Office of the Assistant Secretary

OFFICE OF PUBLIC & INDIAN HOUSING

Dear Executive Director,

On November 12, 2026, the Department of Housing and Urban Development published its final rule, *Housing and Community Development Act of 1980: Verification of Eligible Status*. The rule takes effect on December 14, 2026.

As you are aware, Section 214 of the Housing and Community Development Act of 1980 prohibits HUD from making financial assistance available to ineligible noncitizens. This rule strengthens HUD's enforcement of Section 214 by requiring verification of U.S. citizenship or eligible immigration status for all applicants and tenants in covered HUD programs, including PIH's public housing and Housing Choice Voucher programs. Finalization brings HUD into proper compliance with the law as written by Congress, ends years of waste, fraud, and abuse of taxpayer dollars, and puts Americans first.

According to HUD data for Section 214 covered programs, as of December 2024, there were approximately 20,000 mixed status households (16,400 in PIH programs) with at least one ineligible member residing in the unit. Among these mixed households, 30 percent of members are ineligible. HUD's EIV-SAVE Tenant Matching Report has revealed other individuals in PIH programs who may be potentially ineligible for assistance, who require further review by Public Housing Agencies (PHAs). As you begin to implement the requirements of this final rule, you will verify in SAVE the U.S. citizenship or eligible immigration status of all individuals who have not yet provided evidence of their status. HUD expects this

will resolve many discrepancies identified on the EIV-SAVE Tenant Matching Report and will help to ensure that all assisted households are indeed eligible.

This letter highlights key changes to the verification of eligible citizenship and immigration status, informs you of resources regarding implementation that will be available for immediate use, and reminds you of the seriousness of your obligation to the correct use of taxpayer funds.

Key Changes to the Section 214 Rule include:

a. Requires verification for U.S. citizens and nationals

Previously, U.S. citizens could establish eligibility with a signed declaration alone. Now each family member who declares U.S. citizenship must submit:

- a signed declaration of U.S. citizenship
- their Social Security Number (SSN)
- a signed verification consent form
- acceptable citizenship documentation, but only if secondary verification is needed

"U.S. citizen" includes U.S. nationals. (24 CFR § 5.504(b))

Citizenship is now verified through SAVE (see section d.).

b. Eliminates the "do not contend" option

Family members may no longer elect not to contend eligible status on the Section 214 declaration form. The declaration now offers only two choices: U.S. citizen, or noncitizen with eligible immigration status. Eligibility is contingent on evidence being submitted for every family member. (24 CFR § 5.508(a), (c))

Members who previously elected "do not contend" must now submit evidence. In a mixed family, evidence is due within 90 days of the effective date of the final rule.

c. Eliminates the verification exemption for those aged 62 and over

The evidence submission requirements now apply to each family member "regardless of age." The prior age-62 exemptions in 24 CFR §§ 5.508 and 5.216(e) are removed. Both citizens and eligible noncitizens 62 and older are now verified

through the same SAVE process as noncitizens. (24 CFR § 5.508(b), (c)(1), (d)(1); § 5.216(e))

d. Requires use of SAVE for all verifications

Responsible entities must conduct primary verification of both U.S. citizenship and eligible immigration status through DHS's SAVE program. SAVE uses first name, last name, date of birth, and a government-issued numeric identifier. (24 CFR § 5.512(c)(1))

If SAVE cannot confirm U.S. citizenship or eligible immigration status for an individual, secondary verification is required (24 CFR § 5.512(c)(2), (d)):

- **Notice:** The Responsible Entity (e.g., the PHA) must give written notice of the primary verification results and what is needed next.
- **Citizenship:** The individual has 30 days from that notice to provide documentation. The entity reviews it and, where HUD guidance requires, requests additional SAVE verification.
- **Immigration status:** The entity must request additional SAVE verification within 30 days of the primary verification results.

e. Limits prorated assistance

Under the old rules, prorated assistance could continue indefinitely. Now a family with at least one verified eligible member receives prorated assistance only while the other members' verification is pending, including secondary verification and any informal hearing. (24 CFR §§ 5.506(b)(3); 5.520(a), 5.512(d) and 5.514(e))

Two forms of preservation assistance remain available:

- **Continued assistance:** only for mixed families receiving assistance on June 19, 1995, that meet the conditions described in 24 CFR § 5.518(a).
- **Temporary deferral of termination of assistance:** up to 18 months in six-month increments if necessary to permit the family additional time for the orderly transition to other affordable housing. Assistance is prorated during the deferral. (24 CFR §§ 5.516, 5.518(a), (b)(3), (b)(6))

f. Introduces new notice and consent requirements

Consent: Every family member regardless of age, U.S. citizens included, must sign a verification consent form. For each child as defined in 24 CFR § 5.504(b), the form must be signed by an adult residing in the assisted dwelling unit who is responsible for the child. The form must:

- cover release of evidence to HUD and DHS for verification purposes
- comply with the Privacy Act (24 CFR § 5.508(d), § 5.212)

Section 214 Notices: Responsible entities must provide notices to applicants at the time of application. They must provide notices to tenants who have not submitted evidence no later than 30 days after the effective date. (24 CFR § 5.508(e)(1)) The notice must include:

- a statement indicating financial assistance is contingent upon submission and verification of eligibility
- the evidence required and the deadlines
- the availability of an extension of up to 60 days
- information about proration and preservation assistance
- a statement that assistance will be denied or terminated upon a final determination of ineligibility and any informal hearing
- that the PHA must inform DHS when personnel determine a household member is present in violation of the Immigration and Nationality Act (§ 5.508(e)(2))

The following notices are also required, if applicable:

- A secondary verification notice that complies with 24 CFR § 5.512(d)(1)
- A denial/termination notice that complies with 24 CFR § 5.514(d)
- A written decision on extension requests that complies with 24 CFR § 5.508(g)(3)
- The informal hearing decision in accordance with 24 CFR § 5.514(f)(3)

Implementation Reminders for PHAs

The final rule becomes effective on December 14. You should begin preparing immediately to implement this rule.

- Within 30 days of the rule's effective date, PHAs must send a Section 214 notice to each tenant who has not yet submitted evidence of U.S. citizenship or eligible immigration status.
- For mixed status households, family members who have not previously provided evidence must submit documentation of eligible immigration status or U.S. citizenship and SSN, if applicable, within 90 days of the effective date of the final rule.
- For all other tenant families, family members who have not previously provided evidence of their status must submit the required evidence at their next annual/interim recertification (whichever is sooner) after the rule's effective date.
- Agencies will need to update forms, policy and plan documents, and ensure staff are trained on the rule's requirements and have SAVE access.

PHAs remain required by law to report individuals they know are not lawfully present in the United States.

Additional Information and Resources

HUD is committed to providing resources to help PHAs implement this rule. In the coming days, HUD will be updating this *Housing and Community Development Act of 1980: Verification of Eligible Status* webpage with training materials, including an Implementation Desk Guide, a Questions and Answers document, links to SAVE guides produced by USCIS, and an updated SAVE Response and Section 214 Eligibility Crosswalk. HUD is also planning to provide a webinar soon to ensure effective implementation. Finally, HUD plans to continue updating the EIV-SAVE Tenant Matching Report, requiring PHAs to review and confirm that identified individuals are eligible for HUD assistance under Section 214, to further support implementation of the final rule. This will also allow HUD to monitor and assist PHAs' compliance with the requirements of the final rule.

Thank you for your continued diligence to ensure HUD assistance is only available to eligible individuals.

For questions related to the final rule, please email VerificationQuestions@hud.gov.



Benjamin Hobbs
Assistant Secretary

This message is from HUD's Office of Public and Indian Housing.

Public housing agency primary contact information is retrieved from the Inventory Management System/PIH Information Center (IMS/PIC) each week. In addition, users may subscribe to HUD lists and/or manage their subscriptions.

Thank you for furthering HUD's mission in the communities you serve.