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August 21, 2026

Eva Fulton
Office of Public and Indian Housing
Department of Housing and Urban Development
451 7th Street SW,
Washington, DC 20410

Re: Docket No. FR–7109–N–10; OMB Control No.: 2577–0295
60–Day Notice of Proposed Information Collection: Restriction on Assistance to Noncitizens and Authorization To Release Information/ Privacy Act

To Whom It May Concern:

The Council of Large Public Housing Authorities ("CLPHA") and Reno & Cavanaugh, PLLC ("Reno & Cavanaugh") are pleased to submit comments on HUD's 60-Day Notice of Proposed Information Collection titled "Restriction on Assistance to Noncitizens and Authorization To Release Information/Privacy Act," published in the Federal Register on June 22, 2026.[1]

CLPHA is a non-profit organization that works to preserve and improve public and affordable housing through advocacy, research, policy analysis, and public education. Our membership of eighty-five large public housing authorities ("PHAs") own and manage nearly half of the nation's public housing program, administer more than a quarter of the Housing Choice Voucher program, and operate a wide array of other housing programs. They collectively serve over one million low-income households.

Reno & Cavanaugh has represented hundreds of PHAs throughout the country and has worked with its clients on housing issues for many years. Founded in 1977, Reno & Cavanaugh has developed a national practice that encompasses the entire real estate, affordable housing, and community development industry. Although our practice has expanded significantly over the past nearly five decades to include a broad range of legal and legislative advocacy services, Reno & Cavanaugh's original goal of providing quality legal services dedicated to improving housing and communities remains at the center of everything we do.

Over the past year, HUD has proposed multiple programmatic changes to expand the information HUD program participants are required to submit, the entities that information may be shared with, and what may be done with the information thereafter. The most significant of these proposed changes is HUD's February 20, 2026 proposed rule entitled "Housing and Community Development Act of 1980: Verification of Eligible Status" (hereinafter the "Section 214 Proposed Rule"), which drastically revises eligibility requirements for HUD-assisted housing, particularly

[1] 91 Fed. Reg. 37,121 (June 22, 2026).

for "mixed-status" families whose members hold different immigration statuses.[2] The Section 214 Proposed Rule, which has not yet been finalized, would require individuals who neither receive nor apply for financial assistance or who are statutorily exempt from providing certain information to submit evidence of eligible immigration status, and would authorize HUD to release this evidence to U.S. Citizenship and Immigration Services ("USCIS") for verification. Through notices of modified systems of records, HUD has also proposed adding birth and citizenship data to the information it maintains subject to release under the Freedom of Information Act ("FOIA"),[3] and modifying HUD's Enterprise Income Verification ("EIV") to implement a new Systematic Alien Verification for Entitlements ("SAVE") Report.[4] CLPHA and R&C submitted public Comments on these unauthorized and unjustified expansions of the scope of HUD's information collection and dissemination.[5] The 60-Day Notice of Proposed Information Collection (the "Notice") is the latest iteration in this pattern.

The Notice announces the use of a revised form HUD-9886-A, *Authorization for the Release of Information/Privacy Act Notice to the U.S. Department of Housing and Urban Development and the Housing Agency/Authority (HA)*. The revised HUD-9886-A makes several concerning revisions to the current HUD-9886-A, including requiring all family members to provide their Social Security numbers and dates of birth, and requiring all family members to consent to the release of U.S. Social Security Administration ("SSA") and income information to HUD and PHAs.

The revised HUD-9886-A is statutorily unauthorized, as it would impermissibly obligate family members to provide information beyond what is required under Section 214 of the Housing and Community Development Act (the "HCD Act"), the Privacy Act of 1974 (the "Privacy Act"), and HUD's own regulations governing disclosure of participant information. Moreover, the Notice itself is procedurally deficient under the Paperwork Reduction Act ("PRA"), as it seemingly implicates two separate collections of information but only references the revised HUD-9886-A. Finally, by requiring PHAs to bear the burden of collecting and processing an expanded scope of information, the revised HUD-9886-A would impose additional administrative costs on PHA staff and expose PHAs to legal liability. Therefore, we urge HUD to rescind the Notice, implement revisions consistent with statutory requirements, and reopen the 60-day comment period.

I. The Revised HUD-9886-A Violates the HCD Act.

Under the HCD Act, HUD may only make financial assistance under specified programs available to individuals with eligible citizenship or immigration status.[6] The Notice includes the HCD Act among its statutory authorities for the proposed information collection. As discussed in Section III below, the Notice is ambiguous as to whether the revised HUD-9886-A represents a single collection of information or is one of two separate collections of information, the second of which

[2] 91 Fed. Reg. 8,151 (Feb. 20, 2026).
[3] 90 Fed. Reg. 38,656 (Aug. 11, 2025).
[4] 91 Fed. Reg. 34,245 (June 5, 2026).
[5] *Comment Submitted by CLPHA and Reno & Cavanaugh*, HUD-2024-0050-0009 (Sept. 10, 2025), https://www.regulations.gov/comment/HUD-2024-0050-0009; *Comment Submitted by CLPHA and Reno & Cavanaugh*, HUD-2026-0199-4898 (Apr. 17, 2026), https://www.regulations.gov/comment/HUD-2026-0199-4898.
[6] 42 U.S.C. § 1436a.

relates to restriction of assistance to noncitizens. Though we reserve the right to submit supplemental comments to any separate, unidentified information collections regarding restriction of assistance to noncitizens, the proposed revisions to the HUD-9886-A go beyond the scope of the HCD Act and exceed HUD's statutory authority.[7]

Under the HCD Act, only those individuals who either receive or are applying for financial assistance are required to declare and verify immigration status,[8] and mixed-status families may reside in assisted units and receive prorated assistance.[9] Thus, family members who do not contend their immigration status and who do not receive financial assistance are statutorily exempt from submitting documentation for verification. By requiring all family members to provide Social Security numbers and consent to the release and dissemination of their SSA and income information, the revised HUD-9886-A would circumvent this statutory exemption for family members who neither request nor receive HUD assistance.

Similarly, though the HCD Act limits the eligibility evidence assisted family members aged 62 and older must provide to declarations in writing, and though current regulations exempt those family members from providing Social Security numbers,[10] the revised HUD-9886-A would override these provisions. HUD's proposed revisions to the HUD-9886-A are seemingly designed to impermissibly collect information on the immigration status of statutorily exempt family members, particularly when viewed alongside the EIV-SAVE Report and other recent attempts to expand HUD's immigration enforcement authority.

Finally, Congress did not intend for the HCD Act to be applied retroactively.[11] To the extent that HUD intends to require participating families to re-execute the HUD-9886-A and submit eligibility information a second time, such resubmission would contravene Congress' explicit intent.

The Section 214 Proposed Rule would codify the aforementioned information collections by rescinding the "do not contend" provision, severely limiting prorated assistance for mixed-status families, and requiring elderly family members to submit Social Security numbers for verification. Even if these regulatory revisions did not exceed HUD's statutory authority under the HCD Act, the Section 214 Proposed Rule has not yet been finalized through the notice-and-comment process. The revised HUD-9886-A attempts to enforce regulations before they have been formally adopted, and therefore contravenes rulemaking procedures mandated under the Administrative Procedure Act ("APA").[12]

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[7] Agency action that is found to be "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right" is unlawful under the Administrative Procedure Act ("APA"). 5 U.S.C. § 706(2)(C).
[8] 42 U.S.C. § 1436a(d).
[9] 42 U.S.C. § 1436a(b)(2).
[10] 24 C.F.R. § 5.216(e)(1)(i).
[11] The 1988 Amendments to the HCD Act "clarif[ied] the original intent of Congress that families in which at least one person is eligible are not disqualified and that the rules not be applied retroactively." H.R. REP. 100-122(I), 1987 U.S.C.C.A.N. 3317, 3365-66 (1987).
[12] 5 U.S.C. § 553.

II. The Revised HUD-9886-A Violates the Privacy Act and HUD's Regulations.

By requiring all adult family members to provide Social Security numbers and dates of birth and to consent to the release and dissemination of SSA and income information regardless of their immigration status, the revised HUD-9886-A violates the Privacy Act and is inconsistent with HUD's own regulations governing disclosure of participant information. HUD's attempted expansion of this information collection is an unwarranted invasion of personal privacy.

The Privacy Act requires federal agencies revising the existence and character of a system of records to publish notice in the Federal Register describing the routine uses of the records and the purpose of such use.[13] The Notice falls far short of this requirement. HUD provides no explanation for the expanded scope of information to be provided or the information's intended use and purpose. The Notice's references to restriction on assistance to noncitizens and citation to the HCD Act implies that the Social Security numbers and dates of birth collected through the revised HUD-9886-A will be used to verify family members' immigration eligibility status. Even if this supposed purpose did not violate the HCD Act, as detailed in Section I above, HUD's failure to clarify this purpose in the Notice violates the Privacy Act.

The Privacy Act provides that federal agencies may only collect records regarding U.S. citizens or aliens lawfully admitted for permanent residence.[14] Under the HCD Act, however, individuals who are not U.S. citizens or aliens lawfully admitted for permanent residence may receive financial assistance or reside in assisted units as members of mixed-status families.[15] HUD's proposed collection and dissemination of Social Security numbers, dates of birth, SSA information, and income information from all adult family members therefore contravenes the Privacy Act.

Under HUD's own regulations, the collection, maintenance, use, and dissemination of Social Security numbers and income information must be conducted in compliance with the Privacy Act.[16] Additionally, HUD's regulations incorporating FOIA exemptions prohibit disclosure of participant information involving matters of personal privacy.[17] Under these regulations, participants' dates of birth and Social Security numbers are routinely withheld or redacted. The revised HUD-9886-A suggests that family members' information will be shared with unspecified entities "identified in the Inventory Management System, Public and Indian Housing Information Center and Housing Information Portal, available at hud.gov/privacy," raising concerns about HUD's stewardship of this personal information under its regulations.

[13] 5 U.S.C. § 552a(e)(4).
[14] Under the Privacy Act, the term "record" is defined as "any item, collection, or grouping of information about an individual that is maintained by an agency," 5 U.S.C. § 552a(a)(4), while the term "individual" is defined as "citizen of the United States or an alien lawfully admitted for permanent residence," *id.* at § 552a(a)(2).
[15] 42 U.S.C. § 1436a.
[16] 24 C.F.R. § 5.212(a).
[17] 24 C.F.R. § 15.107(b)(6).

III. The Notice is Procedurally Deficient Under the PRA.

Under the PRA, agencies must follow specific procedures when submitting proposed information collections to OMB for approval.[18] These procedures include publishing the notice of the proposed collection in the Federal Register with sufficient specificity, and providing a full 60-day period for the public to provide comments.[19] The agency must then evaluate the public comments and submit a certification to OMB attesting that it complied with certain standards.[20] HUD's noncompliance with the PRA's notice-and-comment requirements renders the Notice invalid under the APA.[21]

The Notice fails to describe the proposed collection with sufficient specificity, in contravention of the PRA. The Notice is unclear as to whether it represents a single information collection or encompasses two separate collections of information: "Restriction on Assistance to Noncitizens" and "Authorization to Release Information/Privacy Act." The only instrument identified for the information collection is the HUD-9886-A, *Authorization for the Release of Information/Privacy Act Notice to the U.S. Department of Housing and Urban Development and the Housing Agency/Authority (HA)*. Thus, the public must guess as to whether a second, unidentified information collection has also been proposed, or whether the revised HUD-9886-A is also intended to collect information on restricting HUD assistance to noncitizens. To the extent that HUD intends to use the HUD-9886-A to collect information on noncitizens, we request that HUD extend the comment period to clarify this and expressly reserve the right to submit supplemental comments.

Additionally, the Notice is labelled as an "extension of a previously approved collection," yet substantially revises the HUD-9886-A. While extensions of previously approved collections indicate that the form of the information collection is unchanged beyond an extension of its expiration date, revisions of previously approved collections denote changes to existing information collections, including changes to the scope of the information being collected.[22] The Notice does not append the revised HUD-9886-A or describe HUD's proposed changes to the form. Instead, the public must request a copy. The mislabeled Notice thus indicates that the HUD-9886-A is unchanged, undermining the public's ability to submit complete comments in violation of the PRA.

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[18] The PRA's implementing regulations define a "collection of information" as "the obtaining, causing to be obtained, soliciting, or requiring the disclosure to an agency, third parties or the public of information by or for an agency by means of identical questions posed to, or identical reporting, recordkeeping, or disclosure requirements imposed on, ten or more persons, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit." 5 C.F.R. § 1320.3.

[19] 44 U.S.C. § 3506(c)(2). Public comments are vital to enabling the agency to evaluate the necessity and burden of the proposed collection and enhance the quality and utility of the information to be collected.

[20] 44 U.S.C. § 3507(a)(1); 44 U.S.C. § 3506(c)(3).

[21] Under the APA, a "court shall . . . hold unlawful and set aside agency actions, findings, and conclusions found to be . . . without observance of procedure required by law." 5 U.S.C. § 706(2)(D). An information collection is invalid where the agency "violates the APA by acting contrary to . . . the PRA." *Drs. for Am. v. OPM*, 766 F. Supp. 3d 39, 52 (D.D.C. 2025).

[22] *See, e.g.*, FED. COMM. COMMISSION, *Paperwork Reduction Act (PRA) and FCC Information Collections*, https://www.fcc.gov/general/paperwork-reduction-act-pra-and-fcc-information-collections?ct=1787068877467.

IV. The Revised HUD-9886-A Would Impose New Administrative Responsibilities and Burdens on PHAs.

The current HUD-9886-A authorizes the release of SSA data to HUD. The revised form authorizes its release to HUD and to PHAs. That change makes every PHA a custodian of federal benefit data under Title II and Title XVI of the Social Security Act, and it does so without any accompanying guidance on what PHAs are to do with that data once they hold it.

PHA staff are trained to verify income and determine rent. They are not trained to interpret or to reconcile discrepancies between SSA data and what a household reports. Placing that data in front of intake staff invites determinations that staff are not equipped to make, and it does so at the point in the process where a wrong answer has the most immediate consequence for the household. HUD fails to mention the training and supervision this shift would require in its burden estimate.

The scope of the information collection PHAs are being asked to administer is also unstated. The revised HUD-9886-A informs the signer that information may be shared with "entities identified in the Inventory Management System, Public and Indian Housing Information Center and Housing Information Portal, available at hud.gov/privacy," and obtains consent for HUD and the housing agency to seek income information from "the U.S. Internal Revenue Service, State Wage Collection Agencies, and other custodians of records or sources of information." Both lists are ambiguous as to which entities may provide and receive recipients' information, while the underlying list of entities that information may be shared with is maintained elsewhere and subject to change. A PHA staff member assisting a household with completion of the HUD-9886-A thus cannot answer these questions if households ask them. The revised HUD-9886-A would require PHAs to obtain a consent whose scope they cannot describe, from households who cannot evaluate what they are agreeing to.

A second operational problem appears in the Social Security number field itself. The current HUD-9886-A form collects a Social Security number for the head of household and qualifies the field with the phrase "(if any)." The revised HUD-9886-A extends the field to every adult signer and drops the qualifier. That qualifier performs a specific function at intake. PHA staff administer the HUD-9886-A directly with the household present. In that setting, a field with no qualifier is treated as mandatory. The phrase "(if any)" signals to PHA staff and households that a household member may have no Social Security number to provide, reflecting that, as discussed in Section I above, not all family members are required to have Social Security numbers to receive financial assistance or reside in an assisted unit as members of mixed-status households.[23] Removing the qualifier thus communicates inaccurate requirements to PHA staff and households.

The consequences of this inaccuracy may lead to applicants and participants refusing to complete the HUD-9886-A and consequently being denied assistance, even where the Social Security number field is inapplicable, and may also generate unnecessary collection of Social Security numbers from individuals who should not have been asked to provide them. Both results bear on the quality and clarity of the information collected, impose unnecessary administrative burdens on

[23] 42 U.S.C. § 1436a(b)(2); 24 C.F.R. § 5.216(e)(1)(i).

PHA staff, and create records obligations that continue long after reexamination is complete. None of these costs appear in HUD's burden estimate.

Finally, the revised HUD-9886-A may increase PHAs' liability risk. A consent that does not describe its own scope is a weak foundation for the collection and retention of Social Security numbers, dates of birth, and federal benefit records, and PHAs, not HUD, are directly responsible for ensuring that households execute the HUD-9886-A. As discussed in Sections I and II above, the revised HUD-9886-A would also require PHAs to collect information beyond what the HCD Act authorizes and beyond what the Privacy Act permits. PHAs that follow the form as written would bear the practical consequences of administering a legally defective collection, including recordkeeping and safeguarding obligations, claims and complaints from households, and any resulting penalties entered in court.

V. Policy Recommendations

HUD has asked for comments on ways to minimize the burden of this collection on those who respond. Five measures would do so materially. None requires a change to the underlying program, and each can be implemented within the current approval cycle.

A. Confirm That Previously Executed HUD-9886-A Forms Remain Valid.

HUD should expressly state that consents validly executed on the current version of the HUD-9886-A form remain in effect for the households that signed them. The revised HUD-9886-A should apply prospectively only: to new admissions, adults joining an existing household, and household members turning 18. HUD's own burden table states in a footnote that once every adult in a family has signed and submitted a consent form, family members need not sign again at subsequent reexaminations except in those enumerated circumstances. Requiring re-execution across existing portfolios would depart from that structure and impose a substantial one-time burden that appears nowhere in HUD's estimate.

B. Limit the Collection to Those Who Receive or Apply for Financial Assistance.

The HCD Act requires individuals who receive or apply for HUD financial assistance to provide evidence of eligible status. Collecting information from household members outside that class adds unnecessary responses and staff time for PHAs administering the HUD-9886-A, with no corresponding statutory requirement for this added burden. HUD should limit the disclosure requirements on the revised HUD-9886-A to household members who receive or apply for assistance.

C. Restore the "(if any)" Qualifier and Clarify Which Household Members Must Provide Social Security Numbers.

The qualifier on the current form indicates that a household member may have no Social Security number to supply. Removing the qualifier may produce both unnecessary collection and avoidable refusals, as described in Section IV above. HUD should restore the qualifier and state on the face of the form which household members must provide Social Security numbers. If HUD intends to

collect dates of birth from every adult family member, it should explain what that collection adds beyond what existing program processes already provide.

D. Provide Adequate Implementation Time, Accompanying Guidance, and a Safe Harbor.

When HUD issues a revised form, PHAs must update management software, retrain intake and recertification staff, revise policies and tenant-facing materials, and determine which households are affected. Additionally, PHAs that infrequently administer assistance to mixed-status families may experience greater implementation challenges. Therefore, HUD should allow a minimum of 180 days between publication of the final revised HUD-9886-A and the mandatory use date. To ensure effective implementation, HUD should also provide a safe harbor before initiating any enforcement action until one year after PHAs formally adopt and HUD accepts the revised policies in PHAs' Admissions and Continued Occupancy Policies and Administrative Plans. Finally, PIH should issue guidance addressing the transition questions raised above.

E. Publish the Translated HUD-9886-A Simultaneously With the English Form.

The prior approval under this control number covered translated versions of Form HUD-9886-A, while the present Notice identifies only the English form. If the English version is revised without corresponding revisions to the translations, PHAs must either provide limited English proficient households with a superseded form or provide a consent document that does not match the English original. Neither option is workable, and the resulting compliance exposure falls on PHAs rather than on HUD. HUD should confirm that all translated versions will be revised and released at the same time as the English form.

VI. Conclusion

For the reasons discussed herein, CLPHA and Reno & Cavanaugh urge HUD to withdraw the Notice, implement the suggested changes to the Notice and the HUD-9886-A, and republish this information collection as a revision of a previously approved collection for an additional 60-day comment period.

CLPHA and Reno & Cavanaugh appreciate the opportunity to comment and welcome the chance to discuss these issues with the Department.

Sincerely,

La Shelle Dozier	Stephen I. Holmquist	Iyen A. Acosta
Chief Executive Officer	Member	Member
CLPHA	Reno & Cavanaugh, PLLC	Reno & Cavanaugh, PLLC