



Submitted via www.regulations.gov

August 21, 2026

Eva Fulton
Office of Public and Indian Housing
U.S. Department of Housing and Urban Development
451 7th St. SW, Room 10139
Washington, DC 20410-0001

Re: Public Comment Opposing HUD's 60-Day Notice of Proposed Information Collection: Restriction on Assistance to Noncitizens and Authorization to Release Information/Privacy Act, Docket No. FR-7106-N-10, OMB Control No. 2577-0295

Dear Ms. Fulton:

I am writing on behalf of the National Housing Law Project (NHLP) in opposition to the Department of Housing and Urban Development's proposed information collection, Docket No. FR-7106-N-10, OMB Control No. 2577-0295, published in the Federal Register on June 22, 2026.

NHLP's mission is to advance housing justice for poor people and other marginalized communities, including immigrants and their families.

NHLP opposes HUD's proposed information collection because it is not necessary for the proper performance of the functions of the agency. In describing the need for the information and proposed use, HUD states that "[t]he information collected will assist public housing agencies [PHAs] in eligibility determinations" and that "section 214 of the Housing and Community Development Act of 1980, as amended (49 U.S.C. 1436a), prohibits HUD from making financial assistance available to persons who are ineligible for assistance with respect to citizenship or non-citizen immigration status."¹

¹ 60-Day Notice of Proposed Information Collection: Restriction on Assistance to Noncitizens and Authorization to Release Information/Privacy Act, 91 Fed.Reg. 37121, 37122 (June 22, 2026).

It is not apparent from the proposed form changes what information PHAs can collect and use in making reliable eligibility determinations under Section 214.

The proposed form would allow a resident to "authorize the Social Security Administration (SSA) to verify and disclose to HUD and HAs whether the name, Social Security Number (SSN) and date of birth [the tenant has] submitted as part of this application matches information in SSA records." Historically, HUD has checked a person's name, SSN, and date of birth to verify a person's identity, *i.e.*, that they are who they say they are.² PHAs did not perform these checks themselves, nor have they used SSNs used to verify an applicant's or resident's citizenship.

Indeed, SSA data is a highly unreliable means of verifying citizenship because it has been collected for the purpose of administering Social Security benefits, not citizenship verification.³ The citizenship information contained in SSA data is inaccurate and incomplete, often, for example, misidentifying naturalized citizens as noncitizens because their status change is not automatically updated.⁴ To the extent that the proposed form changes allow HUD and PHAs to rely upon SSA data to verify citizenship, NHLP objects because it will unnecessarily expose applicants and residents to errors that will jeopardize their housing, even if they are citizens or eligible immigrants.

Moreover, Section 214 only authorizes verification of citizenship status "by requiring presentation of *documentation* that the [HUD] Secretary considers appropriate, including a United States passport, resident alien card, alien registration card, social security card, or other documentation."⁵ Nothing in Section 214 permits citizenship verification through Social Security Numbers or using SSA data. Furthermore, HUD regulations provide that "[f]or each family member, the family is required to submit evidence of eligible status *only one time* during continuously assisted occupancy under any Section 214 program."⁶ Any

² HUD PIH-Notice 2018-24, Verification of Social Security Numbers (SSNs), Social Security (SS) and Supplemental Security Income (SSI) Benefits; and Effective Use of the Enterprise Income Verification (EIV) System's Identity Verification Report 6 (Nov. 27, 2018), <https://www.hud.gov/sites/dfiles/OCHCO/documents/18-24pihn.pdf>.

³ League of Women Voters v. Dep't of Homeland Security, No. CV 25-3501 (SLS), 2026 WL 1784297 (D.D.C. June 22, 2026) ("SSA recognizes that its citizenship information is accurate for SSA's program purposes' only – 'if used for other purposes, it may not be current.'").

⁴ Kathleen Romig, Trump Administration's Legally Dubious Misuse of Social Security Data Risks Disenfranchising Eligible Voters (Dec. 9, 2025), <https://www.cbpp.org/blog/trump-administrations-legally-dubious-misuse-of-social-security-data-risks-disenfranchising>; see also League of Women Voters v. Dep't of Homeland Security, [citation], (explaining that "[t]here is no obligation for an individual to report to SSA a change in their citizenship or immigration status until they request a replacement card or file a claim for a Social Security benefit" and that "[t]hus, a naturalized citizen who applied for a Social Security card or otherwise interacted with SSA prior to naturalization may be incorrectly identified as a non-citizen in SSA records").

⁵ 42 U.S.C. § 1436a (d)(1)(A).

⁶ 24 C.F.R. § 5.508.

attempt to create a system that permits citizenship verification multiple times during a person's tenancy, therefore, would not be permitted.

Finally, if HUD intends to use the proposed form to require public housing authorities to verify citizenship through the Department of Homeland Security's Systematic Alien Verification Entitlement (SAVE) system, this too is improper. On June 22, 2026, the court in *League of Women Voters v. Department of Homeland Security*⁷ set aside and vacated the current SAVE system for three specific uses, one of which is to access records from SSA, including Social Security Numbers.⁸ HUD therefore should not be relying on SAVE.

Given the concerns raised above, we strongly urge HUD to withdraw this notice. If you have any questions, please contact Marie Claire Tran-Leung, [REDACTED]

Sincerely,

/s/ Marie Claire Tran-Leung
Marie Claire Tran-Leung
Managing Attorney
National Housing Law Project
[REDACTED]

⁷ No. CV 25-3501 (SLS), 2026 WL 1784297 (D.D.C. June 22, 2026).

⁸ The other two uses are: (1) to verify the records of natural-born citizens, and (2) to permit bulk searches by SAVE users.