



National Association of Housing and Redevelopment Officials

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December 18, 2025

Regulatory Coordination Division, Office of Policy and Strategy,
U.S. Citizenship and Immigration Services,
Department of Homeland Security,
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: "Public Charge Ground of Inadmissibility" [DHS Docket No. USCIS-2025-0304]¹

On behalf of the National Association of Housing and Redevelopment Officials (NAHRO), I would like to offer the following comments to the United States Department of Homeland Security (DHS or the Department) in response to the notice of proposed rulemaking titled "Public Charge Ground of Inadmissibility" published in the Federal Register on Wednesday, November 19, 2025.

NAHRO, which was established in 1933, is a membership organization of 26,000 housing and community development providers and professionals throughout the United States. NAHRO members create and manage affordable housing for low- and middle-income families and support vibrant communities that enhance the quality of life for all. NAHRO members administer more than 3 million homes for more than 8 million people. The National Association of Housing and Redevelopment Officials has the unique ability to represent public housing agencies, local redevelopment agencies, and other U.S. Department of Housing and Urban Development (HUD) grantees of all sizes and geography.

The National Association of Housing and Redevelopment Officials is concerned that the proposed rule will have negative impact on immigrant families and the additional negative consequence of inefficient use of limited social service funds. NAHRO requests that the proposed rule be withdrawn as written, and the current public charge guidance remain in effect.

Background

Currently, the 2022 Final Rule titled "Public Charge Ground of Inadmissibility," defines "likely at any time to become a public charge" as "likely at any time to become primarily dependent for subsistence as demonstrated by either the receipt of public cash assistance for income maintenance or long-term institutionalization at government

¹ All citations are informal.

Sean Gilbert, PHM, SPHM, NCC, NAHRO Fellow, President; **Ivory Mathews**, Senior Vice President; **Marsha Parham-Green, CME, CPHM, CSI-HQS**, Vice President - Budget & Administration; **Joe Grisson, NCC**, Vice President - Commissioners; **Taryl Bonds**, Vice President - Community Revitalization & Development; **Angie Garcia-Nguyen**, Vice President - Housing; **Lisa Baker**, Vice President - International Research and Global Exchange; **Beverly Banks**, Vice President - Member Services; **Diane Cohen, CME, NCC**, Vice President - Professional Development; **Mark Thiele, C-PHM, CME, CMVO, NCC**, Chief Executive Officer

expense.”²

The 2022 Final Rule asserts that “DHS will not consider receipt of, or certification or approval for future receipt of public benefits not referenced in [8 CFR] § 212.21(b) and (c),” including housing benefits.³ The final rule further states that “DHS will not consider any public benefits received by an alien during periods in which the alien was present in the United States in an immigration category that is exempt from the public charge ground of inadmissibility.”⁴

The proposed rule would make significant changes to the current public charge guidance by rescinding the 2022 public charge ground of inadmissibility regulations. The proposed rule would remove definitions established in the 2022 Final Rule⁵, including “likely at any time to become a public charge,” “receipt (of public benefits),” “public cash assistance for income maintenance,” and “long term institutionalization at government expense,”⁶ along with language outlining the “Consideration of current and/or past receipt of public benefits.”⁷ These changes would inappropriately and vaguely expand the authority of the immigration officer and the programs that may be considered. Further, the proposed rule would allow officers to consider public benefits received by eligible noncitizens while “in a category exempt from a public charge inadmissibility determination and who are seeking adjustment of status under a nonexempt category.”⁸ In other words, housing benefits received by eligible noncitizens may later be considered in some public charge inadmissibility determinations.

As NAHRO and its members primarily administer HUD housing programs, these comments focus on why HUD housing programs should be excluded from public charge inadmissibility determinations.

Non-citizens rarely receive housing benefits

DHS acknowledged in the 2018 proposed rule that non-citizen participation in the Public Housing, Housing Choice Voucher, and Section 8 Project-Based Rental Assistance programs is “relatively low.” DHS cited the 2008 Panel of the Survey of Income and Program Participation (SIPP), that “suggests that 0.2% of noncitizens lived in Section 8 housing, while 0.4% lived in housing subsidized through some other government program.”⁹ By statute¹⁰ and regulation¹¹ HUD restricts housing benefits to United States citizens and eligible noncitizens. The housing benefit is prorated so that any non-eligible noncitizens living in federal rental-assistance properties do not receive a subsidized

² See 8 CFR § 212.21(a).

³ See 8 CFR § 212.22(a)(3).

⁴ See 8 CFR § 212.22(d).

⁵ See 8 CFR § 212.21.

⁶ Public Charge Ground of Inadmissibility, 90 FR 52168, November 19, 2025, Page 52185.

⁷ Public Charge Ground of Inadmissibility, 90 FR 52168, November 19, 2025, Page 52189.

⁸ Public Charge Ground of Inadmissibility, 90 FR 52168, November 19, 2025, Page 52191.

⁹ Inadmissibility on Public Charge Grounds, 83 FR 51114, October 10, 2018, Footnote 318.

¹⁰ 42 U.S.C. 1436a.

¹¹ 24 CFR 5 Subpart E.

housing benefit. The proposed rule would apply to noncitizens who are seeking an adjustment of status under a nonexempt category, regardless of whether the eligible noncitizen received public benefits while in a category exempt from the public charge ground of inadmissibility or not. The 2018 Panel SIPP percentages of noncitizens living in subsidized housing will be lower when eligible noncitizens not subject to the proposed public charge rule (i.e., those who received benefits under an exempt category and are also seeking an adjustment of status under an exempt category) are removed. Congress, via statute, and HUD, via regulation, have already protected federal dollars from being used on non-eligible noncitizens and there is no fiscally responsible reason for DHS to further step into this arena. For this reason, NAHRO opposes the inclusion of housing benefits in the proposed public charge rule.

Unnecessary confusion and misdirected resources

The proposed rule, despite having few benefits for its expected cost, has caused considerable confusion and angst among current and potential residents of HUD's housing programs. Current residents have left housing programs due to fear of being separated from their family because of the proposed rule. While this fear may be factually unfounded, the confusion and stress are real and unnecessary. The potential for officers to consider housing benefits (benefits that affect a very small number of noncitizens) in public charge inadmissibility determinations under the proposed rule is the direct cause of this stress and angst.

Public Housing Agencies (PHAs) around the country are attempting to combat the confusion of this public charge proposed rule. Many PHAs are reaching out to their current residents and local communities to explain the proposed rule and how it applies to the HUD housing programs. This is what PHAs do, and they do it well. However, it does divert scarce resources from critically underfunded direct housing and resident services. The precious resources needed to explain the public charge proposed rule and any future final rule would be much better spent on providing housing and resident services to U.S. citizens and eligible noncitizens.

NAHRO requests that the proposed rule be withdrawn as written and the current public charge guidance remain in effect. If DHS chooses to move forward with the proposed rule, NAHRO asks that the final rule explicitly exclude housing benefits from consideration in public charge inadmissibility determinations. Please do not hesitate to contact me, Richa Goel, at rgoel@nahro.org if NAHRO can provide additional information or clarification.

Sincerely,



Richa Goel