuss or engage with any of this research or analysis in the proposed rule.

HUD's proposed rule relies on cherry-picked data from the only third party rigorous study of work requirements in the HUD subsidy programs, and self-reported information from MTW agencies who have a financial incentive to report success to HUD. These data points provide insufficient support for a policy which will have widespread and potentially catastrophic impacts on thousands of HUD-subsidized families across the country.

Finally, the fact that HUD's own research highlights the lack of empirical studies on the impact of work requirement policies is in line with the directive Congress is currently considering in the 21st Century ROAD to Housing Act: HUD must commission more rigorous studies of the impact of work requirement policies before broadly authorizing PHAs and Owners to implement them.

c. HUD presents no evidence that time limits increase self-sufficiency.

Like work requirements, time limits on tenants in subsidized housing have been tried before, and there is little evidence they increase self-sufficiency. One of the first studies of time limits in MTW programs found negative effects on tenants, including an increased risk that tenants subject to time limits would become "homeless or otherwise excessively rent burdened."[102] A 2021 evaluation of the Tacoma Housing Authority's time limit program recommended eliminating all time limits after concluding that the "hypothesis that the time limit encourages income gains does not hold true."[103] HUD's own research has concluded that long-term subsidies, such as housing choice vouchers, are more effective solutions to reducing

[99] Chima D. Ndumele, Hannah Factor, Matthew Lavallee, Anthony Lollo Jr, & Jacob Wallace, *Supplemental Nutrition Assistance Program Work Requirements and Safety-Net Program Participation*, JAMA Internal Medicine (Jan. 1, 2025).

[100] T Jason Cook & Chloe N. East, *The Disenrollment and Labor Market Effects of SNAP Work Requirements on Parents*, National Bureau of Economic (May 27, 2025); Lauren Bauer & Chloe N. East, *A Primer on SNAP Work Requirements*, The Hamilton Group (Apr. 2025).

[101] LaDonna Pavetti et al., *Expanding Work Requirements Would Make It Harder for People to Meet Basic Needs*, Center on Budget and Policy Priorities (Mar. 15, 2023); Will Fischer, *Housing Work Requirements Would Harm Families, Including Many Workers*, Center on Budget and Policy Priorities (May 3, 2018).

[102] Robert Miller, *The Experiences of Public Housing Agencies that Established Time Limits Policies Under the MTW Demonstration*, Applied Real Estate Analysis, Inc. and The Urban Institute (May 2007).

[103] Department of Policy, Innovation, and Evaluation, *An Assessment of the Housing Opportunity Program*, Tacoma Housing Authority (Dec. 2021).

homelessness than short-term solutions.[104] Moreover, no public housing agency has ever attempted to implement time limits as short as two years. There is absolutely no evidence to support such a policy. Indeed, the proposed rule cites to third-party research and only cites to self-reported data from one PHA in San Bernardino, California to suggest that time limits increase self-sufficiency.[105] The proposed rule does not grapple with existing research reaching the opposite conclusion. For example, a longitudinal study of San Bernardino's time limit policy projected that nearly 70 percent of participants were not expected to achieve self-sufficiency by the end of their five-year time limit.[106]

As shown by HUD's lack of evidence cited in the proposed rule, time limits are not an evidence-based solution to the nation's housing crisis. HUD should instead consider research, including its own, which does not support the contentions that either work requirements or time limits will lead to increased self-sufficiency. And where the research is insufficient, HUD should conduct or commission additional research before taking drastic steps certain to result in mass subsidy loss.

5. HUD has no way of providing adequate oversight of the proposed work requirements and time limit policies.

Especially given the lack of empirical data to support work requirement and time limit policies, HUD's failure to provide future programmatic oversight of these new policies will have a disastrous impact on HUD residents. HUD plans to use its current, flawed assessment systems to oversee ongoing compliance with the policies set forth in HUD's proposed rule.[107] HUD has a range of assessment systems that apply to different housing programs: Public Housing Assessment System (PHAS), Section Eight Management Assessment Program (SEMAP), Performance-Based Contract Administrators (PBCA), and Management and Occupancy Reviews (MORs). Analysis of HUD's assessment systems found that these systems do not adequately capture important data on PHA or Owner compliance and tenants' lived experiences, and that lack of accurate information prevents HUD from taking important oversight and enforcement action.[108] These systems will therefore not adequately provide HUD with the information needed

[104] Office of Policy Development and Research, Department of Housing and Urban Development, *Family Options Study: Long Term Tracking Project* (2020).

[105] 91 Fed. Reg. 10021.

[106] Brian Distelberg and Ginger Simonton, *Longitudinal Study of the Five Year Assistance Program Housing Authority County of San Bernardino: Year Two Report*, Loma Linda University and Housing Authority of San Bernardino (Jan. 2015), p. 14.

[107] 91 Fed. Reg. 10018.

[108] Office of Inspector General, Department of Housing and Urban Development, *HUD Needs to Improve its Oversight of Moving to Work Public Housing Agencies* (Mar. 16, 2026) (finding that the lack of quality checks in HUD's oversight systems failed to capture the accurate and necessary data for determining full PHA compliance with MTW statutory requirements); Office of Inspector General, Department of Housing and Urban Development, *HUD's Office of Public and Indian Housing Needs to Improve Its Oversight of Non-FHA-Insured PBV Projects Converted Under RAD* (June 26, 2025), pp. 5-16 (finding HUD did not have consistent oversight practices to ensure data quality and lacked a system to collect and maintain information about the physical and financial condition of RAD PBV projects); Office of Inspector General, Department of Housing and Urban Development, *HUD's Section Eight Management Assessment Program* (Mar. 6, 2023), pp. 12-15 (finding that HUD could not rely on data reported in SEMAP and that SEMAP did not effectively assist HUD with identifying PHAs' with HCV Programs that have needed improvement); Office of Inspector General, Department of Housing and Urban Development, *HUD's Office of*

for effective oversight of work requirement and time limit policies.[109]

HUD has invested years of resources into reforming its assessment systems to improve its oversight and decrease administrative burdens; however, full reform has yet to be achieved.[110] And HUD makes clear in the proposed rule that it does not plan to alter its existing oversight systems to properly alert HUD to PHA and PBRA Owner compliance issues related to these new policies.[111] HUD will not actively track policies, nor will it set uniform compliance standards.[112] Instead, HUD tasks PHAs and PBRA Owners with defining eligible work activities, compliance standards, how participation time will toll and other key aspects of the proposed rule.[113] Housing providers will simply be left to track their own compliance, and tenants and their advocates will be left to play the oversight role HUD is abdicating. Plus, recent developments make the prospect of effective HUD oversight even less likely. HUD staff has been dramatically reduced across offices in the past year. [114]

HUD is relying on these same flawed oversight systems to determine which agencies are eligible to adopt work requirements and time limits. To be eligible to implement these policies, PHAs and PBRA Owners must be "performing well." A PHA must "not [be] in receivership and…not designated as a troubled performer under the Public Housing Assessment System (PHAS), Section Eight Management Assessment Program (SEMAP), or Small Rural PHA Assessment, as applicable."[115] For the PBRA program, a property is considered "well-performing" if the property "is not in default of its Section 8 project-based rental assistance HAP contract."[116]

Multifamily Needs to Improve Its Oversight of PBRA and FHA-Insured PBV Properties Converted Under RAD (Dec. 18, 2024), pp. 6-7 (finding HUD needs to improve its oversight of the physical condition of public housing units that converted to PBRA and FHA-insured PBV under the RAD program); Office of Inspector General, Department of Housing and Urban Development, *HUD's Office of Multifamily Housing Programs Can Improve Its Monitoring of Civil Rights Compliance* (Mar. 11, 2025), pp. 2-4 (finding HUD's minimal monitoring of civil rights compliance inhibited the Department's ability to identify discriminatory practices and resolve civil rights violations); Office of Inspector General, Department of Housing and Urban Development, *Top Management Challenges Facing the U.S. Department of Housing and Urban Development in 2020 and Beyond* (Oct. 18, 2019), p. 22 (noting that SEMAP is not a reliable, real-time, and all-inclusive monitoring tool).

[109] *Id.*; Office of Inspector General, Department of Housing and Urban Development, *Improvements are Needed to Ensure That Public Housing Properties Are Inspected in a Timely Manner* (May 23, 2023); 91 Fed. Reg. 10018.

[110] Department of Housing and Urban Development, *Statement of Regulatory Priorities for Fiscal Year 2025* (Dec. 18, 2024), pp. 1-3; *Public Housing Evaluation and Oversight: Changes to the Public Housing Assessment System (PHAS) and Determining and Remedying Performance Deficiencies*, 89 Fed. Reg. 87518 (Nov. 4, 2024); Office of Multifamily Housing Programs, Department of Housing and Urban Development, *FAQs: HUD'S Fiscal Year 2025 PBCA Proposal* (May 29, 2024), pp. 67-69.

[111] 91 Fed. Reg. 10018.

[112] 91 Fed. Reg. 10018, 10025-26.

[113] 91 Fed. Reg at 10029-33 (codifying PHA and PBRA Owner oversight requirements at 24 C.F.R. §§ 5.4005((a)(3), (b)(3), 960.801(a)(3), (b)(3), 982.55(a)(3), (b)(3), 983.263(a)(3), (b)(3)).

[114] Linda Couch, *HUD to Cut 50% of Staff, Union Says*, LeadingAge (Feb. 14, 2025).

[115] 91 Fed. Reg. 10018. HUD's most recent data on PHAs show 1918 are "high" or "standard" performers, 467 are "substandard" performers, and 104 are "troubled" performers. Department of Housing and Urban Development, Public Housing Assessment System (NASS-PHAS) data (June 2024).

[116] *Id.* Tenants and community stakeholders may learn of the PBRA Owner's status from a HUD notice. Department of Housing and Urban Development, *Servicing of Projects That Do Not Meet HUD's Physical Condition Standards and Inspection*

It is well documented that even HUD-ranked "well performing" housing providers often face managerial, conditions, and other issues at HUD-assisted properties.[117] Even poor performers, then, will be eligible to implement untested work requirements and time limits. It will be tenants, applicants, and communities who will have to navigate the harmful consequences.

Finally, HUD does not include any safeguards to prevent illegal discrimination or retaliation based on work requirement or time limit policy implementation. In fact, HUD places the responsibility for fair housing compliance on PHAs and PBRA Owners themselves.[118] This is especially risky because the proposed rule explicitly allows housing providers to implement different policies within their portfolio.[119] This would allow a PHA or PBRA Owner to target specific properties for potentially discriminatory or retaliatory reasons. For example, a PBRA Owner could implement a time limit policy only in the buildings in which tenants are organizing tenant unions. A PHA could implement an onerous work requirement policy which only applies to a building with a disproportionate number of Black tenants. In heavily segregated communities, it is possible that a work requirement or time limit policy which uniformly applies to all tenants could have a disparate impact on families of color.[120] Like other HUD departments, the administration has greatly reduced the size of HUD's fair housing staff. Without any meaningful fair housing oversight, HUD is abrogating its duty to ensure tenants are protected from harmful discrimination.

6. Although the proposed rule is discretionary, many housing providers will be forced to adopt local work requirements and time limits.

HUD proposes a broad expansion in PHA and Owner discretion to "implement policies that more effectively leverage limited resources…to address the shortage of affordable housing."[121] HUD's justifications ignore that the proposed rule puts PHAs and PBRA Owners at

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Requirements (PCS&IR) or Fail to Certify That Exigent Health and Safety (EH&S) Deficiencies Have Been Resolved as Required, Notice H 2018-08 3-4 (Oct. 29, 2018).

[117] Patrick Spauster, *The Compliance Crisis In New York City's Project-Based Rental Assistance Program*, City Limits (Sept. 29, 2025) (reporting on the systematic failures of private managers of federally subsidized housing projects in New York City to properly recertify tenants in the program, resulting in rent miscalculations and eviction filings, and tenants having little recourse to resolve issues); Department of Housing and Urban Development, *Statement of Regulatory Priorities for Fiscal Year 2025* (Dec. 18, 2024), pp. 1-3 (describing HUD's planned administrative efforts to improve the efficiency of the PHAS, SEMAP, and PBRA oversight systems).

[118] "The PHA or Owner would be responsible for ensuring that implemented" time limits/work requirements "do not adversely affect participation in, benefits of, or otherwise discriminate against persons on the basis of race, color, national origin, sex, religion, familial status, disability, or other statutorily protected bases." 91 Fed. Reg. 10023, 10025. 42 U.S.C. § 3608(e)(5) (HUD Secretary will "administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this subchapter."); Kriston Capps & Sarah Holder, *HUD Issues Layoff Notices, Targeting Fair Housing Staff with Deep Cuts*, Bloomberg (Oct. 11, 2025).

[119] 91 Fed. Reg at 10029-33 (requiring PHAs and PBRA Owners to memorialize who is subject to and exempt from their policies at 24 C.F.R. §§ 5.4005((a)(3)(i), (b)(3)(i), 960.801(a)(3)(i), (b)(3)(i), 982.55(a)(3)(i), (b)(3)(i), 983.263(a)(3)(i), (b)(3)(i)).

[120] This is even more concerning given the United States has actively used work requirements to create inequitable access to federal benefit programs along racial lines. Teon Hayes & Akeisha Latch, *Rooted in Racism: The Origins of Work Requirements in Public Benefits*, The Center for Law and Social Policy (Jan. 8, 2025)

[121] 91 Fed. Reg. 10019.

risk of being pressured into adopting work requirement and time limit policies, despite having serious reservations or opposition, especially in communities which are hostile to affordable housing.

If HUD were to finalize this rule, jurisdictions opposed to subsidized housing will be permitted to mandate that PHAs and PBRA Owners adopt work requirements and time limits. There is at least one jurisdiction where that is already the case. In 2023, Arkansas enacted a state law that requires public housing authorities to "implement a work requirement for able-bodied adults in households that receive housing assistance," and to request approval from HUD to do so.[122] The Arkansas law is currently not being enforced because of superseding federal law. The interaction between HUD's proposed rule and Arkansas's trigger law requiring work requirements is already causing confusion among Arkansas housing authorities, tenants, and advocates.[123] But to the extent that HUD's authorization of work requirements triggers application of Arkansas's state-wide requirement, the proposed rule will lead to devastating effects across the state. Arkansas, where it is a criminal offense for missing or paying rent late, has a deficit of 51,467 affordable and available rental units for very low-income families; quickly removing families from HUD's housing programs will not help Arkansas to meet the state's housing needs.[124]

In communities where political will shifts quickly, punitive work requirements and time limit policies may be pushed into law with little public support or demonstrated benefit. As evidenced by Wisconsin's welfare reform, in the waning hours of then-Governor Scott Walker's administration, an existing political majority pushed through requirements for "employability plans" for public housing tenants.[125] This law requires Wisconsin's PHAs to survey public housing tenants for employability, determine whether tenants are "under-employed," and conduct drug testing of tenants.[126] Wisconsin has not promulgated the necessary administrative rules for implementation of the law due to a change in administration and lack of political will.[127]

The purpose of HUD's housing programs is "…to provide adequate housing for…families with incomes so low that they are not decently housed in new or existing housing."[128] The proposed rule creates the ability for state and local government to use HUD housing as a political

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[122] AR Code § 14-169-109.

[123] As one Arkansas PHAs has commented on the proposed rule: "If the proposed rule is approved and it becomes a final rule; would PHAs still have the option to not implement work requirements? This information is important to the agency and board of directors in making a decision on whether or not to implement work requirements and/or term limits." Jonesboro Urban and Housing Authority, Comment ID HUD-2026-0298-0149 (Mar. 26, 2026).

[124] National Low Income Housing Coalition, *The GAP: A Shortage of Affordable Housing*, (Mar. 2026), Appendix A; National Low Income Housing Coalition, *2026 Arkansas Housing Profile* (Mar. 2026).

[125] Wis. Stat. § 16.314.

[126] *Id.*

[127] Wis. Stat. § 16.314(3) states the Wisconsin Department of Administration "may promulgate rules establishing standards for determining whether an individual is able-bodied and either unemployed or underemployed." The Wisconsin DOA has not proposed or promulgated these rules.

[128] 42 U.S.C. § 1441.

volleyball instead of for the purpose explicated by Congress.[129] The States of Arkansas and Wisconsin plan to provide no funding to PHAs to implement these mandates. HUD's proposed rule also provides no funding to PHAs.[130] PHAs in these states may therefore be forced to implement work requirement policies with no financial support necessary to provide the support tenants need.[131]

These mandates are further complicated by the fact that HUD's proposed rule places most of the responsibility for complying with fair housing laws on PHAs or PBRA Owners when implementing a time limit or work requirement policy.[132] This fact becomes especially alarming given the history of many states' use of work requirements to perpetuate racist, discriminatory narratives about protected classes, particularly, people of color.[133] HUD's abdication of its fair housing duties will require PHAs and PBRA Owners to determine if state laws implementing work requirement and time limit policies have either a direct or disparate impact on communities which should be protected under fair housing and anti-retaliation laws.[134]

7. The proposed rule will destabilize federally subsidized housing, impacting tenants, housing providers, and their communities.

Tenants, housing providers, and other community stakeholders rely on standardized administration of the major federal housing programs. The proposed rule will create confusion about federal housing requirements and run counter to HUD's stated priorities.[135] The proposed

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[129] HUD Secretary Scott Turner and Arkansas Governor Sarah Huckabee Sanders have opined that "Arkansas will set the example for more states to follow." Scott Turner Sarah Huckabee Sanders, *Why HUD's proposed rule is a springboard to the American Dream*, Fox News Digital (Mar. 9, 2026); HUD Press Release 26-021, *ICYMI | Secretary Turner & Governor Sanders in Fox Digital: "Why HUD's proposed rule is a springboard to the American Dream,"* (Mar. 24, 2026).

[130] 91 Fed. Reg. 10023-24 (requiring PHAs and PBRA Owners to provide supportive services but not allowing the HCV administrative fee or PBRA project fees to fund the services).

[131] The National Leased Housing Association has submitted comments discussing the difficulties housing providers in these states will face and encouraging HUD to preempt state laws which would mandate implementation: "Where state directives eliminate true discretion, PHAs face involuntary implementation costs and compliance burdens without the organizational commitment and support infrastructure that characterize successful voluntary adoption. HUD should affirmatively preempt any compelled adoption imposed by state law and ensure PHAs, as well as owners, are able to make voluntary decisions on implementation based on their available resources and their unique local circumstances." National Leased Housing Association, Comment ID HUD-2026-0298-0318 (Apr. 14, 2026).

[132] *Affirmatively Furthering Fair Housing Revisions*, 90 Fed. Reg. 11020 (Mar. 3, 2025); *Rescission of Affirmative Fair Housing Marketing Regulations*, 90 Fed. Reg. 23491 (June 3, 2025); *HUD's Implementation of the Fair Housing Act's Disparate Impact Standard*, 91 Fed. Reg. 1475 (Jan. 14, 2026); *The Trump Administration's Actions That Are Worsening the Fair and Affordable Housing Crisis*, National Fair Housing Alliance (Feb. 2026).

[133] Teon Hayes & Akeisha Latch, *Rooted in Racism: The Origins of Work Requirements in Public Benefits*, The Center for Law and Social Policy (Jan. 8, 2025).

[134] 42 U.S.C. § 3608(e)(5). One comment on the proposed rule from a Multifamily Performance Based Contract Administrator has also pointed out the possibility of the proposed rule increasing potential liability for PBRA Owners: "For example the Owner of a property in a predominantly African-American or Hispanic neighborhood has implemented the work requirement and while another Owner with a property in a predominantly White neighborhood has not. This opens the Owner with the requirement up for Fair Housing suits due to a decision of another Owner that hey [sic] have no connection to." Los Angeles LOMOD, Comment ID HUD-2026-0298-0082 (Mar. 12, 2026).

[135] Department of Housing and Urban Development, *Fiscal Year 2026 Annual Performance Plan* (2025), p. 1.

rule allows PHAs and PBRA Owners to implement different work requirement and time limit policies for various types of federally assisted housing, with the potential even for different policies at the property level. HUD does not have a standardized method or system for tracking all the different work requirement and time limit policies in any given community.[136] This will put a burden on current and prospective tenants, housing providers, and local communities to make sense of the multitude of local policies.[137]

a. HUD's proposed rule will cause confusion for federally subsidized tenants.

Tenants in, and applicants to, all federal housing programs need to understand local policies when making decisions about their housing choices. Tenants and applicants' housing options will change as work requirements and time limit policies become effective in any given jurisdiction. There are several aspects of work requirement and time limit policies that will be left to local discretion such as the number of work hours required, the support services available, and the length of a time limit. Especially given that broad work requirements and time limits present an entirely new policy landscape for federal housing programs, there is no doubt that tenants and applicants will have to navigate a web of varying policies, some of which will greatly impact whether a family will remain stably housed or be at risk of termination and eviction.

b. HUD's proposed rule will destabilize the Housing Choice Voucher Program for both tenants and landlords.

The proposed rule will have a detrimental impact on important mobility features of the Housing Choice Voucher Program. Fundamental to the HCV Program is the right to move with continued assistance anywhere within the jurisdiction of the administering PHA, and to move from one PHA to the jurisdiction of another PHA with continued assistance.[138] This process of transferring a Housing Choice Voucher from one PHA to another PHA is referred to as "porting." The proposed rule does not describe how new work requirement and time limit policies will be applied to families who choose to move within the jurisdiction of their current PHA or to port. Even within a PHA's jurisdiction, several different work requirement and time limit policies may apply. The proposed rule includes no instructions about the procedural requirements needed to protect tenants' rights when a family moves from one property to another property that has different work requirements or time limits.

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[136] 91 Fed. Reg at 10029-33 (codifying HUD's oversight at 24 C.F.R. §§ 5.4003(a)(3), (b)(3), 960.801(a)(3), (b)(3), 982.55(a)(3), (b)(3), 983.263(a)(3), (b)(3)).

[137] Several apartment industry associations have pointed out the problems this could for landlords: "a single PHA could also impose a different term limit for each rental assistance program it administers, depending on the agency's housing goals. This could make the administrative burden to track individual households' compliance unworkable for on-site teams and introduce financial risk from terminations of tenancy and turnover costs that could increase substantially." Apartment and Office Building Association of Metropolitan Washington, Comment ID HUD-2026-0298-0309 (Apr. 13, 2026); Connecticut Apartment Association, Comment ID HUD-2026-0298-0296 (Apr. 13, 2026); Florida Apartment Association, Comment ID HUD-2026-0298-0338 (Apr. 15, 2026); Apartment Association of North Carolina, Comment ID HUD-2026-0298-0406 (Apr. 20, 2026); Chicagoland Apartment Association, Comment ID HUD-2026-0298-0407 (Apr. 20, 2026); Chattanooga Apartment Association, Comment ID HUD-2026-0298-0417 (Apr. 21, 2026):

[138] 42 U.S.C. § 1437f(r); 24 C.F.R. § 982.355.

The voucher porting process is already complicated and inaccessible to many voucher families. The proposed rule will not only create additional confusion about where tenants can move and the effects of the move on tenants' housing stability but also extends the porting timeline because of the additional administrative tasks. The proposed rule does not contemplate how PHAs should provide appropriate process for protecting porting tenants from losing their housing subsidy.[139] In fact, the proposed rule tasks PHAs with "verification and enforcement, including" compliance, including in the porting process.[140]

Both porting and moving with continued assistance will be challenging under the proposed rule. For example, in the case of a move, HUD does not discuss how PHAs should handle the instances where the lease term is for a period longer than the tenant's remaining period of eligibility. Lease, eligibility terms and recertification dates may not always perfectly align. The proposed rule does not discuss how PHAs should handle the situation when a tenant seeks to move and lease up at a new unit with their voucher (presumably signing a one-year lease), and the HCV tenant has less than a year of eligibility in the program.[141] In this case, if the family moved, they would not only lose their subsidy at its expiration, but also their home (because the HAP and lease contracts will be terminated and in any case the family likely could not afford the rent without the voucher). This demonstrates how time limits are completely antithetical to HUD's stated goal of increasing housing access.

Similarly, how should a PHA handle a situation where a tenant ports from a jurisdiction with work requirements or time limits to a jurisdiction without those policies, but the receiving jurisdiction does not absorb the voucher (as is common currently due to widespread PHA shortfalls). Which PHA policy applies? Can the initial porting jurisdiction terminate the tenant's subsidy in the receiving jurisdiction when the time limit is reached? HUD's proposed rule does not make any attempt to answer these important questions.

Notwithstanding these conundrums, given its discretionary nature, the proposed rule will incentivize voucher holders to relocate and port to communities without any work requirement or time limit policies, or those with less harsh policies.[142] This would foreseeably concentrate voucher use at agencies without work requirement and time limit policies, placing a financial burden on those PHAs. PHAs without work requirement and time limit policies will be forced to carry the burden of more people moving and porting their vouchers to these PHAs, without any substantial additional resources from HUD.

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[139] For instance, HUD does not proscribe standards for measuring compliance with work requirements and time limits; the proposed rule mentions grievance procedures but sets no process requirements or standards for the HCV grievance programs. 91 Fed. Reg. 10031.

[140] 91 Fed. Reg. 10029-33 (to codified at 24 C.F.R. pts. 5.4003(a)(3), (b)(3), 960.801(a)(3), (b)(3), 982.55(a)(3), (b)(3), 983.263(a)(3), (b)(3)).

[141] HUD requires the initial lease term for a voucher be at least a year, unless the PHA approves a shorter lease term to open up housing opportunities or because shorter terms are a prevailing local practice. 24 C.F.R. § 982.309(a)(1).

[142] One PHA in Georgia has already pointed out this concern in its comments on the proposed rule: "I see residents moving from PHA to PHA, which is really just moving the problem/issue, and creating more administrative burden." Winder Housing Authority, Comment ID HUD-2026-0298-0171 (Mar. 30, 2026).

Implementation of time limits will also disincentivize landlord participation in the Housing Choice Voucher program. Time limits will be extremely expensive and burdensome for HCV landlords in particular; especially those who own only a few properties and have fewer resources. For example, if a PHA institutes a two-year time limit on HCV tenants, the landlord will abruptly stop receiving their subsidy payment after two years (or less time, depending on how long the tenant has been in the program). At that point, since the tenant is unlikely to be able to afford the full rent themselves, the landlord will lose rent, and incur the cost of eviction, vacancy, and acquiring a new tenant. Landlords value long term, stable tenants, and have no incentive to participate in a program where they will have to lose their voucher tenant and rental income every few years. Attracting landlords to participate in the HCV program is already a major problem that limits HCV participant choice.[143] In many areas, the vast majority of landlords reject voucher-holders. The numbers are even higher in low-poverty, high opportunity neighborhoods.[144] Permitting policies that will cause thousands of HCV tenants to abruptly lose their assistance will cause HCV landlords to pull out of the program and disincentivize participation from new landlords. This, in turn, will have a catastrophic impact on PHAs' already struggling success rates as well as on HCV tenants, who will have more difficulty finding landlords to accept their vouchers and will be more likely to lose their assistance due to voucher term expiration.[145]

c. HUD's proposed rule will place massive financial burdens on housing providers.

Implementing a work requirement or time limit policy will be costly for PHAs and PBRA Owners and HUD is not providing additional funds along with the proposed rule. In implementing the rule, housing providers will need to assess whether tenants are disabled or meet a hardship exemption, track whether tenants are working, file evictions for non-compliance, and deal with increased turnover when tenants reach their time limit. The proposed rule also directs PHAs and PBRA Owners to establish their own compliance policies for tracking families' tenancy and work activities.[146] This will result in additional paperwork, red tape, and bureaucracy for housing providers.

HUD's proposed rules also require PHAs and Owners to provide some level of "supportive services" when implementing a work requirement or time limit policy, but HUD will provide no additional funding for these types of costly supportive services. As PHAs with MTW programs

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[143] The National Leased Housing Association has submitted comments also discussing how the proposed rule will deter private landlords to participate in the HCV Program: "For tenant-based HCV, we are concerned that work requirements and term limits could exacerbate already-low landlord participation rates. Currently, only approximately 60 percent of households offered a voucher successfully lease a unit. Adding the prospect of mid-tenancy subsidy termination due to work requirement non-compliance or a term limit gives landlords an additional reason to decline voucher holders." National Leased Housing Association, Comment ID HUD-2026-0298-0318 (Apr. 14, 2026).

[144] Martha Galvez and Brian Knudsen, *Discrimination Against Voucher Holders and the Laws to Prevent It: Reviewing the Evidence on Source of Income Discrimination*, Cityscape Vol. 26, No. 2 148-149 (2024).

[145] NYU Furman Center, *Success Rates in the Housing Choice Voucher Program: 2018-2022* (Apr. 3, 2025).

[146] 91 Fed. Reg at 10029-33 (codifying changes at 24 C.F.R. §§ 5.4003(a)(3), (b)(3), 960.801(a)(3), (b)(3), 982.55(a)(3), (b)(3), 983.263(a)(3), (b)(3))(describing the prerequisites for establishing a work requirement and time limit policy, including the policy on enforcement).

have found, costs to implement work requirements and time limits can be "substantial."[147] When they have been implemented, HUD has studied the cost effectiveness of work requirements and found "no statistically significant difference" between MTW jurisdictions and non-MTW jurisdictions.[148] PHAs and Owners are already under financial constraints due to high inflation, rising rents, and reduced government investment in housing subsidies. Several housing providers have already pointed this out in their comments on the proposed rule.[149] Work requirements and time limits will require housing providers to do more with less, without any cost savings for taxpayers.

Although HUD states the proposed rule would provide PHAs and PBRA Owners with more discretion and flexibility, HUD is simply making its federal housing programs more susceptible to state and local bureaucracy. In jurisdictions hostile to affordable housing, PHAs and PBRA Owners may not have a choice of whether to implement a work requirement or time limit policy.[150] PHAs and PBRA Owners who are concerned about their capacity to properly implement these policies will not have the option to opt out and may not receive the necessary support from HUD or the locality.[151] HUD claims the proposed rule is a necessary flexibility for the proper stewardship of local resources. In reality, HUD's proposed rule only makes it easier for jurisdictions and for housing providers to restrict and police the millions of people who live in federally assisted housing.[152]

d. HUD's proposed rule will place enormous burdens on both tenants and landlords in the Project Based Rental Assistance Program.

PBRA housing is structured differently than the public housing and voucher programs. PBRA programs are administered as private-public partnerships, where private landlords

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[147] William M. Rohea, Michael D. Webba, & Kirstin Frescolna, *Work Requirements in Public Housing: Impacts on Tenant Employment and Evictions*, Center for Urban and Regional Studies report on Charlotte Housing Authority (Dec. 15, 2015).

[148] Office of Policy Development and Research, Department of Housing and Urban Development, *Evaluation of the Moving to Work Flexibility Cohort* (Sep. 24, 2024).

[149] "Imposing work requirements and time limits on public housing would cause millions of people to lose their housing assistance. As a public housing director, I grow alarmed any time this is mentioned. I believe an impact study would illustrate the cost of this pretty readily." Tim Dawson, Public Housing Authority Director, Southern West Virginia Housing, Comment ID HUD-2026-0298-0180 (Mar. 31, 2026); "From an administrative perspective, implementing work requirements and term limits would require substantial new infrastructure, including tracking and verifying work hours, administering hardship exemptions, coordinating supportive services, and managing increased hearings and terminations. These responsibilities would significantly increase staff workload and program complexity and would require additional funding, staffing, and system changes that are not currently resourced." Kelly Schulz, Housing Division Manager, Boulder County Housing Authority, Comment ID HUD-2026-0298-0196 (Apr. 1, 2026); "The proposed rule would impose substantial administrative burden on housing authorities, requiring ongoing monitoring, verification, and enforcement. This would divert limited staff resources away from core program functions to address a problem that is not supported by the data." Jennifer Panetta, Executive Director, Housing Authority of the County of Santa Cruz, Comment ID HUD-2026-0298-0202 (Apr. 1, 2026).

[150] As HUD notes in the proposed rule, Arkansas and Wisconsin already have laws requiring work-related compliance for public housing. 92 Fed. Reg. 10019-20; Ark. Code Ann. § 14-169-109(e); Wis. Stat. § 16.314.

[151] 91 Fed. Reg. 10023-24 (requiring PHAs and PBRA Owners to provide supportive services but not allowing the HCV administrative fee or PBRA project fees to fund the services); Ark. Code Ann. § 14-169-109.

[152] 92 Fed. Reg. 10019-20.

administer HUD's programs locally. There is often no PHA involved with local administration of these programs, and thus less public oversight. Unlike PHA-administered programs, HUD does not provide publicly accessible information about a PBRA Owner's performance status.[153] HUD uses performance-based contract administrators (PBCAs) as the first point of intervention when a conflict arises between a tenant and a PBRA landlord. A PBRA tenant's ability to obtain redress is complicated by the regional HUD staff redirecting tenants to the PBCA, rather than HUD intervening when tenants have demonstrated efforts to resolve the issue through the PBCA. Tenants, organizers, and advocates trying to get relief and accountability report a constant "loop," where one entity habitually redirects them to another, regardless of how serious issues have become.[154] This abdication of HUD's duties keeps tenants in an administrative cycle which is difficult to break because the current system does not have consistent enforcers of tenants' rights. The issues with the PBCA system have become so serious that HUD has undergone a decade of reform efforts to improve them.[155] Nonetheless, the proposed rule allows Owners to define the work requirement and time limit standards the Owners themselves must meet before denying or terminating a subsidy. [156]

Moreover, compared to PHA-administered programs, there is even less opportunity for a PBRA tenant to grieve a decision related to work requirements or time limits. The process for addressing individual tenant grievances in the multifamily programs is limited to a meeting with the Owner or management agent and is required only when an applicant has been denied admission, or when an issue arises over rent or other tenancy charges, or a tenant faces a proposed eviction.[157] The proposed rule does not require PBRA Owners to provide an additional grievance hearing to proactively resolve a tenant's concern about compliance with a work requirement or time limit policy, prior to an Owner's threat of an adverse action or eviction. HUD's proposed rule will therefore force tenants and applicants to seek judicial enforcement of their rights in courts whose dockets are already overwhelmed or forgo proper due process.[158]

The lack of an opportunity for a grievance is especially troubling because the proposed rule provides PBRA Owners with vast discretion to define many elements of work requirement and time limit policies including: eligible work activities, compliance standards, how participation

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[153] Compare, Department of Housing and Urban Development, *Annual PHA Plan HUD Form 50075*, with Department of Housing and Urban Development, *Management Review for Multifamily Housing Projects HUD Form 9834*.

[154] Molly Rockett, *Private Property Managers, Unchecked: The Failures of Federal Compliance Oversight in Project-Based Section 8 Housing*, 134 Harv. L. Rev. F. 286 (Mar. 2021) (summarizing the multitude of harms created by the PBCA dysfunction).

[155] Office of Multifamily Housing Programs, Department of Housing and Urban Development, *FAQs: HUD'S Fiscal Year 2025 PBCA Proposal* (May 29, 2024), p. 1; Department of Housing and Urban Development, *Statement of Regulatory Priorities for Fiscal Year 2025* (Dec. 18, 2024), pp. 1-3.

[156] 91 Fed. Reg. 10029, 10031, 10032, 10033 (to be codified at 24 C.F.R. pts. 5.4005(a)(vii), (b)(vii)(8)).

[157] *HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs*, REV-1, CHG-4, ¶ 4-9 D (Nov. 2013).

[158] Emily Benfer, *The American Eviction Crisis, Explained*, The Appeal (Mar. 3, 2021); Lillian Leung *et al.*, *Serial Eviction Filings: How Landlords Use the Courts to Collect Rent*, Eviction Lab (Sep. 15, 2020); Lillian Leung *et al.*, *Public Housing and the Threat of Eviction* (Aug. 26, 2023). Even in court, tenants are disadvantaged. Ten percent (10%) of tenants are represented by an attorney in an eviction case, compared to ninety percent (90%) of landlords. Matthew Desmond, *Unaffordable America: Poverty, Housing, and Eviction*, 22 Fast Focus 1, 5 (Mar. 2015).

time tolls, enforcement frequency, and verification methods.[159] And to complicate matters, HUD plans to make it more difficult for PBRA Owners to not adopt these policies, as it plans to revise the form lease "to include a lease termination provision which may be struck by Owners who do not elect to adopt a work requirements or a term limit policy."[160] Owners will have to affirmatively opt out of work requirement and time limit policies, rather than affirmatively opt in.

HUD justifies the proposed rule's authorization of time limits as a tool to decrease the wait time for accessing HUD's rental assistance programs.[161] But with respect to PBRA units, the effect on wait lists is more complicated. The proposed rule would allow private Owners to terminate tenants from program participation; however, termination from participating in the rental assistance program does not automatically extinguish their tenancy and open up a new unit for residency.[162] Instead, the proposed rule leaves tenants with the option to self-evict and move from the unit, or risk an eviction when, inevitably, they are unable to pay the market rent. Even if able to find a way to pay the market rent, families would likely need to forgo other needs, which will trigger other sets of public health harms.[163]

The proposed rule would also increase PBRA Owners' administrative and labor costs without additional federal funding. The vacancies caused by the proposed rule will decrease the revenue of properties.[164] For many Owners, the cost of frequently turning over their units will put them at financial risk. The length of time between subsidy termination and a judicial removal order may result in unpaid rent which the PBRA Owner will not be reimbursed.[165] Loss of rent receipts creates significant distress to the property and may decrease the PBRA Owner's willingness to renew any expiring contract with HUD.

Finally, the proposed rule makes PBRA Owners responsible for verification and enforcement, including how to calculate the average number of work activity hours and participation time.[166] PBRA Owners already invest significant resources into completing tenant recertifications and application screenings. The proposed rule will require PBRA Owners to invest significantly more resources into verifying information as part of the recertification and eligibility screening. Owners would also need to commit significant additional resources to responding to other PBRA Owners' inquiries when they screen applicants, requiring Owners to hold onto tenants' files much longer than HUD's requirement of keeping the file for three years post-

[159] 91 Fed. Reg. 10029-33 (to be codified at 24 C.F.R. pts. 5.4003(a)(3), (b)(3), 960.801(a)(3), (b)(3), 982.55(a)(3), (b)(3), 983.263(a)(3), (b)(3)).

[160] 91 Fed. Reg. 10027.

[161] 91 Fed Reg. 10019.

[162] HUD Model Lease, ¶ 17.C; *HUD Handbook 4350.3*, ¶ 8-6.A.1.

[163] Alyvia McTague & Elisa Trujillo-Baute, *Energy Prices, Energy Poverty and Health: Evidence From a US Cohort Study*, 87 Econ. Analysis & Pol'y 315 (Sep. 2025).

[164] 24 C.F.R. § 880.611(a) (describing the calculation of the vacancy payment, which is only available when the tenant vacates the unit.

[165] *Id*.

[166] 91 Fed. Reg. 10029 (to be codified at 24 C.F.R. pts. 5.4003(a)(3), (b)(3)).

tenancy.

e. HUD's proposed rule will cause chaos and confusion in eviction courts.

Conflicting local policies will create confusion about tenant protections for eviction courts. Despite the proposed rule, HUD does not have the authority to redefine the "good cause" standard protecting tenants. Local courts will be forced to reconcile the statutory limits on HUD's authority with HUD's attempt to expand PHA and PBRA Owner discretion beyond that statutory authority. Courts will also have to grapple with differing definitions of good cause should local housing providers adopt different policies. Because so much discretion is left to housing providers, even on a project-by-project basis, HUD's proposed policies will result in confusion about which rules apply and to whom, increasing the potential for error and resulting in more families facing eviction and the loss of their homes.

Tenants in federally subsidized housing are already at a high risk of eviction. In an examination of PHA eviction records, researchers found that PHAs "are responsible for a disproportionate share of eviction filings."[167] In some communities, public housing evictions are on par with private market filings, and public housing tenants are likely to be subject to "serial eviction" filings while living at the same address.[168] An examination of 2014 eviction data revealed one-third of filed evictions were repeated cases.[169] Regardless of the outcome, having an eviction on one's record detrimentally impairs a tenant's ability to secure future housing. Eviction from federally subsidized housing can also bar the tenant from accessing subsidized housing in the future.[170]

In addition, a tenant facing eviction has federal, state, and often local protections against discrimination from their landlord which often act as an affirmative defense to an eviction. The lack of HUD oversight and its allowance of different policies within a PHA or PBRA Owner's portfolio will raise challenging fair housing questions which eviction courts will need to contend with. HUD does not provide guidance, or note any forthcoming guidance, to describe how PHAs and PBRA Owners should track or document their differing policies. Instead, the proposed rule directs PHAs and PBRA Owners to establish their own compliance policies for tracking families' work activities including compliance with fair housing laws.[171] HUD's proposed rule would therefore require local eviction courts to analyze whether the work requirement or time limit policy complies with fair housing laws. This will confuse and overwhelm eviction courts and

[167] Lillian Leung *et al.*, *Eviction from Public Housing in the United States*, 127 Cities 103749, 103753 (Aug. 2022) (public housing evictions accounted for approximately 5.8 out of every 100 eviction filings in the sample, while only 3.5 in 100 renting households resided in public housing).

[168] *Id.*

[169] Lillian Leung *et al.*, *Serial Eviction Filing: Civil Courts, Propoerty Management, and the Threat of Displacement*, 100 Social Forces 316, 337 (Sep. 2021) (findings suggests that the repeated threat of eviction is deployed to a greater extent in tighter markets).

[170] 24 C.F.R. § 982.552(c)(1)(2) (PHA can deny voucher program admission to tenant evicted from federally subsidized housing in the last five years)

[171] 91 Fed. Reg at 10029-33 (codifying enforcement changes at 24 C.F.R. §§ 5.4003(a)(3), (b)(3), 960.801(a)(3), (b)(3), 982.55(a)(3), (b)(3), 983.263(a)(3), (b)(3)).

create a patchwork of compliance with fair housing laws.

f. HUD's proposed rule will put strain on local governments, social services, and tenant advocates.

PHAs or PBRA Owners who choose to implement work requirements or time limits will impose huge costs on local government and other service providers due to increased homelessness, increased evictions, and the costs associated with market instability.[172] Work requirement and time limit policies may place 1.9 children and over 2 million working families at risk of homelessness.[173] Providing services to homeless families comes with a significant cost to governments, health care systems, criminal justice systems, and social service providers.[174] Additional families transitioning in and out of homelessness creates administrative burdens on the local Continuum of Care (CoC) systems and individual service providers, which could reduce how many unhoused people the CoC can serve. These burdens will have an even greater negative impact given the financial chaos that the administration has sowed through the CoC NOFO process.

Work requirements and time limits will put an added strain on service providers in all communities, not just communities that adopt work requirement and time limit policies. This strain will come from the tenants who seek to move into new communities to avoid harsh policies and then access community services within that jurisdiction. HUD's proposed rule puts millions of households at risk for homelessness and other harms if their housing assistance is terminated.

Finally, work requirements and time limits will also put a strain on legal aid and tenant advocacy organizations that represent HUD tenants. Tenants facing termination due to non-compliance with work requirements or time limit policies will turn to their local legal aid law firms for help. These firms provide representation to tenants in eviction court and often prevent or delay eviction, saving communities thousands of dollars.[175] The Legal Services Corporation funds many of these firms throughout the nation, but has been chronically underfunded for decades.[176] Increased threats of eviction will put an enormous financial burden on these already resource-strapped firms. HUD must therefore withdraw this proposed rule and pursue other options for expanding access to HUD's housing programs.

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[172] Claudia Aiken & Ellie Lochhead, *Policy at a Crossroads: What We Know About Work Requirements and Time Limits in Federal Housing Assistance*, Local Housing Solutions (Sep. 5, 2025).

[173] Erik Gartland, *Nearly 3.7 Million People at Risk of Losing Needed Rental Assistance to Harsh Time Limit and Work Requirement Proposal*, Center for Budget and Policy Priorities (Apr. 24, 2026).

[174] Hannah Chimowitz and Adam Ruege, *The Costs and Harms of Homelessness, Community Solutions*, Community Solutions (Sep. 23, 2023); National Alliance to End Homelessness, *Ending Chronic Homelessness Saves Taxpayers Money* (Feb. 17, 2017); Office of Policy Development and Research, Department of Housing and Urban Development, *Costs Associated with First-Time Homelessness for Families and Individuals* (Mar. 2010).

[175] Office of Data Governance and Analysis, Legal Services Corporation, *The Economic Case for Civil Legal Aid, Legal Services Corporation* (2025), p. 4.

[176] Legal Services Corporation, *Budget Request FY27* (Apr. 2026), pp. 4-6.

8. HUD's proposed exemptions from the rules are too restrictive and will harm children, older adults, and people with disabilities.

a. HUD's proposed definition of "work-eligible" is too restrictive.

HUD's definition of "work-eligible" fails to account for certain realities that will make it difficult or impossible for certain non-exempted individuals to work up to 40 hours per week. First, parents are only exempted from work requirements in the proposed rule if their children are under six years old.[177] HUD does not explain how it came up with that particular age (six years old), or how parents are supposed to find or afford childcare after school hours, during school vacations, and when their children are unexpectedly home sick (a frequent occurrence with young children). The Trump administration has in fact cut funding for after school programming, which helps many parents with school-age children to work a full 8-hour workday.[178] The rule does not require that the PHA or Owner implementing the work requirement policy provide resources for childcare to facilitate work. And the childcare expense deduction does not result in a dollar-for-dollar benefit to the tenant.[179] The result will be a new generation of "latchkey kids" who, at six years old, are expected to get home from school and feed and entertain themselves for hours at a time with no adult supervision so that their parents do not lose their housing assistance. This lack of supervision is not good for either these children or their communities. Low wage jobs are also less likely to offer sick leave, making it difficult for parents to keep their employment if their child is ever home sick. As a result the proposed rule could cause families with young children to lose their federally subsidized housing benefits and face eviction. It is well documented that eviction and housing instability have devastating consequences for children.[180]

Second, the proposed work requirement rule only exempts some adults aged 62 and older.[181] But older adults aged 50 to 61 routinely face discrimination in the job market due to

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[177] 91 Fed. Reg. 10029, 10030, 10031 (to be codified at 24 C.F.R. pts. 5.4003, 960.102(b), 982.4(b))

[178] Lauren Lumpkin, *Services Cut. Staff laid off. New Trump cuts hit schools in 11 states, D.C.*, Washington Post, Feb. 13, 2026.

[179] 24 C.F.R. § 5.611(a)(4) allows deduction of "reasonable" childcare expenses from annual income. A family paying $500 per month on childcare would be eligible for a $6,000 deduction from annual income. However, this would only result in a marginal reduction in monthly rent. For example, a family with annual income of $26,000 would pay roughly $650 per month in rent before any utility allowance (26,000 divided by 12, multiplied by 30 percent). After the deduction, the rent obligation would only be $150 lower, or $500 (20,000 divided by 12, multiplied by 30 percent). The $150 savings does not cover the $500 in childcare expenses.

[180] Children who are evicted are more likely to struggle with food insecurity, access to healthcare and childcare, and have lower cognitive scores than those not evicted. Additionally, eviction stress was associated with 12-35% increased odds of child depression and anxiety. Diana B. Cutts et al, *Eviction and Household Health and Hardships in Families With Very Young Children*, Pediatrics (Oct. 1, 2022); Jamie L. Hanson, *Stress about Eviction or Loss of Housing and Child Mental Health*, JAMA Netw. Open (June 28, 2024); Gabriel L. Schwartz et al, *Childhood eviction and cognitive development: Developmental Timing-specific Associations in an Urban Birth Cohort*, Social Science & Medicine (Jan. 2022).

[181] The proposed time limit rule does not exempt elderly family members who are not the head of household, co-head of household, or the spouse of the head of household.

age.[182] The proposed rule fails to account for these additional barriers to employment faced by older adults and may result in disproportionate termination of older adults for failure to comply with work requirements.

Third, the definition of disability in the proposed rule does not necessarily cover all HUD residents with disabilities who should be exempt from work requirements. Under the rule, "persons with disabilities" are not considered "work-eligible," and are therefore categorically excluded from work requirements.[183] The definition of "persons with disabilities" differs from how disability is defined in other housing law and policy however, such as for purposes of reasonable accommodation under the Fair Housing Act.[184] The proposed rule's more restrictive definition of disability means that some disabled people will not be exempt from work requirements, even if they have been granted an accommodation based on their disability. The definition of disability as set forth in the proposed rule is also confusing and will lead to mixed and possibly discriminatory application of the rules and regulations by housing providers and tenants alike.

No matter the definition, people with disabilities will lose benefits under the proposed rule because they will not be able to provide the proper documentation to prove they fall into an exemption.[185] It is well-documented that burdensome paperwork cuts people from public benefits programs. The rule's restrictive policies regarding disability verification will likely result in people with disabilities losing their housing assistance due to the burdensome and time-consuming process of obtaining verification from qualified third parties, hospital systems, or the Social Security Administration. In fact, it is often someone's disability itself that presents obstacles to meeting onerous documentation and reporting requirements.

Finally, HUD should be clear that under fair housing laws, tenants with "obvious" disabilities need not provide third party verification of their disability, and tenants with long-term disabilities need not undergo a new disability determination each year. The overly restrictive proposed rule will lead to housing instability for many families with a member who experiences a disability.

b. The proposed time limit exemptions are too restrictive.

The proposed rule does not categorically exempt all elderly and all disabled household members from time limits policies, just those who are the head of household, co-head of household, or spouse of the head of household.[186] This conflicts with one of HUD's explicit goals

[182] One in six adult workers report they were not hired for a job because of their age. Lona Choi-Allum, *Age Discrimination Among Workers Age 50-Plus*, AARP Research (July 26, 2022).

[183] 91 Fed. Reg. 10029, 10030, 10031 (to be codified at 24 C.F.R. pts. 5.4003, 960.102(b), 982.4(b)).

[184] Compare "Person with disability" definition in 24 C.F.R. § 5.403 with "Handicap" definition in 45 U.S.C. § 3602(h).

[185] Several comments on the rule have already highlighted these concerns. Aloha Independent Living Hawaii, Comment ID HUD-2026-0298-0227 (Apr. 6, 2026). National Association of Benefits and Work Incentives Specialists, Comment ID HUD-2026-0298-0441 (Apr. 22, 2026).

[186] 91 Fed. Reg. 10029, 10031, 10032, 10033 (to be codified at 24 C.F.R. pts. 5.4005(b)(8), 960.801(b)(9), 982.55(b)(5), 983.263(b)(5).

of the rule, which is to exempt all seniors and all people with disabilities from both work requirements and time limits.[187] As written, time limits could apply to any family which has a non-disabled or non-elderly head of household, co-head of household, or spouse of the head of household, but still has an elderly or disabled family member. Families that have non-disabled parents with a disabled child would therefore still be subject to local time limits. Multigenerational families that have non-elderly heads of household, but elderly family members would also be subject to local time limits.

Overly restrictive exemptions to time limit policies will have a harmful impact on elderly and disabled tenants for several reasons. First, families with a senior or person with disabilities generally face significant barriers to housing access. In many communities, accessible housing for seniors and people with disabilities is especially hard to find. For example, a family may need hard-to-find housing that has key modifications to meet their needs such as a large door jam for a wheelchair. Time limits will place unnecessary strain on families who will be forced to continuously search for new, accessible housing. Housing stability is also especially important to seniors and people with disabilities because in many cases, family members need to be near reliable and ongoing medical treatment and/or social services. HUD's exemptions as stated in the rule are insufficient to avoid harm to families with a member who is a senior or person with a disability.

9. HUD has failed to consider or account for the reliance interests of tenants, housing providers, legal aid organizations, service providers, and their communities in HUD providing safe and stable housing.

HUD tenants rely on uniform federal policies, enforcement of those policies, and the promise of long-term housing stability when choosing where to live. Relying on the assurance they would not have fewer rights, more draconian requirements, or shorter tenure in the program, families may have chosen to move to a particular community or property. Had those tenants known that the PHA or owner they chose to rent from would be authorized by HUD to impose harsh work requirements or time limits, they would have, understandably, chosen to move to a different community or property which did not have those restrictions. HUD's proposed rule fails to take any of these considerations into account.

Parents with children rely on stable housing to take care of their families. Many rely on the stability of their federally subsidized housing to enable them to balance their responsibilities to take care of their children with their work. With skyrocketing childcare costs, many families

[187] "Secretary Scott Turner today announced a new proposed rule to provide all public housing authorities (PHAs) and Section 8 project-based rental assistance (PBRA) owners flexibility to implement work requirements and time limits for non-elderly, non-disabled work-capable adults in HUD-funded housing. … Our proposal expands access for deserving families on waiting lists, while still preserving protections for elderly and disabled households. … HUD's proposed rule gives direct flexibility to all PHAs and Owners to implement a work requirement of up to 40 hours per week and/or time limits of two years or more for non-disabled, non-elderly adults ages 18 to 61" HUD Press Release 26-018, *Secretary Scott Turner Moves to Restore Self-Sufficiency and Dignity to Those Living in Public Housing* (Feb. 27, 2026).

cannot afford to work and pay for childcare.[188] Childcare is also increasingly difficult to access based, in part, on federal funding cuts.[189] Indeed, President Trump's FY 2027 budget proposes to zero out the only source of federal funding for after school care and summer learning programs.[190] HUD's proposed work requirement policy only categorically exempts work-eligible adults with children under the age of six. The proposed time limit policy has no categorical exemption for families with children of any age. The proposed rule does not justify these discrepancies or provide any explanation for them, much less consider the impacts of the rule on families with children. Moreover, relying on a lack of work requirements, a HUD tenant may have chosen a job or type of work that allowed them the flexibility to take care of their school-age child after school hours and on school breaks. Had the tenant known that the PHA or owner they chose to rent from would be authorized by HUD to impose work requirements of up to 40 hours per week with no exemption for caregivers of children age six and older, she might have chosen a different type of work, different childcare arrangements, or made different family planning decisions. HUD's proposed rule fails to take any of these considerations into account.

In addition, HUD tenants rely on uniform federal rules and long-term housing security when choosing where to live. For example, HUD-subsidized tenants may have chosen to move to a particular jurisdiction or property, relying on the assurance that they would have the same rights as the alternative jurisdiction or property. Had those tenants known that the PHA or owner they chose to rent from would impose work requirements or time limits based on the proposed rule, they would have chosen to move to a different jurisdiction or property that did not have those restrictions. Tenants' choices become more limited if HUD authorizes onerous work requirements and time limits, because families cannot risk homelessness by porting to jurisdictions with such requirements.

Landlords who participate in the HCV program rely on stability of their tenants and PHAs who continue to pay their portion of the rent. Many HCV landlords, and small landlords in particular, chose to participate in the program in reliance on the guarantee of long term rent, so long as they and their tenants remained in compliance with program requirements. Had they known that their tenant could be subject to a two year time limit, at the end of which their landlord would incur significant costs related to lost rent, eviction, vacancy, and unit turnover, they likely would not have chosen to participate in the program. And PHAs that administer HCV programs rely on having a manageable volume of port-ins that will not overburden their staff and local housing supply. If finalized, the proposed rule will result in PHAs that do not implement work requirements or time limits experiencing an unmanageable influx of voucher port-ins from jurisdictions that do.

Housing providers and local governments rely on federally subsidized housing to provide

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[188] Georgia Poyatzis and Gretchen Livingston, *Childcare Costs Remain an Almost Prohibitive Expense*, Department of Labor (Nov. 19, 2024); Adam Grundy, *Rising Cost of Child Care Services a Challenge for Working Parents*, U.S. Census Bureau (Jan 9, 2024).

[189] Vivian Yee, *The Last Day at Kids of Faith: Parents Navigating a Child Care Crisis*, New York Times (Apr. 13, 2026) (highlighting daycare closures in Oklahoma).

[190] *Technical Supplement to the 2027 Budget: Appendix* (Apr. 3, 2026), pp. 345-346.

safe, stable, and affordable housing to their communities. Those who provide assistance or support to the families in federally subsidized housing or families experiencing homelessness also rely on HUD housing. HUD's proposed rule, however, allows for harsh work requirement and time limit policies which will destabilize HUD housing.

Finally, legal aid and other service providers established staffing levels, intake procedures, funding streams, and other protocols in reliance on existing HUD program rules. Allowing PHAs and owners to establish draconian work requirements and short time limits will result in dramatically increased case loads as tenants seek assistance understanding new rules and reporting requirements, defending terminations, and transitioning out of subsidized housing often into housing instability or homelessness.

The proposed rule fails to consider any of these reliance interests or consider alternatives which would mitigate harm to those individuals and entities that have relied on the current lack of work requirements and time limits.

10. HUD should withdraw the rule due to its substantive drafting errors.

NHLP has identified several drafting errors which could cause confusion for both PHAs and PBRA Owners who implement work requirement or time limit policies and for their tenants. Although NHLP requests that HUD withdraw the proposed rule, should HUD decide to proceed with publishing the proposed rule, these errors should be corrected, and the public should be offered an opportunity to comment on the corrections prior to the publication of any final rule.

- As explained above, the time limit rule does not categorically exclude all families with elderly or disabled household members. As written, the time limit rule only categorically excludes "disabled families" and "elderly families."[191] The definitions of these families are in 24 C.F.R. § 5.403.[192] For any family who has an elderly family member who is not the head, co-head, or spouse, those families are not categorically excluded from the time limit policy. For any family who has either disabled adult who is not the head, co-head, or spouse, or a disabled child, those families are not categorically excluded from the time limit policy.

- Although PHAs and PBRA Owners who implement work requirement or time limit policies are supposed to provide "supportive services" to tenants, there is no definition of "supportive services" in the proposed rule. The Project-Based Voucher section of the rule

[191] 91 Fed. Reg. 10029, 10031, 10032, 10033 (to be codified at 24 C.F.R. pts. 5.4005(b)(8), 960.801(b)(9), 982.55(b)(5), 983.263(b)(5).

[192] "*Elderly family* means a family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides." and "*Disabled family* means a family whose head (including co-head), spouse, or sole member is a person with a disability. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides."

contains a citation to a definition of "supportive services" which does not actually exist.[193]

- The PBRA and Public Housing sections of the proposed rule require a PHA or Owner to state which supportive services they will provide in their time limit or work requirement policies, but there is no requirement for PHAs to state which supportive services they will provide in their time limit or work requirement policies for the voucher programs.

- Although the proposed rule allows PHAs and PBRA Owners to provide supportive services through a "partner organization," there is no definition of "partner organization."[194]

- The time limit policy is not required to be prospective for the voucher programs. The Supplementary Information for the proposed rule states: "A PHA's or Owner's decision to establish term limits would need to be prospective in application."[195] There is, however, nothing explicit in the proposed HCV Program and PBV rules which require a PHA's time limit policy to be prospective.

- It is not clear whether PHAs and PBRA Owners can implement different time limit and different work requirement policies for different programs or properties. The Supplementary Information for the proposed time limit rule states: "PHAs would be able to implement different term limits within and between their public housing, HCV, PBRA, and PBV programs to address local needs and goals. One such instance is local demand for a specific PBV project or public housing development, which may necessitate a different term limit than the term limits implemented at another project. Similarly, Owners which operate multiple PBRA properties would be free to implement similar or varied policies across the portfolio, but the policy for each property must be in writing and property-specific."[196] There is, however, no language in the public housing, housing choice vouchers, or project-based rental assistance sections of the proposed rule explicitly allowing this. The only language allowing this appears in the project-based voucher section of the proposed rule: "PHAs may implement separate work requirements in individual projects or buildings or for sets of such units." and "PHAs may implement separate term limits in individual projects or buildings or for sets of such units."[197]

- How the number of hours of "work activities" are counted is not consistent among the four programs cover by the rule. The voucher sections of the proposed rule allow PHAs to determine whether the forty hours per week requirement applies is counted for just individual tenants (40 hours for each "work eligible adult") or is counted for all tenants collectively (40 hours total for everyone in the family).[198] This language allowing for the counting of the number of required hours between the entire family collectively does not

[193] 91 Fed. Reg. 10032.

[194] 91 Fed. Reg. 10024, 10025.

[195] 91 Fed. Reg. 10024.

[196] 91 Fed. Reg. 10024.

[197] 91 Fed. Reg. 10033 (to be codified at 24 C.F.R. pts. 983.263(a)(9), 983.263(b)(8)).

[198] 91 Fed. Reg. 10031, 10032 (to be codified at 24 C.F.R. pts. 982.55(a)(2), 983.263(a)(2))

appear in the public housing or PBRA sections of the proposed rule.

- The text of the proposed rules is not always consistent between programs. These do not appear to be substantive differences, but the inconsistent language used between the four programs the proposed rule covers could be confusing to PHAs, Owners, and tenants.

11. HUD must disclose any use of artificial intelligence in the rulemaking and commenting process.

If HUD decides to move forward and publish a final version of this rule, NHLP requests HUD disclose in the final published rule whether artificial intelligence was used to draft the rule.[199] Specifically, HUD should disclose: 1) whether artificial intelligence was used to draft or write the proposed rule; 2) whether artificial intelligence was used to read, sort, categorize, or evaluate the public comments on the proposed rule; and 3) whether artificial intelligence was used to draft or write the final published rule. If HUD did use artificial intelligence in any of these tasks, HUD should then also disclose: 1) what procedures it followed to comply with appropriate guidance on the use of artificial intelligence; 2) what AI models it used in these tasks; and 3) what data and input it provided to the AI models it used. These disclosures will serve to further transparency for the public in the rule making and commenting processes.[200]

12. Conclusion.

Rooted in racist stereotypes, HUD's proposed rule will result in families losing their housing. HUD proposes implementing a rule which Congress has not authorized, HUD has not adequately studied, and which is poorly drafted. In the name of providing "flexibility" to PHAs and Owners, HUD is exceeding the will of Congress and providing a roadmap for destabilization of the housing market and increased homelessness. In the midst of an affordable housing crisis, HUD's proposed rule does nothing to address the root causes of poverty, runs contrary to its own policies, and is not supported by rigorous research. HUD should therefore withdraw the proposed rule in its entirety.

Sincerely,

National Housing Law Project

/s/	/s/
Korey Lundin	Bridgett Simmons
Senior Attorney	Staff Attorney

[199] One of the many drafting errors in the proposed rule is a citation to a non-existent definition of "supportive services." 91 Fed. Reg. 10032. While it is possible this error is the result of human error, it is also a possibility this is a citation which an artificial intelligence model "hallucinated." The public deserves to know whether these drafting errors are the result of human error or a due to the use of artificial intelligence.

[200] 5 U.S.C. § 553; Exec. Order No. 13960, 85 Fed. Reg. 78939, Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government (Dec. 3, 2020); Russell T. Vought, *Accelerating Federal Use of AI through Innovation, Governance, and Public Trust*, OMB Memorandum M-25-21 (Apr. 3, 2025); *HUD 2025 AI Compliance Plan* (Sep. 2025).