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Regulations Division
Office of General Counsel
Department of Housing and Urban Development

Regarding: HUD-2026-0199, FR-6524-P-01: Housing and Community Development Act of 1980, Verification of Eligible Status

The National Center for Youth Law (NCYL) strongly opposes the Department of Housing and Urban Development's (HUD) proposed rule ([RIN 2501-AE16, FR-2026-03405](#)). The proposed rule will have widespread harmful consequences for children and families and worsen the nation's housing affordability crisis. HUD should abandon this proposal.

Safe and stable housing is vital for children's wellbeing. It supports their family integrity, improves health and educational outcomes, and protects against adverse life events. Federal rental assistance, though public housing and voucher programs, helps approximately three million American low-income households with children avoid homelessness.¹

In addition to the proposed rule's immediate and devastating consequences for children and families in mixed-status households,² it will also force millions of eligible families, including U.S. citizens, to go through a flawed system to prove their eligibility for benefits. By so doing, the proposed rule will (a) risk separation of family members who are eligible for benefits; (b) reduce the number of families who have access to necessary rental assistance; and (c) increase the number of eligible children who experience homelessness. The proposed rule does nothing to make housing more affordable and does nothing to expand access to safe and stable housing for families with children.

The Proposed Rule Will Create Barriers to Safe and Stable Housing for Families

The proposed rule would require housing providers to verify citizenship and immigration status of all individuals in a household—including children—through the Systematic Alien Verification for Entitlements (SAVE) program of the U.S. Department of Homeland Security (DHS). These changes will create new barriers that make it more difficult for eligible families to secure and maintain assistance. SAVE's automated responses are unreliable and often inconclusive, including for U.S. citizens.³ Indeed, the National Association of Housing and Redevelopment Officials,

¹ Center on Budget and Policy Priorities, United States Federal Rental Assistance Fact Sheet 1, <https://www.cbpp.org/sites/default/files/atoms/files/12-10-19hous-factsheet-us.pdf> (2019).

² The National Center for Youth Law agrees with the concerns articulated in comments filed by the Children Thrive Action Network (CTAN) and the Protecting Immigrant Families (PIF) coalition.

³ The SAVE Program has been shown to be error-ridden in other contexts, as when it has resulted in U.S. Citizens being turned away from polls on Election Day. Jen Fifield and Zach Despart, "Not Ready for Prime Time." *A Federal*

Public Housing Authorities Directors Association, and the MTW Collaborative— industry groups whose membership provides housing to millions of families—described concerns with many instances of inaccurate data in SAVE system reports in a February 2026 letter to HUD.⁴ Because of such foreseeable errors, many eligible individuals would be required by the proposed rule to submit documentary proof of their status, such as birth certificates or passports.

These new documentation requirements will create unnecessary burdens for both individuals and providers, resulting in the denial or delay of benefits for some eligible households.⁵ Many low-income households do not have easy access to proof of citizenship documentation. Recent research indicates that over 21 million adult U.S. citizens do not have easily accessible proof of citizenship, and at least 3.8 million do not have documents to prove citizenship at all.⁶ Difficulties providing proof of citizenship could result in interruptions or terminations of assistance. As a result, some eligible individuals may lose benefits solely because they do not have access to ready documentation. This will, in turn, result in their families either losing housing or being separated. For families with children, even short interruptions in housing assistance can lead to housing instability that harms children’s health and development.

The Proposed Rule Will Increase the Risk of Homelessness, and its Many Harms, for Children and Families

Each year, approximately 4.2 million American children, youth and young adults experience some form of homelessness.⁷ Children under age 5—babies and toddlers—are the age group with the highest risk of losing rental housing in the U.S.: they represent only 9% of those living in rented housing, but 12% of those affected by eviction filings.⁸ Federal rental assistance significantly reduces the likelihood that a child will experience homelessness.⁹ By increasing barriers for families to access federal rental assistance, the proposed rule makes it more likely that American children will experience homelessness and the harms that stem from it, including increased risk of entry into the foster system, educational instability, and increased risk of experiencing childhood

Tool to Check Voter Citizenship Keeps Making Mistakes, ProPublica and the Texas Tribune (Feb. 13, 2026), <https://www.propublica.org/article/save-voter-citizenship-tool-mistakes-confusion>.

⁴ Letter from National Assoc. of Housing and Redevelopment Officials, Public Housing Authorities Directors Assoc., and MTW Collaborative, to U.S. Dep’t of Hous. & Urb. Dev. (Feb. 13, 2026) at 3-4, <https://www.nahro.org/wp-content/uploads/2026/02/EIV-SAVE-Letter-to-HUD-2-13-2026-final.pdf>.

⁵ Similar documentation requirements have been shown to reduce participation in other benefits programs by eligible participants and to increase administrative costs. Donna Cohen Ross, *New Medicaid Citizenship Documentation Requirement is Taking a Toll: States Report Enrollment is Down and Administrative Costs Are Up*, Center on Budget and Policy Priorities (2007), <https://www.cbpp.org/research/new-medicaid-citizenship-documentation-requirement-is-taking-a-toll-states-report>.

⁶ Kevin Morris & Cora Henry, *Millions of Americans Don’t Have Documents Proving Their Citizenship Readily Available*, Brennan Center for Justice (Jun. 11, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/millions-americans-dont-have-documents-proving-their-citizenship-readily>.

⁷ National Conference of State Legislatures, *Youth Homelessness Overview*, <https://www.ncsl.org/human-services/youth-homelessness-overview> (last updated May 28, 2025).

⁸ Nick Graetz, Carl Gershenson, Peter Hepburn, & Matthew Desmond, *Who is Evicted in America*, Eviction Lab, Princeton Univ. (2023), <https://evictionlab.org/who-is-evicted-in-america/>.

⁹ Will Fischer, Douglas Rice, & Alicia Mazzara, *Research Shows Rental Assistance Reduces Hardship and Provides Platform to Expand Opportunity for Low-Income Families*, Center on Budget and Policy Priorities (Dec. 5, 2019), <https://www.cbpp.org/research/housing/research-shows-rental-assistance-reduces-hardship-and-provides-platform-to-expand>.

sex and labor trafficking. These concerns are especially pronounced today when the nation is experiencing a national affordable housing crisis where there is a shortage of more than 7 million affordable homes for the nation's 10.8 million very low-income families.¹⁰

The Proposed Rule Will Expose Children to Increased Risk of Being Separated From Their Families Through the Foster System

For over fifty years, NCYL has worked to end the harms of the foster system for children and unnecessary placement in it. Housing instability makes these harms more likely: it makes children more likely to unnecessarily enter the foster system and to stay longer in the foster system, unique harms in themselves.¹¹ As of 2022, inadequate housing was identified as a factor for approximately 11% of children who entered the foster system.¹² Homeless children have been shown to have a rate of entry into foster care that is more than 34 times the rate of similarly-aged children.¹³ One study showed that 17% of homeless parents had experienced the removal of at least one of their children.¹⁴

Fear of foster system involvement can lead parents and youth to avoid seeking services, including medical care, mental healthcare, and social service programs.¹⁵ Fear of a child welfare investigation also affects youth themselves, and pushes them to avoid services and programs that all young people need—from primary healthcare to education to social activities. Although an investigation does not always result in the state removing children from their families, it can still be deeply destabilizing to parents and children. Parents report that taking time off from work to meet with child welfare investigators—frequently meeting with them repeatedly during the course of an investigation—has led to loss of income and even loss of jobs.¹⁶ Further, even an investigation that does not result in a finding of abuse or neglect can affect parents' ability to find future employment. Loss of jobs and income can exacerbate housing instability, and families have reported losing housing because of the stigma of contact with child welfare authorities.¹⁷ Instead

¹⁰ National Low Income Housing Coalition, *The Problem*, <https://nlihc.org/explore-issues/why-we-care/problem>.

¹¹ Casey Family Programs, *What do we Know About the Impact of Homelessness and Housing Instability on Child Welfare-Involved Families?* (Evidence Brief) Casey Family Programs (2019), https://www.casey.org/media/TS_Impact-homelessness-housing-instability_2021.pdf; Michael Pergamit, Mary Cunningham, & Devlin Hanson, *The Impact of Family Unification Housing Vouchers on Child Welfare Outcomes*, 60 Am. J. of Cmty. Psychol. 103 (2017).

¹² Admin. for Child. & Fams., U.S. Dep't of Health & Hum. Servs., *The AFCARS Report (FY 2022)* (2023), <https://acf.gov/sites/default/files/documents/cb/afcars-report-30.pdf>, 3.

¹³ Cheryl Zlotnick, *What Research Tells Us About the Intersecting Streams of Homelessness and Foster Care*, 79 Am. J. of Orthopsychiatry 319, 320 (2009).

¹⁴ Regan Foust et. al., *Child Protection Involvement Among Homeless Families*, 14 J. of Pub. Child Welfare 518, 525 (2019).

¹⁵ Kelley Fong, *Concealment and Constraint: Child Protective Services Fears and Poor Mothers' Institutional Engagement*, 97 Social Forces 1785 (2018) at 1794, 1797.

¹⁶ See Charlotte Baughman, et al., *The Surveillance Tentacles of the Child Welfare System*, 11 Colum. J. Race & L. 501, 527 (2021); see also Michal Raz, *Calling Child Protective Services is a Form of Community Policing that Should be Used Appropriately: Time to Engage Mandatory Reporters as to the Harmful Effects of Unnecessary Reports*, 110 Child. & Youth Servs. Rev. 1, 2 (2020); Rachel Blustain & Nora McCarthy, *The Harmful Effects of New York City's Over-Surveillance*, The Imprint (Oct. 21, 2019), <https://imprintnews.org/child-welfare-2/the-harmful-effects-of-over-surveillance/38441>.

¹⁷ See Baughman, *supra* note 16.

of protecting children, these investigations unduly stress families and cost them money, jobs, and security.

Moreover, far from being neutral fact-finding missions, investigations are traumatizing for both parents and children, destabilizing the relationships within their families. Investigatory interviews are frequently traumatizing for children and can by themselves damage a child's wellbeing.¹⁸ They can involve investigators showing up at schools unannounced, separating children from their parents and other supportive adults during interviews, and asking children very personal questions that may have nothing to do with the allegations at hand; investigations are frequently confusing, especially for younger children.¹⁹ As a result of these investigations, children may no longer trust the adults who may have reported their families to child welfare services, affecting their willingness and ability to attend school or social activities.²⁰

Because the proposed rule makes it more likely that families will experience housing instability, the proposed rule will make it more likely that young people will be separated from their families through foster system involvement.²¹ When children enter the foster system, this involvement also places such stress on families that it can exasperate tensions and compound trauma of past system involvement, eroding children's feelings of safety and security.²² The harms of even short-term separations are well-documented in medical literature.²³ Children who are separated from their families are forced to reckon with the sudden disappearance of their parents and perhaps their siblings, as well as extended family support. The trauma of this separation can affect children's abilities to form social relationships and their mental health.²⁴ These effects are present even in children who experience relatively short separations from their families.²⁵ Children who have been separated from their parents frequently exhibit anxiety and attachment disorders, as well as higher rates of aggression.²⁶ Children can expect multiple, often unexpected, placements over

¹⁸ Blustain & McCarthy, *supra* note 16; Danielle Meitiv, *When Letting Your Kids Out of Your Sight Becomes a Crime*, The Washington Post (Feb. 13, 2015), https://www.washingtonpost.com/opinions/raising-children-on-fear/2015/02/13/9d9db67e-b2e7-11e4-827f-93f454140e2b_story.html.

¹⁹ Brittany Bartkowiak, *The Fine Line Between Saving Kids From Trauma and Making Things Worse*, Mich. Radio (Feb. 27, 2015), <https://stateofopportunity.michiganradio.org/families-community/2015-02-27/the-fine-line-between-saving-kids-from-trauma-and-making-things-worse>.

²⁰ Rebecca Klein & Caroline Preston, *When Schools Use Child Protective Services as a Weapon*, The Hechinger Report (Nov 17, 2018) (describing students who transferred schools due to "feeling uncomfortable and mistrustful" of the adults at their previous schools who reported their parents to CPS).

²¹ *Id.*

²² Dorothy E. Roberts, *Child Protection as Surveillance of African American Families*, 36 J. Soc. Welfare & Fam. L. 426, 430-431 (2014).

²³ See, e.g., Vivek S. Sankaran & Christopher Church, *Easy Come, Easy Go: The Plight of Children who Spend Less Than Thirty Days in Foster Care*, 19. Univ. of Pa. J. of L. and Soc. Change 207, 210-12 (2017); see also Allison Eck, *Psychological Damage Inflicted By Parent-Child Separation is Deep, Long-Lasting*, NOVA NEXT (June 20, 2018), <https://www.pbs.org/wgbh/nova/article/psychological-damage-inflicted-by-parent-child-separation-is-deep-long-lasting/http://www.pbs.org/wgbh/novalnext/body/psychological-damage-inflictedby-parent-child-separation-is-deep-long-lasting> ("The scientific evidence against separating children from families is crystal clear...").

²⁴ Vivek Sankaran, et al., *A Cure Worse than the Disease? The Impact of Removal on Children and their Families*, 102 Marq. L. Rev. 1163, 1166-1167 (2019).

²⁵ See generally Shanta Trivedi, *The Harm of Child Removal*, 43 N.Y.U. Rev. of Law and Soc. Change 523, 528-34 (2019); Kimberly Howard, et al., *Early Mother-Child Separation, Parenting, & Child Well Being in Early Head Start Families*, 13 Attachment & Hum. Dev. 5, 21 (2011).

²⁶ Sankaran, *supra* note 24.

the course of their time in the foster system, which can further impact a child's psychological well-being and cause further grief and complex trauma.²⁷ Complex trauma can lead to body dysregulation, difficulty managing emotion, dissociation, poor self-regulation, cognitive impairment, and long-term health consequences for children.²⁸ The evidence of the harm caused by involuntarily separating children from their parents is overwhelming.

The Proposed Rule Will Make It Harder for Children to Access Quality Education

NCYL has also worked for decades with students experiencing homelessness and housing instability to ensure their access to quality education. Because the proposed rule makes it more likely that children will experience homelessness and housing instability, the proposed rule increases the risk of educational instability for children.

Our own research shows the educational challenges and harms for children who experience homelessness and housing insecurity, many of whom fall behind in school.²⁹ These students' living situations are often unpredictable and sometimes dangerous; they often lack basic necessities including school supplies, clean clothing, reliable meals, and a quiet place to do homework and sleep.³⁰ Schools and local agencies often do not have adequate resources to provide timely academic and social-emotional supports for these students.³¹ The housing affordability crisis in many urban areas has compounded these challenges: when low-income families can no longer afford to live in urban areas, there is an increasing concentration of high-need students in rural and more isolated regions which have even fewer available social services.³² Students experiencing homelessness are also more likely to be excluded from class, often for minor misbehavior.³³

²⁷ *Id.*; Casey Family Programs, *What Impacts Placement Stability?* (Evidence Brief) Casey Family Programs (2023), at 1-2, <https://www.casey.org/media/23.07-QFF-SF-Placement-Stability-Impacts.pdf>

²⁸ Sankaran, *supra* note 24; see also Sara Goudarzi, *Separating Families May Cause Lifelong Health Damage*, Scientific American (June 20, 2018), <https://www.scientificamerican.com/article/separating-families-may-cause-lifelong-health-damage/> (describing how removal can cause developmental regression, difficulty in sleeping, depression and acute stress, and can also lead to long-term chronic medical conditions like cardiovascular disease, hypertension, obesity and a shorter lifespan).

²⁹ Hannah Melnicoe, National Center for Youth Law & Pivot Learning, *Crisis on the Coast: The Bay Coastal Foster Youth and Homeless Student Populations* (Nov. 2018), <https://youthlaw.org/wp-content/uploads/crisis-on-the-coast.pdf>; see also Martha Galvez and Jessica Luna, *Homelessness and Housing Instability: Impacts on Education Outcomes*, Urban Institute (Dec. 2014), <https://www.tacomahousing.org/wp-content/uploads/2021/06/Urban-Institute-THA-Homelessness-and-Education-2014-12-22.pdf>; U.S. Gov't Accountability Off., GAO-11-40, *K-12 Education: Many Challenges Arise in Educating Students Who Change Schools Frequently*, <https://www.gao.gov/assets/gao-11-40.pdf> (Nov. 2010); National Research Council and Institute of Medicine, *Student Mobility: Exploring the Impacts of Frequent Moves on Achievement: Summary of a Workshop*, The National Academies Press (2010), <https://www.nationalacademies.org/read/12853/chapter/3#26>.

³⁰ Melnicoe, *supra* note 29, at 6.

³¹ *Id.* at 1.

³² *Id.* at 1, 6; see also Alexandra Murphy & Danielle Wallace, *Opportunities for making ends meet and upward mobility: differences in organizational deprivation across urban and suburban poor neighborhoods*, 91 Soc. Sci. Q. 5, 1164 (2010).

³³ Ramon T. Flores & Daniel J. Losen, National Center for Youth Law, *In Harm's Way: The Persistence of Unjust Discipline Experienced by California's Students* (Aug. 2025), https://youthlaw.org/wp-content/uploads/ncyl_2025-ca-suspensions-report_final.pdf; see also Abigail Gaylord, et. al., *Housing Instability is Linked to Adverse Childhood Behavior*, How Housing Matters, Urban Institute (May 9, 2019), <https://howhousingmatters.org/articles/housing-instability-linked-adverse-childhood-behavior/>.

The Proposed Rule Will Expose Children to Other Significant Risks to Their Healthy Development

In addition to the increased risk of entry into the foster system and of educational instability, the proposed rule will increase the likelihood that children will experience other significant threats to their healthy development.

NCYL's work to end child sexual exploitation and trafficking has shown us that youth experiencing homelessness face heightened vulnerability to exploitation. Studies show that between 20-40% of youth experiencing homelessness have been victims of trafficking—either through survival sex in exchange for food, shelter or to meet other basic needs, or through a trafficker.³⁴ Traffickers proactively seek out and groom children who are homeless or are experiencing housing instability—using that instability to coerce or force a young person to engage in sex or labor and turn over money to them.³⁵ The risk is immediate: according to Covenant House International, 22% of youth in their shelters were approached for commercial sex within the first night of being homeless.³⁶ Stable and safe housing protects children against risk of sexual exploitation. The proposed rule, however, will decrease children's access to safe and stable housing and increase the risk of children experiencing these harms.

NCYL has also worked for decades to support children's access to developmentally appropriate physical and mental healthcare. Homelessness and housing instability are Adverse Childhood Experiences (ACEs).³⁷ ACEs are linked to higher risks for numerous chronic physical and mental health conditions. Examples of specific health impacts of housing instability and homelessness include:

- increased rates of developmental delays and health issues in early childhood;³⁸
- postponed medical care and increased emergency room visits for children;³⁹

³⁴ National Network for Youth, *Responding to Youth Homelessness: A Key Strategy for Preventing Human Trafficking*, <https://nn4youth.org/wp-content/uploads/NN4Y-2018-white-paper-human-trafficking-WEB-1.pdf> at 5 (2018).

³⁵ *Id.*; Laura T. Murphy, *Labor and Sex Trafficking Among Homeless Youth: A Ten-City Study*, Modern Slavery Research Project, Loyola Univ. New Orleans (2016), <https://oag.ca.gov/sites/all/files/agweb/pdfs/ht/murphy-labor-sex-trafficking-homeless-youth.pdf>.

³⁶ The Field Center for Children's Policy, Practice, & Research, Univ. of Pa., *Field Center Completes Multi-City Study on Child Trafficking Among Homeless Youth; Identifies Risk and Resilience Factors* (2017), <https://fieldcenteratpenn.org/wp-content/uploads/2024/11/Field-Center-Trafficking-Research-Handout.pdf>.

³⁷ Centers for Disease Control and Prevention, *About Adverse Childhood Experiences* (Mar. 2, 2026), <https://www.cdc.gov/aces/about/index.html>.

³⁸ Thrive from the Start, *A Policy Agenda for Solving Infant and Toddler Homelessness* (2025), https://thrivefromthestart.org/wp-content/uploads/2025/08/TFTS_PolicyAgenda_LongFormat_082525.pdf; Gultekin, et. al., *Health Risks and Outcomes of Homelessness in School-Age Children and Youth: A Scoping Review of the Literature*, 36 J. Sch. of Nursing 1, 10 (2020); Ellen Bassuk, Steven Friedman, *Facts on Trauma and Homeless Children from the National Child Traumatic Stress Network Homelessness and Extreme Poverty Working Group*, The National Child Traumatic Stress Network (2005), https://www.nctsn.org/sites/default/files/resources/facts_on_trauma_and_homeless_children.pdf.

³⁹ Chien-Ting Ma, Lisa Gee, and Margot B. Kushel, *Associations Between Housing Instability and Food Insecurity with Health Care Access in Low-Income Children*, 8 Ambulatory Pediatrics 50 (2008).

- higher rates of depression and anxiety for youth compared to stably housed peers;⁴⁰ and
- disrupted access to other necessary safety net benefits: families with young children (under four years old) who experience housing instability are significantly more likely to lose access to nutrition assistance and health care compared to similar families with stable housing.⁴¹

Housing instability also poses large healthcare costs on society at large. Families with children who experience housing instability collectively have at least \$8 billion in avoidable health care and education costs each year.⁴² The proposed rule will increase risks of homelessness and housing instability for children and families and exacerbate each of these harms.

Access to rental assistance has been shown to protect against these harms. Children living in public housing have better mental health compared to children waiting for access to housing assistance; they also miss fewer school days due to illness.⁴³ Housing vouchers are also associated with positive improvements in children's mental health.⁴⁴ Children experiencing homelessness who receive housing vouchers were less likely to enter the foster system or exhibit behavioral issues.⁴⁵ By reducing access to federal rental assistance for eligible families, the proposed rule will risk these harms to children's health.

HUD must abandon this proposed rule which will increase the likelihood of children and families experiencing homelessness and housing instability, and all of the harms that result. █

Sincerely,



Shakti Belway
Executive Director
National Center for Youth Law

⁴⁰ Kristyn Pierce, et. al, *Trajectories of Housing Insecurity from Infancy to Adolescence and Adolescent Health Outcomes*, 154 *Pediatrics* 2 (2024).

⁴¹ Kathryn Leifheit, et. al., *Moving Because of Unaffordable Housing and Disrupted Social Safety Net Access Among Children*, 153 *Pediatrics* 5 (2024).

⁴² Ana Población, et. al., *Stable Homes Make Healthy Families*, Children's HealthWatch (July 13, 2017), <https://childrenshealthwatch.org/stable-homes-make-healthy-families/>.

⁴³ Andrew Fenelon, Natalie Slopen, Michel Boudreaux, & Sandra Newman, *The Impact of Housing Assistance on the Mental Health of Children in the United States*, 59 *J. Health and Soc. Behavior* 447 (2018); Andrew Fenelon, Natalie Slopen, Michel Boudreaux, & Sandra Newman, *The Benefits of Rental Assistance and School Attendance in the United States*, 58 *Demography* 1171 (2021).

⁴⁴ Michelle Wood, Jennifer Turnham, & Gregory Mills, *Housing Affordability and Family Well-being: Results from the Housing Voucher Evaluation*, 19 *Housing Policy Debate* 367 (2008).

⁴⁵ Daniel Gubits, et al., *What Interventions Work Best for Families who Experience Homelessness? Impact Estimates from the Family Options Study*, 37 *J. Policy Anal. Mgmt.* 735, 749-751, n25 (2018); Daniel Gubits, et al., *Family Options Study: 3-Year Impacts of Housing and Services Interventions for Homeless Families*, Off. of Policy Dev. & Rsch., U.S. Dep't of Hous. & Urb. Dev., at 86 (2016), <https://www.huduser.gov/portal/sites/default/files/pdf/Family-Options-Study-Full-Report.pdf>.